

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 140-87

A BY-LAW TO AUTHORIZE AN APPLICATION TO THE ONTARIO MUNICIPAL BOARD FOR APPROVAL OF A FRANCHISE AGREEMENT WITH DUPONT CANADA INC. FOR A WATERMAIN.

WHEREAS the Council of The Corporation of the City of North Bay passed By-law No. 536 on May 28, 1956 to grant an easement in perpetuity for a watermain over a road allowance known as Riverbend Road to DuPont Canada Inc. (hereinafter "Dupont");

AND WHEREAS Section 3 of the Municipal Franchises Act, R.S.O. 1980, Chapter 309, requires that any right to use a highway for waterworks requires the assent of the electors;

AND WHEREAS the Council of The Corporation of the City of North Bay and DuPont wish to make a franchise agreement to recognize and approve the said waterworks along Riverbend Road;

AND WHEREAS Section 63 of the Ontario Municipal Board Act allows for an application to the Board for a determination of whether the assent of the electors may be properly dispensed with;

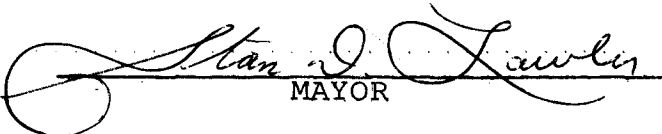
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY PURSUANT TO THE MUNICIPAL FRANCHISES ACT, THE MUNICIPAL ACT AND THE ONTARIO MUNICIPAL BOARD ACT ENACTS AS FOLLOWS:

1. The Corporation of the City of North Bay is hereby authorized to enter into that certain Agreement dated the 20th day of May, 1987 with DuPont Canada Inc. in the form attached as Schedule "A" hereto;
2. The right and franchise granted from a watermain along Riverbend Road by the said agreement with DuPont Canada Inc. are hereby approved in perpetuity.
3. The City Clerk is hereby authorized to apply to the Ontario Municipal Board pursuant to section 63 of the Ontario Municipal Board Act, at the expense of DuPont Canada Inc., to request the Ontario Municipal Board to determine whether the assent of the electors may be properly dispensed with.
4. The By-law shall come into effect upon third reading.

READ A FIRST TIME IN OPEN COUNCIL THE 31ST DAY OF AUGUST , 1987.

READ A SECOND TIME IN OPEN COUNCIL THE 14th DAY OF SEPTEMBER , 1987.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 18TH DAY OF JANUARY , 1987.

  
MAYOR

  
CITY CLERK

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 140-87

A BY-LAW TO AUTHORIZE AN APPLICATION TO THE ONTARIO MUNICIPAL BOARD FOR APPROVAL OF A FRANCHISE AGREEMENT WITH DUPONT CANADA INC. FOR A WATERMAIN.

WHEREAS the Council of The Corporation of the City of North Bay passed By-law No. 536 on May 28, 1956 to grant an easement in perpetuity for a watermain over a road allowance known as Riverbend Road to DuPont Canada Inc. (hereinafter "Dupont");

AND WHEREAS Section 3 of the Municipal Franchises Act, R.S.O. 1980, Chapter 309, requires that any right to use a highway for waterworks requires the assent of the electors;

AND WHEREAS the Council of The Corporation of the City of North Bay and DuPont wish to make a franchise agreement to recognize and approve the said waterworks along Riverbend Road;

AND WHEREAS Section 63 of the Ontario Municipal Board Act allows for an application to the Board for a determination of whether the assent of the electors may be properly dispensed with;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY PURSUANT TO THE MUNICIPAL FRANCHISES ACT, THE MUNICIPAL ACT AND THE ONTARIO MUNICIPAL BOARD ACT ENACTS AS FOLLOWS:


1. The Corporation of the City of North Bay is hereby authorized to enter into that certain Agreement dated the 20th day of May, 1987 with DuPont Canada Inc. in the form attached as Schedule "A" hereto;
2. The right and franchise granted from a watermain along Riverbend Road by the said agreement with DuPont Canada Inc. are hereby approved in perpetuity.
3. The City Clerk is hereby authorized to apply to the Ontario Municipal Board pursuant to section 63 of the Ontario Municipal Board Act, at the expense of DuPont Canada Inc., to request the Ontario Municipal Board to determine whether the assent of the electors may be properly dispensed with.
4. The By-law shall come into effect upon third reading.

READ A FIRST TIME IN OPEN COUNCIL THE 31ST DAY OF AUGUST , 1987.

READ A SECOND TIME IN OPEN COUNCIL THE 14TH DAY OF SEPTEMBER , 1987.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 18TH DAY OF JANUARY , 1987.

  
MAYOR

  
CITY CLERK



E 871176

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Sections 63 and 64 of  
the Ontario Municipal Board Act, (R.S.O.  
1980, c. 347 as amended)

- and -

IN THE MATTER OF an application by The Corporation of the City of North Bay for an order approving the entering into a franchise agreement with Dupont Canada Inc. whereby the said Corporation grants to Dupont Canada Inc. the franchise, right and privilege to construct and operate a water distribution system along Riverbend Road, all and singular that certain parcel or tract of land comprising the road allowance between Concession 12 and Concession 13 in the former Township of West Ferris, now in the City of North Bay, from the westerly limit of Lot 39 to the easterly limit of Lot 31 thereof, and to supply water to Dupont and to enter upon Riverbend Road for the purpose of the construction, operation, maintenance and repair of the water distribution and for the transmission of water in and through Riverbend Road and to perform any other services that may be necessary in connection with the transmission and supply of water along Riverbend Road in perpetuity

and declaring and directing that the assent of the electors of such corporation shall be required

B E F O R E :

H. E. STEWART  
Chairman

- and -

T. F. BAINES  
Member

)  
)  
)  
)  
)  
)  
)  
)

Tuesday, the 22nd day  
of December, 1987

THE BOARD ORDERS that this application be granted and that the applicant may proceed with the entering into such agreement in the form filed with the Board

on the 22nd day of September, 1987, provided that the council of the applicant corporation in exercising any power approved by this order shall comply and conform with all statutory and other legal requirements related thereto.

*S. P. K. ...*  
SECRETARY

ENTERED	
O. R. No.	ES 7-4
Folio No.	55
J. 11. 11. 1988	
<i>S. P. K. ...</i>	