

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 126-70

BEING A BY-LAW TO AUTHORIZE IMPROVEMENTS
TO MARSHALL AVENUE FROM MARSHALL PARK
DRIVE TO PRINCE EDWARD DRIVE

WHEREAS The Municipal Act R.S.O./¹⁹⁶⁰Chapter 249, Section 459 (1)
(b) authorizes the Council to pass a By-law for the purposes therein
stated;

AND WHEREAS the Council of The Corporation of the City of North
Bay deems it advisable and necessary to pass the within By-law;

AND WHEREAS it is intended that the cost of the construction
of the works included herein shall be borne by the Corporation at
large.

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

1. THAT construction be undertaken for certain works required
for improvements to Marshall Avenue from Marshall Park Drive to
Prince Edward Drive described in Schedule "A" attached hereto and
forming part of this by-law.
2. THAT the Engineering Department of the City of North Bay be
instructed to make all necessary plans, profiles and specifications
forthwith and to furnish such information as may be necessary for
the making of a contract for the execution of the work, or for the
carrying on of the work by day labour.
3. THAT the work shall be carried on under the superintendence
of and according to the directions and orders of the Engineering
Department of the City of North Bay.
4. THAT the Council may decide by resolution to carry on and
execute the work by day labour.
5. THAT in the absence of a resolution by Council that the work
be carried on and executed by day labour, the Mayor and Clerk are
hereby authorized to enter into a contract with some person or
persons, firm or corporation for the construction of the work subject
to the approval of the Council by resolution.
6. THAT the Treasurer of the City of North Bay is 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 construc-
tion 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.
7. ANY Promissory Note or Notes issued pursuant to Paragraph 6 hereof
shall be sealed with the seal of The Corporation of the City of North
Bay and signed by the Mayor or Deputy Mayor and the Treasurer of the
City of North Bay.
8. THAT debentures to be issued when the work is completed to pay
for the cost of such work shall bear interest at such rate as the
Council may determine and shall be made payable within five years on
the instalment plan.

9. THAT this By-law shall not become effective until approval in writing has been secured from the Ontario Municipal Board pursuant to Section 64 (1) of The Ontario Municipal Board Act, R.S.O. 1960, Chap.274.

READ A FIRST TIME IN OPEN COUNCIL THIS 2nd DAY OF NOVEMBER, 1970
READ A SECOND TIME IN OPEN COUNCIL THIS 2nd DAY OF NOVEMBER, 1970
READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 25TH DAY OF JANUARY , 1971.

.....
MAYOR

.....
CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 126-70 OF THE CORPORATION OF THE CITY OF NORTH BAY
.....

Improvements to Marshall Avenue from Marshall Park Drive to Prince Edward Drive consisting of:

1) Regrading Subgrade	\$ 1,440.00
2) Granular "B" Backfill	\$ 7,525.00
3) Granular "A" Backfill	\$ 4,725.00
4) H.L. 4 Asphalt	\$ 7,920.00
5) Ditching	\$ 5,000.00
6) Engineering & Contingencies	<u>\$ 2,690.00</u>

TOTAL ESTIMATED COST \$29,300.00



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

- and -

IN THE MATTER OF an appli-
cation by The Corporation
of the City of North Bay
for an order:

- (a) approving certain
road improvements,
and
- (b) approving the issue by
the applicant of debentures
in the sum of \$29,300.00,
being the estimated cost
thereof, and
- (c) declaring and directing
that the assent of the
electors of the City of
North Bay or those qualified
to vote on money by-laws
shall not be requisite to be
obtained to the passing of
by-laws for the purposes
aforesaid

B E F O R E :

J. A. KENNEDY, Q.C.
Chairman

- and -

W. T. SHRIVES,
Member

Monday, the 28th day
of December, 1970

UPON THE APPLICATION OF The Corporation of the City
of North Bay for an order approving the road improve-
ments described in Schedule "A" attached hereto, and
the issue of debentures in the sum of \$29,300.00, being
the estimated cost thereof, and declaring and directing
that the assent of the electors of the City of North Bay
or those qualified to vote on money by-laws shall not be
requisite to be obtained to the passing of by-laws for



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the said purposes, and it appearing that all notices as required by any applicable statute and all notices as required by the Board have been given and that no objection or sufficient petition of objection as required by statute or by the Board has been received as appears from evidence duly filed, and upon reading the material filed;

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 this application be and the same is hereby granted, and that the Corporation may now proceed with the said undertaking at a total cost not to exceed \$29,300.00 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 \$29,300.00 repayable over a term of not more than five years, and may borrow money to the extent sufficient to provide an amount not exceeding \$29,300.00 therefor, provided:

1. that the corporation may borrow the whole or any part of the said sum of \$29,300.00 as required pending receipt of subsidies and the sale of debentures, or the receipt of moneys from any other source, and
2. that the amount to be debentured shall not exceed in any event the net cost to the corporation after deducting any grant or contribution from the Province



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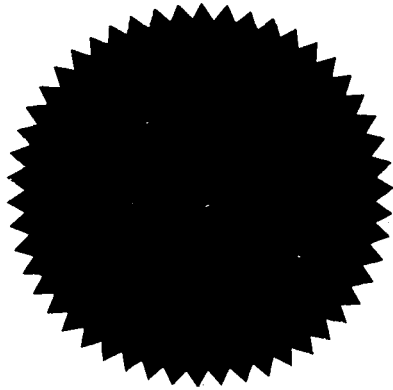
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of Ontario or from any other source in respect of the said work, and

3. that the corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.

AND THE BOARD DECLARES AND DIRECTS that the assent of the electors of the City of North Bay or those qualified to vote on money by-laws shall not be requisite to be obtained to the exercise by the corporation of the powers aforesaid.

ACTING SECRETARY



ENTERED	
O. B. No.	<i>114</i>
Folio No.	370
JAN 12 1971	
<i>R. Scott</i>	
Secretary, Ontario Municipal Board	



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SCHEDULE "A"

to the order of The Ontario Municipal Board made on
the 28th day of December, 1970

ROAD IMPROVEMENTS, on:

MARSHALL AVENUE from Marshall Park Drive
to Prince Edward Drive

TOTAL ESTIMATED COST.....\$29,300.00