

BY-LAW NO. 2371

Being a By-law to authorize construction of certain asphalt pavements and certain concrete curbs and gutters in the city of North Bay.

WHEREAS it has been duly declared by Declaratory By-law No. 2367 of the Corporation of the City of North Bay passed by a vote of two-thirds of all the members of Council, that it is desirable that the construction of certain asphalt pavement and certain concrete curbs and gutters, as set out in Schedule "A" hereto annexed, shall be undertaken as a local improvement;

AND WHEREAS notice of the intention of the Council to undertake such work was duly published more than 21 days prior to the passing of this by-law;


AND WHEREAS the Council has caused to be made the reports, estimates and statements required for the undertaking of the said works.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. THAT asphalt pavement and concrete curbs and gutters be constructed on the streets set out in Schedule "A" hereto annexed at the estimated cost as set out in the same schedule, as provided by plans and specifications furnished by the Engineer for the Corporation of the City of North Bay, as a local improvement under the provisions of The Local Improvement Act, R.S.O. 1960, and more particularly Section 8 thereof.
2. THAT the Engineer of the Corporation do forthwith make such plans profiles, and specifications and furnish such information as may be necessary for the making of a contract for the execution of the work.
3. THAT the work shall be carried out and executed under the superintendence and according to the directions and orders of the Corporation's Engineers.
4. The Mayor and Clerk are hereby authorized to cause a contract for the construction of the work to be made and entered into with some person or persons, firm or corporation subject to the approval of this Council to be declared by resolution.
5. THAT the Mayor or Deputy Mayor and the Treasurer of the City of North Bay are hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of construction as aforesaid pending the completion thereof and pending the issue and sale of the debentures hereinafter referred to but in no event shall the aggregate of such borrowings exceed the amount limited in this By-law.
6. The special assessment shall be paid by five (5) equal annual instalments of principal and interest.
7. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at such rate as Council shall determine and be made payable within five (5) years on the instalment plan.

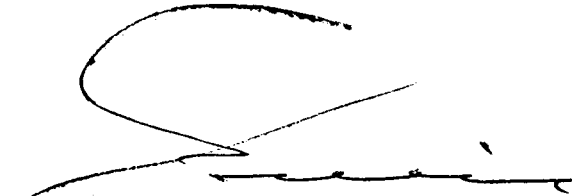
8. Any person whose lot is specially assessed may commute for a payment in cash the special rate imposed thereon, by paying the portion of the cost of construction assessed upon such lot, without interest forthwith after the special assessment roll has been certified by the Clerk.

READ A FIRST AND SECOND TIME THIS 6TH DAY OF MARCH A.D. 1967.


.....
MAYOR

.....*T. E. Armstrong*.....
CITY CLERK

BY-LAW READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 5TH DAY OF SEPTEMBER A. D. 1967.


.....
MAYOR

.....*T. E. Armstrong*.....
CITY CLERK

SCHEDULE "A"
TO BY-LAW 2371

ASPHALT PAVEMENT AND CONCRETE
CURBS AND GUTTERS

<u>DESCRIPTION</u>	<u>TOTAL ESTIMATED COST</u>	<u>CORP. SHARE</u>	<u>OWNERS' SHARE</u>
On Princess Street from Ferguson Street to Wyld Street, a 24 foot asphalt pavement Annual rate per foot frontage is \$1.94(4).	\$10,343.69 ✓ Per foot Frontage \$8.13 (2)	\$1,032.55	\$9,311.14
On Duke Street from Cassells Street to a line between lots 484 and 485 a 24 foot asphalt pavement Annual rate per foot frontage is \$1.68(6)	10,427.84 ✓ Per foot Frontage \$7.05(5)	1,178.73	9,249.11
On Douglas Street from Rose Avenue to City Limits, a 24 foot asphalt pavement Annual rate per foot frontage is \$1.33(1)	10,007.91 ✓ Per foot Frontage \$5.56(7)	889.61	9,118.30
On Queensway Avenue from McKay Street to City Limits, a 24 foot asphalt pavement Annual rate per foot frontage is \$1.85 (0)	11,153.56 ✓ Per foot Frontage \$7.74 (0)	325.30	10,828.26
On Aubrey Street from Cassells Street to High Street, a 28 foot asphalt pavement with concrete curbs and gutters. Annual rate per foot frontage is \$1.27 (2)	18,805.60 ✓ Per foot Frontage \$5.32 (1)	8,876.61	9,928.99
On Hammond Street from Third Avenue to Haig Street, a 32 foot asphalt pavement with concrete curbs and gutters. Annual rate per foot frontage is \$1.09(9)	20,099.75 Per foot Frontage \$4.59(9)	12,502.20	7,597.55



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Items 2, 3 & 5)

IN THE MATTER OF Section 64 of
The Ontario Municipal Board Act,
(R.S.O. 1960, c. 274), and

Section 8 of The Local Improve-
ment Act, (R.S.O. 1960, c. 223),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain concrete
sidewalks in accordance with its
council's notice of intention
first published on the 2nd day
of March, 1967, and of the borrow-
ing of the sum of \$15,747.60 being
the estimated cost thereof

B E F O R E :

J. A. KENNEDY, J.C.,
Chairman

- and -

H. E. ROBERTS,
Vice-Chairman

WEDNESDAY, the 3rd
day of MAY, 1967

UPON THE APPLICATION of The Corporation of the City of
North Bay for approval of the construction of the concrete
sidewalks as described in Schedule "A" attached hereto, and
of the borrowing of the sum of \$15,747.60, being the estima-
ted cost thereof, and upon reading the material filed;

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the said application be and
the same is hereby granted, and that the corporation may now
proceed with the said undertaking and for such purpose may
pass all requisite by-laws, including by-laws providing for
the issue of debentures in a principal amount not exceeding
\$15,747.60 repayable over a term of not more than ten years,
and may borrow money to the extent sufficient to provide an
amount not exceeding \$15,747.60 therefor, provided;



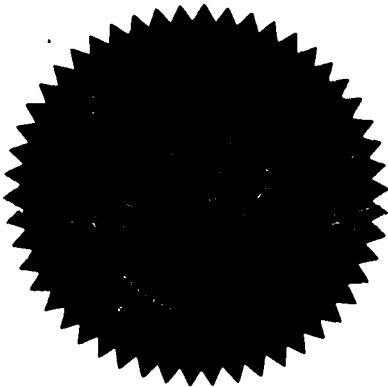
ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Items 2, 3 & 5)

- 2 -

1. that the said corporation may borrow the whole or any part of the said sum of \$15,747.60 as required pending receipt of subsidies and the sale of debentures, or of moneys to be received from any other source, and
2. that the corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



R. Scott
ACTING SECRETARY

ENTERED	
O. B. No.	<i>195</i>
Folio No.	305
MAY 9 1967	
<i>R. Scott</i>	
Acting Secretary, Ontario Municipal Board	



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Items 2, 3 & 5)

SCHEDULE "A"

to the order of The Ontario Municipal Board
made on the 3rd day of May, 1967

Construction of CONCRETE SIDEWALKS on:

2.	<u>TROUT LAKE ROAD</u> (south side) from Kingsway Avenue to Mark Street	\$ 4,238.85
3.	<u>CASSELLS STREET</u> (north side) from Princess Street to line between Lots 1 and 1	10,404.90
5.	<u>BURNS STREET</u> (west side) from Jane Street to line between Lots 1 and 385	<u>1,103.85</u>
	Total Estimated Cost	\$15,747.60



G-1999-67
(Items 1 & 4)

THE ONTARIO MUNICIPAL BOARD

IN THE MATTER OF Section 8 of
The Local Improvement Act
(R.S.O. 1960, c. 223), and

Section 64 of The Ontario Muni-
cipal Board Act (R.S.O. 1960,
c. 274),

- and -

IN THE MATTER OF an application by
The Corporation of the City of
North Bay for approval of the
construction of certain concrete
sidewalks, in accordance with its
council's notice of intention first
published on the 2nd day of March,
1967, and for approval of the
borrowing for such purpose of the
sum of \$8,736.86, being the esti-
mated cost thereof repayable over
a term not exceeding ten years.

REPORT TO THE BOARD

Under an authority granted pursuant to Section 15 of The Ontario Municipal Board Act, I attended at the Juvenile and Family Court Building in North Bay and conducted a public hearing of this application on August 9, 1967. Items 2, 3 and 5 of the application had been approved previously and this hearing was in respect of Items 1 and 4 which are as follows:

- ✓ Item 1 - construction of concrete sidewalk on the south side of Trout Lake Road from Kingsway Avenue to City Limits at an estimated cost of \$7,525.10.
- Item 4 - construction of a concrete sidewalk on the east side of Burns Street from Jane Street to line between Lots 54 and 392 at an estimated cost of \$1,211.76.

Construction of the sidewalk proposed in Item 1 is strongly opposed by a majority of the owners of the abutting properties. The reasons for this opposition as stated by the objectors include opinions that there is not enough pedestrian traffic to warrant

the construction; that the few persons who might wish to use a sidewalk can use the existing walk on the north side of the street; that the proposed work would depreciate the value of homes because it will require the removal of parts of lawns and some landscaping which have been extended by the residents into the street allowance owned by the city; and that the additional tax burden is not warranted.

The city takes the position that the sidewalk construction is necessary for the safety of pedestrian traffic since Trout Lake Road is a four-lane traffic artery; that it provides a connecting link with the sidewalk extending westerly from Kingsway Avenue which was recently approved by the Board without any objections from owners of abutting properties; that there is some commercial activity to the west and also to the east across the city limits in the Township of Widdifield; and that pedestrian traffic will increase as the area develops. In recognition of the benefit to the general public the city is assuming fifty per cent of the cost. In my opinion, this is a fair division of the cost and the evidence opposing the application is not sufficient to upset a decision by elected representatives as to where sidewalks should be provided for the safety of pedestrians.

With respect to Item 4 the objection is only to the division of costs. The objector agrees the sidewalk is necessary but the need arises from the large subdivision to the rear and from the large number of children using the entrance on Burns Street to the schoolground. The evidence of the objector that approximately half of the one thousand children attending this school use the entrance on Burns Street and the remainder use the entrance on Bloem Street was not contradicted. It was also stated that the city bore fifty per cent of the cost of the sidewalk built on Bloem Street in 1966. In my opinion, the same division of cost should be applied here.

In summary then, I recommend that Item 1 be approved and that Item 4 may be approved provided that the city agrees to bear fifty per cent of the cost and so advises the Board.

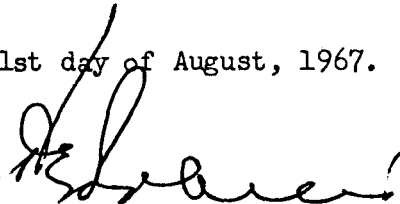
DATED at Toronto this 21st day of August, 1967.



F. G. BLAKE
MEMBER

The foregoing report is hereby adopted as the decision of the Board.

DATED at Toronto this 21st day of August, 1967.



H. E. ROBERTS
VICE-CHAIRMAN



W. GREENWOOD
MEMBER



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Items 5 and 4)

IN THE MATTER OF Section 64 of
The Ontario Municipal Board Act,
(R.S.O. 1960, c. 274), and

Section 8 of The Local Improve-
ment Act, (R.S.O. 1960, c. 223)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of certain concrete
sidewalks in accordance with its
council's notice of intention
first published on the 2nd day
of March, 1967, and of the bor-
rowing of the sum of \$15,747.60,
being the estimated cost thereof

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of a concrete side-
walk on Burns Street (east side)
from Jane Street to line between
Lots 54 and 392 in accordance
with its council's notice of in-
tention first published on the
2nd day of March, 1967, and ap-
proval of the borrowing of the
sum of \$1,211.76, being the esti-
mated cost thereof

B E F O R E :

J. A. KENNEDY, Q.C.,
Chairman

- and -

J. V. LUDGATE,
Member

THURSDAY, the 12th day
of OCTOBER, 1967

UPON THE APPLICATION of The Corporation of the City
of North Bay for approval of By-law 2372 passed on the
5th day of September, 1967, providing that the Corpora-
tion of the City of North Bay pursuant to Section 27 (3)
of The Local Improvement Act shall assume the portion of
the owners' cost of the local improvements as provided
therein,



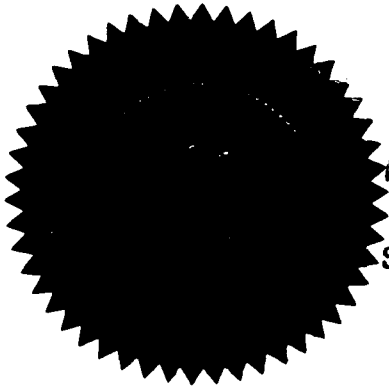
ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Items 5 and 4)

- 2 -

THE BOARD ORDERS, under and in pursuance of the powers contained in the statute hereinbefore referred to, that By-law 2372 passed on the 5th day of September, 1967, be and the same is hereby approved.



[Handwritten signature]

SECRETARY

ENTERED	
O. B. No.	<i>2410</i>
Folio No.	223
OCT 20 1967	
<i>[Handwritten signature]</i>	
Secretary, Ontario Municipal Board	



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Item 4)

IN THE MATTER OF Section 8 of
The Local Improvement Act,
(R.S.O. 1960, c. 223), and

Section 64 of The Ontario Muni-
cipal Board Act, (R.S.O. 1960,
c. 274)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of a concrete side-
walk on Burns Street (east side)
from Jane Street to line between
Lots 54 and 392 in accordance
with its council's notice of in-
tention first published on the
2nd day of March, 1967, and ap-
proval of the borrowing of the
sum of \$1,211.76, being the esti-
mated cost thereof

B E F O R E :

H. E. ROBERTS,
Vice-Chairman

- and -

W. GREENWOOD,
Member

)
)
) TUESDAY, the 12th day
)
) of SEPTEMBER, 1967
)
)

THIS APPLICATION having come on for public hearing
on the 9th day of August, 1967, in the City of North Bay,
before F. G. Blake, Member of the Board duly authorized
by the Chairman of the Board pursuant to Section 15 of
The Ontario Municipal Board Act, in the presence of a
certain ratepayer in opposition thereto, and it appear-
ing that notice of the said hearing had been given in
accordance with the directions of the Board, and the said
Member having reported to the Board and the Board having
considered his report, decision having been reserved until
this day;



ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Item 4)

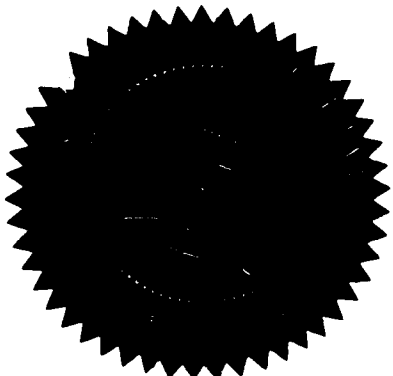
- 2 -

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the said application be
and the same is hereby granted, and that the corporation
may now proceed with the said undertaking and for such
purpose may pass all requisite by-laws, including by-laws
providing for the issue of debentures in a principal amount
not exceeding \$1,211.76 repayable over a term of not more
than ten years, and may borrow money to the extent suffi-
cient to provide an amount not exceeding \$1,211.76 there-
for, provided:

1. that the said corporation may borrow the whole
or any part of the said sum of \$1,211.76 as
required pending receipt of subsidies and the
sale of debentures, or of moneys to be received
from any other source, and
2. that the corporation in exercising any of its
powers approved by this order shall comply
with all statutory and other legal require-
ments related thereto.

R. Scott

SECRETARY



ENTERED	
O. B. No.	<i>189</i>
Folio No.	247
SEP 19 1967	
<i>R. Scott</i>	
Secretary, Ontario Municipal Board	



ONTARIO

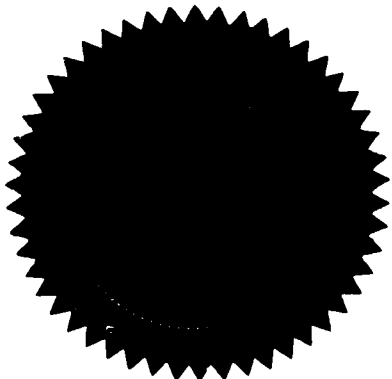
THE ONTARIO MUNICIPAL BOARD

G 1999-67
(Item 1)

- 2 -

THE BOARD ORDERS, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that the said application be and the same is hereby granted, and that the corporation may now proceed with the said undertaking and for such purpose may pass all requisite by-laws, including by-laws providing for the issue of debentures in a principal amount not exceeding \$7,525.10 repayable over a term of not more than ten years, and may borrow money to the extent sufficient to provide an amount not exceeding \$7,525.10 therefor, provided:

1. that the said corporation may borrow the whole or any part of the said sum of \$7,525.10 as required pending receipt of subsidies and the sale of debentures, or of moneys to be received from any other source, and
2. that the corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



SECRETARY

ENTERED	
O. B. No.	49
Folio No.	27
AUG 29 1967	
Secretary, Ontario Municipal Board	