

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 23-68

BEING A BY-LAW AUTHORIZING THE EXECUTION OF THAT CERTAIN AGREEMENT DATED THE 1ST DAY OF FEBRUARY, 1968, BETWEEN BEATRICE KELLY, OF THE CITY OF NORTH BAY, AND THE CORPORATION OF THE CITY OF NORTH BAY, PERTAINING TO AN ENCROACHMENT OF THE BUILDING SITUATE ON THE NORTH-EASTERLY ONE-HALF OF LOT NO. 155, ON THE SOUTHERLY SIDE OF McINTYRE STREET, AS SHOWN ON REGISTERED PLAN NO. 10, FOR THE CITY OF NORTH BAY.

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

1. THAT the Corporation of the City of North Bay do enter into the Agreement dated the 1st day of February 1968 between Beatrice Kelly, of the City of North Bay, in the District of Nipissing, Widow, and The Corporation of the City of North Bay (a copy of which said Agreement is attached hereto and marked Schedule "A", to this By-law), upon and subject to the terms and conditions therein set forth.


2. THAT the Mayor and Clerk be, and they are hereby, authorized and empowered to execute the aforesaid Agreement dated the 1st day of February 1968, on behalf of The Corporation of the City of North Bay, and to affix thereto the corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 11TH DAY OF MARCH 1968.

READ A SECOND TIME IN OPEN COUNCIL THIS 11TH DAY OF MARCH 1968.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 11TH DAY OF MARCH 1968.


.....
MAYOR


.....
CLERK

This is Schedule 'A' to By-Law
No. 2268 of The Corporation of
the City of North Bay.

G. E. Dunning
CITY CLERK

AGREEMENT made the first day of February, 1968.

BETWEEN:

BEATRICE KELLY, of the City of
North Bay, in the District of
Nipissing, Widow,

Hereinafter called the Party
of the First Part;

AND:

THE CORPORATION OF THE CITY
OF NORTH BAY,

Hereinafter called the Party
of the Second Part.

WHEREAS the said Beatrice Kelly is the owner of a dwelling
house known municipally as 388 Fisher Street and 391 McIntyre Street in
the City of North Bay, and the Corporation of the City of North Bay is the
owner of the land adjoining thereto on the east side thereof, known as
McIntyre Street;

AND WHEREAS by mistake a portion of the southeast corner of
the said house was built upon and encroaches on the land of the said
Corporation of the City of North Bay known as McIntyre Street;

NOW THEREFORE it is agreed between the parties hereto as
follows:-

- 1.- The encroachment of the said southeast corner of
the dwelling house of the said Beatrice Kelly built on lands
described in Schedule "A" hereto annexed shall be deemed to
have been made, and the continuance hereafter of the said
encroachment shall be deemed to be, with the express licence
and consent of the said Corporation of the City of North Bay,
to the intent that the said Beatrice Kelly shall not acquire
any easement or right in respect thereof; the aforesaid
encroachment is shown on the Plan of Survey dated Jan.
30/68, made by D.J. MacDonnell, O.L.S., attached hereto
and marked Schedule "B".

2.- The said Beatrice Kelly agrees that should the dwelling be razed, removed or destroyed, the said wall, so far as it encroaches upon the said McIntyre Street, shall not be rebuilt on the said street and the licence and consent to occupy that portion of McIntyre Street now occupied by the said dwelling house shall be terminated;

3.- This Agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, respectively.

IN WITNESS WHEREOF the Party of the First Part has hereunto affixed her hand and seal and the Party of the Second Part has affixed its corporate seal attested thereto by the proper officers authorized in that behalf.

SIGNED, SEALED AND DELIVERED)

B Kelly
BEATRICE KELLY

in the presence of)

[Signature]

THE CORPORATION OF THE CITY OF NORTH BAY

Part:)

Part:)

[Signature]

SCHEDULE "A"

In the City of North Bay, in the District of Nipissing and Province of Ontario, being composed of the Northeasterly one-half of Lot 155 on the Southerly side of McIntyre Street having a frontage of sixty-six feet (66') on McIntyre Street by sixty-six feet (66') on Fisher Street, according as said lot is shown on a plan of a portion of the said City of North Bay prepared by William Bell, O.L.S., and registered in the Registry Office for the Registry Division of the District of Nipissing on October 30th, 1884. (Plan 10).

RENO COPY

DATED: February 1st, 1968.

RENO COPY

BERTRIC KELLY

- and -

THE CORPORATION OF THE CITY OF

NORTH BAY

AGREEMENT

VALIN, SMITH, LOCKERBILLS & SMITH,
Barristers & Solicitors,
140 Main Street West,
NORTH BAY, Ontario.