

Attachment 2 – Cover Sheet on Bylaws to be Abandoned – July 4, 2022

Bylaw No.	Name of Bylaw	Rationale for Abandoning the Bylaw
1795	Land Sales Bylaw 1977 No. 1795	Outdated and not proceeding. Bylaw is missing but minutes reflect that first three readings were given on 1977-APR-18.
1946	Municipal Heritage Site Designation Bylaw 1978, No. 1946	Outdated and not proceeding.
2485	City of Nanaimo Expropriation Bylaw 1982 No. 2485	Bylaw not enforced as matter was resolved without expropriation
2587	Bowen Road Expropriation Bylaw 1982 No. 2487	Bylaw not enforced as matter was resolved without expropriation.
2519	Bowen Road Expropriation Bylaw 1982 No. 2519	Bylaw not enforced as matter was resolved without expropriation.
2532	Bowen Road Expropriation Bylaw 1982 No. 2532	Bylaw not enforced as matter was resolved without expropriation.
2541	Bowen Road Expropriation Bylaw 1983 No. 2541	Bylaw not enforced as matter was resolved without expropriation.
2594	Expropriation Bylaw 1983 No. 2594	Bylaw not enforced as matter was resolved without expropriation.
2738	Expropriation Bylaw 1984 No. 2738	Bylaw not enforced as matter was resolved without expropriation.
3140	Sign Removal Bylaw 1986 No. 3140	Roof top sign removed. Matter resolved prior to adoption.
3142	Sign Removal Bylaw 1986 No. 3142	Roof top sign removed. Matter resolved prior to adoption.
3148	Sign Removal Bylaw 1986 No. 3148	Portable sign removed. Matter resolved prior to adoption.
3150	Sign Removal Bylaw 1986 No. 3150	Illegal sign removed. Matter resolved prior to adoption.
3151	Sign Removal Bylaw 1986 No. 3151	Portable sign removed. Matter resolved prior to adoption.
3204	Development Approvals Procedures Amendment Bylaw 1987 No. 3204	Did not proceed.
3256	Sign Removal Bylaw 1987 No. 3256	Illegal signs removed. Matter resolved prior to adoption.
3306	Sign Removal Bylaw 1988 No. 3306	Portable sign removed. Matter resolved prior to adoption.
3323	Sign Removal Bylaw 1988 No. 3323	Portable sign removed. Matter resolved prior to adoption.
5683	Business Improvement Area Bylaw 2004 No. 5683	This BIA never proceeded.

BY-LAW 1795

"LAND SALES BY-LAW - Never finally
adopted -) No By-law

Lot 43 of Lot 97-G, Newcastle
Reserve, Section 1, Nanaimo District.

CITY OF NANAIMO

BY-LAW NO. 1946

A BY-LAW TO DESIGNATE THE RESIDENTIAL BUILDING LOCATED AT
115 MACHLEARY STREET AND THE SITE THEREOF AS A MUNICIPAL
HERITAGE SITE

WHEREAS in the opinion of the Council there is a need to preserve heritage buildings which represent periods and styles in the municipality's historic and cultural evolution; and

WHEREAS the premises located at 115 Machleary Street, Nanaimo, B.C. are in the opinion of the Council an outstanding example of the architecture of the period of the early 1900's and should be preserved on its original site; and

WHEREAS its prime features are still intact and it could be restored to its original state without extensive alterations.

THEREFORE the Council of the City of Nanaimo in open meeting assembled enacts as follows:

1. This by-law may be cited as the "MUNICIPAL HERITAGE SITE DESIGNATION BY-LAW 1978 NO. 1946".
2. The residential building together with the site thereof known and described as Section E, Lot 1, Block S, Section 1, Nanaimo District, Plan 584 be and they are hereby designated as a Municipal Heritage Site pursuant to the provisions of Part III of the Heritage Conservation Act of the Province of British Columbia.

TABLED AT THE COUNCIL MEETING HELD 1978-JUN-12.

NEVER ADOPTED.

CITY OF NANAIMO

BYLAW NO. 2487

A BYLAW TO AUTHORIZE THE MUNICIPALITY TO ENTER UPON,
EXPROPRIATE, BREAK UP, TAKE AND ENTER INTO POSSESSION
OF AND USE FOR SEWERS AND STORM DRAINS PURPOSES THE LAND

WHEREAS Section 611 of the Municipal Act provides that the Council may, by bylaw, enter upon, expropriate, break up, take and enter into possession of and use any real property for the purposes set out in such section;

AND WHEREAS the Municipal Council has deemed it necessary in the interests of the Municipality to carry out the works and for that purpose it has become necessary to acquire the Land or the interest in the Land;

THEREFORE THE COUNCIL of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as the "CITY OF NANAIMO EXPROPRIATION BYLAW 1982 NO. 2487".

2. The City of Nanaimo is hereby authorized to enter upon, expropriate, break up, take and enter into possession of and use and does hereby expropriate for sewer and drainage purposes all that interest as set out in the Right-of-way document attached hereto, in and to, all and singular, that certain parcel or tract of land and premises situate, lying and being in the City of Nanaimo, in the Province of British Columbia, and more particularly known and described as:

That part of Lot 8, Section 12, Range 7, Mountain District, Plan 23137 lying to the northwest of a line parallel to and perpendicularly distant 10 metres from the northwesterly boundary of said Lot.


as more particularly shown outlined on plan attached hereto (herein called the Land).

3. The Mayor and Clerk are hereby empowered to do all things necessary to give effect to this bylaw.

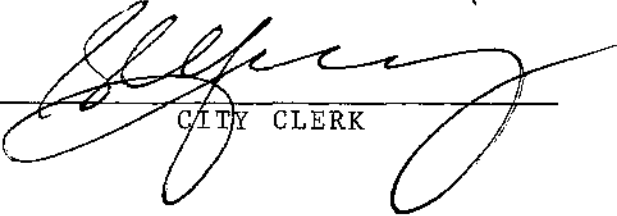
4. This bylaw shall not come into effect until it has been published once in the British Columbia Gazette, once in a newspaper published and circulating in the Municipality and a certified copy of the same has been filed in the Land Title Office, situated in Victoria, B.C.

PASSED FIRST, SECOND AND THIRD READINGS 1982-AUG-30.

ADOPTED 1982-SEP-13.



M A Y O R



CITY CLERK

This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.

-----DO NOT WRITE ABOVE THIS LINE, FOR LAND TITLE OFFICE USE ONLY-----

FORM 17

Nature of Charge(s): Right-of-way
Address of person entitled to be registered,
if different from that shown in Instrument:

Full name, postal address and telephone number
of person presenting Instrument for
registration:

British Subject: Yes

True Value: \$.....

Herewith fees of \$.....

.....
Signature of Applicant (Solicitor or Agent)

THIS SEWERAGE AND DRAINAGE RIGHT-OF-WAY AGREEMENT was made the _____ day of _____, 19____.

BETWEEN:

(hereinafter called "the Grantor")

AND:

The City of Nanaimo,
455 Wallace Street, Nanaimo, B.C.

(hereinafter called "the Corporation")

IN CONSIDERATION OF \$ _____, (the receipt whereof from the Corporation is hereby acknowledged by the Grantor), the Grantor hereby grants to the Corporation, its successors and assignees, forever, the full and exclusive rights by its officers, agents, servants, workmen, contractors, and subcontractors, in, over, across and under the land described in Schedule "A" hereto, to enter, cross and recross, with or without vehicles and equipment, and to install, construct, operate, maintain, inspect, alter, remove, replace, reconstruct, and repair one or more sewers, drains, valves, fittings, meters, pumps, manholes, and other equipment and appurtenances of every kind (all or any of which are hereinafter called "facilities") which may be required by the Corporation, its successors and assignees for the collection and conveyance of sewerage or the collection and conveyance of drainage water, or both, or a combination of both; and to convey sewage and drainage water, or either of them, through the facilities or any of them.

THE CORPORATION covenants with the Grantor:

1. Insofar as it may be practicable, the Corporation will bury all facilities so as not to interfere unreasonably with the use of the surface of the ground within the land described in Schedule "A" hereto;
2. As soon as conveniently may be after the construction or installation of facilities upon the land described in Schedule "A" hereto, the Corporation will cause to be delivered to the proper Land Title Office for deposit pursuant to the Land Title Act a plan of right-of-way defining that part of the land described in Schedule "A" hereto required by the Corporation for the accommodation of those facilities (which part is hereinafter called "the right-of-way area"), and immediately after deposit of the said plan of right-of-way the Corporation will cause to be delivered to the proper Land Title Office for registration pursuant to the Land Title Act a release from the rights hereinbefore granted of the part or parts of the land described in Schedule "A" hereto not within the right-of-way area; and
3. Upon completion of any construction or any installation of facilities, or alteration, removal, replacement, reconstruction, or repair of facilities, the Corporation will restore the surface of the ground as nearly as possible to the condition thereof at the time of the commencement of that work and will repair any injury to property caused directly or indirectly by the Corporation, its officers, agents, servants, workmen, contractors or subcontractors, in the course of carrying out that work.

THE GRANTOR covenants with the Corporation:

1. Until the right-of-way area has been established as hereinbefore provided, not to install, erect or construct or permit to be installed, erected or constructed, any building or fixture within the boundaries of the land described in Schedule "A" hereto without the consent in writing of the Corporation and not to diminish or permit to be diminished or substantially add to or allow to be substantially added to the soil cover over any of the facilities installed within the boundaries of the land described in Schedule "A" hereto without the consent in writing of the Corporation, and not to do any act or knowingly suffer or permit any act to be done within the boundaries of the land described in Schedule "A" hereto which may interfere with the facilities or any of them;
2. After the right-of-way has been established as hereinbefore provided, not to install, erect, or construct or permit to be installed, erected or constructed, any building or fixture within the right-of-way area without the consent in writing of the Corporation and not to diminish or permit to be diminished or substantially add to or allow to be substantially added to the soil cover over any of the facilities installed within the right-of-way area without the consent in writing of the Corporation, and not to do any act or knowingly suffer or permit any act to be done within the right-of-way area which may interfere with the facilities or any of them, and
3. If at the date hereof, the grantor is not the sole owner of the land described in Schedule "A" hereto, this instrument shall nevertheless bind the Grantor to the full extent of his interest therein, and if he shall later acquire a greater interest therein, the provisions hereof shall extend to such after acquired interest.

THE PARTIES MUTUALLY AGREE that the facilities shall at all times remain the property of the Corporation, its successors and assignees, notwithstanding that they may be affixed to the land and the facilities or any of them at any time and from time to time may be removed by the Corporation, its successors and assignees, but the Corporation shall be under no obligation to remove the facilities or any of them from the land.

The provisions of this instrument shall be binding upon and enure to the benefit of the Grantor's heirs, executors, administrators, successors and assignees and the Corporation's successors and assignees, and wherever the singular or masculine is used herein, it shall be construed as if the feminine, plural or neuter, as the case may be, had been used where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary have been made.

IN WITNESS WHEREOF the parties have executed this Agreement effective on the date hereof.

SIGNED, SEALED AND DELIVERED)
 in the presence of:)
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 _____)
 Name:)
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 _____)
 Address:)
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 _____)
 Occupation:)
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 SIGNED, SEALED AND DELIVERED)
 in the presence of:)
)
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 _____)
 Name:)
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 _____)
 Address:)
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)
 _____)
 Occupation:)



SIGNED, SEALED AND DELIVERED)
In the presence of:)

_____))
Name:)

_____))
Address:)

_____))
Occupation:)

THE CORPORATE SEAL OF)
was affixed in the presence of:)

_____))
_____)

THE CORPORATE SEAL OF)
was affixed in the presence of:)

_____))
_____)



SCHEDULE "A"

MEMORANDUM AS TO ENCUMBRANCES, LIENS AND INTERESTS

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....



LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, of
..... in
British Columbia, make oath and say:

- 1. I was present and saw this instrument duly signed and executed by
....., the party(ies) to it, for the purposes named in it.
- 2. The instrument was executed at
- 3. I know the party(ies), who is(are) 19 years old or more.
- 4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at
in British Columbia, this day
of, 19

*
*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE—This affidavit must be sworn by a witness who is not a party to the instrument.

LAND TITLE ACT

FORM 3
(Sections 43 (b) and 44 (b))

CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

I certify that on the day of, 19, at in the of

*(Whose identity has been proved by the evidence on oath of
....., who is) personally known to me,
(State full name, address, and occupation)

appeared before me and acknowledged to me that he/she/they is(are) the person(s) mentioned in this instrument as a transferor (or attorney of a transferor) that his/her/their name(s) is(are) subscribed to it, that he/she/they know(s) the contents of the instrument and executed it voluntarily, and is(are) of the age of 19 years or more.

In testimony of which I set my hand and seal of office at
this day of, 19

†
*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
†Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

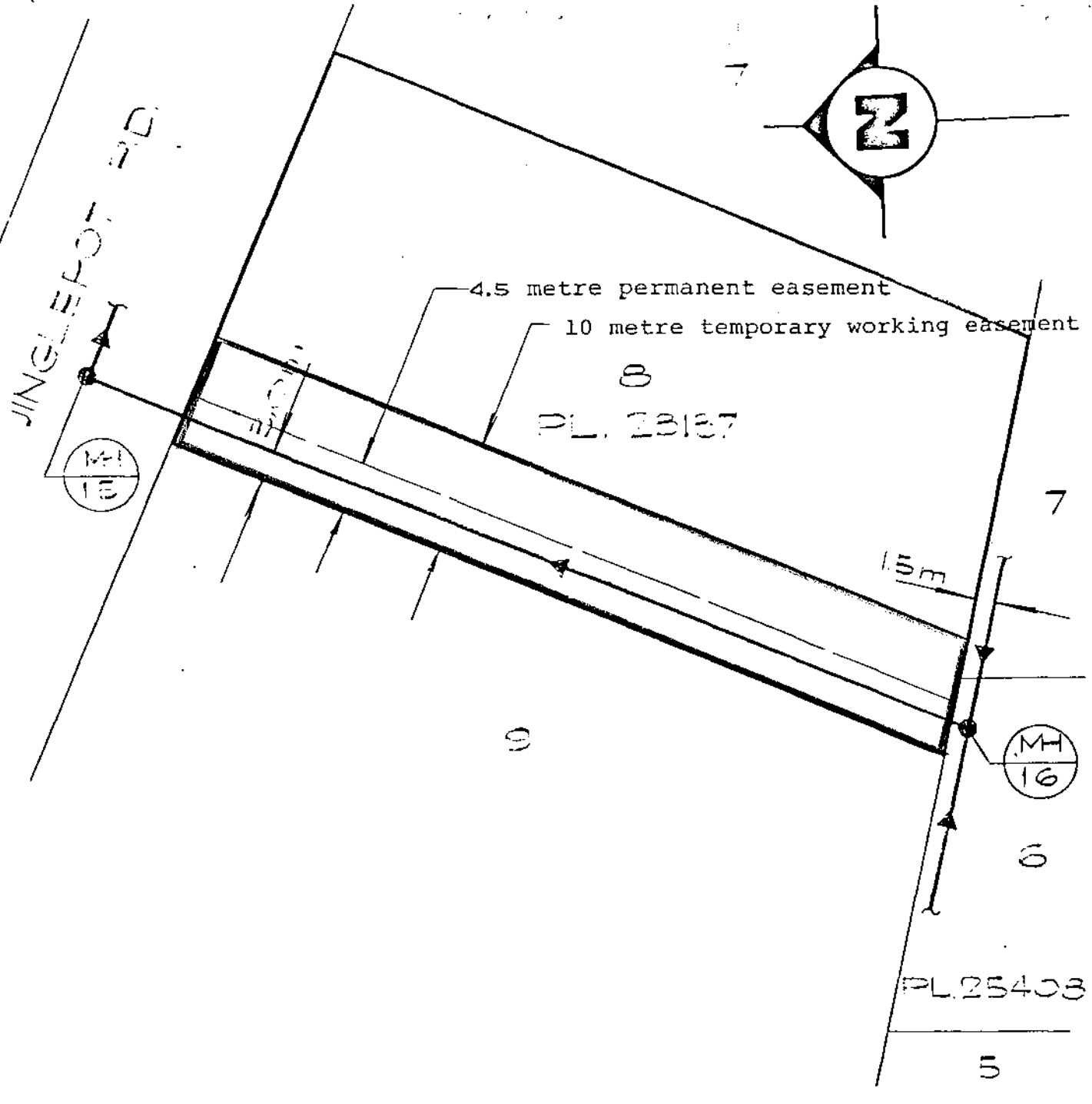
I certify that on the day of, 19, at
in British Columbia,

(*whose identity has been proved by the evidence on oath of
..... who is) personally known to me, appeared
(State full name, address, and occupation)

before me and acknowledged to me that he/she is the authorized signatory of
..... and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, †(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at
this day of, 19

†
*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.
†These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to call for further evidence of the existence of the corporation.
‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.



PLAN
SCALE; 1:500

[Handwritten signature]

CITY OF NANAIMO
NANAIMO WEST SEWERS - STAGE II
SEWER EASEMENT THROUGH

DAYTON & KNIGHT LTD.

CONSULTING ENGINEERS

DATE JULY 26/82 SKETCH NO. 1 ISSUE A

CITY OF NANAIMO

BYLAW NO. 2485

A BYLAW TO AUTHORIZE THE MUNICIPALITY TO ENTER UPON,
EXPROPRIATE, BREAK UP, TAKE AND ENTER INTO POSSESSION
OF AND USE FOR SEWERS AND STORM DRAINS PURPOSES THE LAND

WHEREAS Section 611 of the Municipal Act provides that the Council may, by bylaw, enter upon, expropriate, break up, take and enter into possession of and use any real property for the purposes set out in such section;

AND WHEREAS the Municipal Council has deemed it necessary in the interests of the Municipality to carry out the works and for that purpose it has become necessary to acquire the Land or the interest in the Land;

THEREFORE THE COUNCIL of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as the "CITY OF NANAIMO EXPROPRIATION BYLAW 1982 NO. 2485".

2. The City of Nanaimo is hereby authorized to enter upon, expropriate, break up, take and enter into possession of and use and does hereby expropriate for sewer and drainage purposes all that interest as set out in the Right-of-way document attached hereto, in and to, all and singular, that certain parcel or tract of land and premises situate, lying and being in the City of Nanaimo, in the Province of British Columbia, and more particularly known and described as:

That part of Lot 17, Section 11, Range 7, Mountain District, Plan 25146 contained within a strip of land 6 metres in width lying between two lines parallel to and perpendicularly distant 3 metres and 9 metres respectively from the northeasterly boundary of said Lot and its extension.


as more particularly shown outlined on plan attached hereto (herein called the Land).

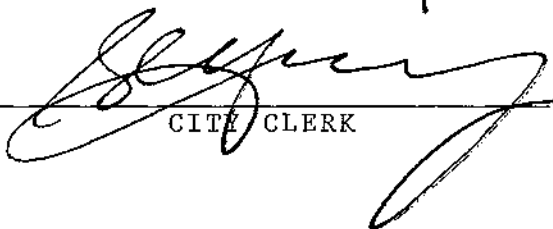
3. The Mayor and Clerk are hereby empowered to do all things necessary to give effect to this bylaw.

4. This bylaw shall not come into effect until it has been published once in the British Columbia Gazette, once in a newspaper published and circulating in the Municipality and a certified copy of the same has been filed in the Land Title Office, situated in Victoria, B.C.

PASSED FIRST, SECOND AND THIRD READINGS 1982-AUG-30.

ADOPTED 1982-SEP-13.


MAYOR


CITY CLERK

This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.

-----DO NOT WRITE ABOVE THIS LINE, FOR LAND TITLE OFFICE USE ONLY-----

FORM 17

Nature of Charge(s): Right-of-way
Address of person entitled to be registered,
If different from that shown in instrument:

Full name, postal address and telephone number
of person presenting instrument for
registration:

British Subject: Yes

True Value: \$.....

Herewith fees of \$.....

.....
Signature of Applicant (Solicitor or Agent)

THIS SEWERAGE AND DRAINAGE RIGHT-OF-WAY AGREEMENT was made the _____ day of _____, 19____.

BETWEEN:

(hereinafter called "the Grantor")

AND:

The City of Nanaimo,
455 Wallace Street, Nanaimo, B.C.

(hereinafter called "the Corporation")

IN CONSIDERATION OF \$ _____, (the receipt whereof from the Corporation is hereby acknowledged by the Grantor), the Grantor hereby grants to the Corporation, its successors and assignees, forever, the full and exclusive rights by its officers, agents, servants, workmen, contractors, and subcontractors, in, over, across and under the land described in Schedule "A" hereto, to enter, cross and recross, with or without vehicles and equipment, and to install, construct, operate, maintain, inspect, alter, remove, replace, reconstruct, and repair one or more sewers, drains, valves, fittings, meters, pumps, manholes, and other equipment and appurtenances of every kind (all or any of which are hereinafter called "facilities") which may be required by the Corporation, its successors and assignees for the collection and conveyance of sewerage or the collection and conveyance of drainage water, or both, or a combination of both; and to convey sewage and drainage water, or either of them, through the facilities or any of them.

THE CORPORATION covenants with the Grantor:

1. Insofar as it may be practicable, the Corporation will bury all facilities so as not to interfere unreasonably with the use of the surface of the ground within the land described in Schedule "A" hereto;
2. As soon as conveniently may be after the construction or installation of facilities upon the land described in Schedule "A" hereto, the Corporation will cause to be delivered to the proper Land Title Office for deposit pursuant to the Land Title Act a plan of right-of-way defining that part of the land described in Schedule "A" hereto required by the Corporation for the accommodation of those facilities (which part is hereinafter called "the right-of-way area"), and immediately after deposit of the said plan of right-of-way the Corporation will cause to be delivered to the proper Land Title Office for registration pursuant to the Land Title Act a release from the rights hereinbefore granted of the part or parts of the land described in Schedule "A" hereto not within the right-of-way area; and
3. Upon completion of any construction or any installation of facilities, or alteration, removal, replacement, reconstruction, or repair of facilities, the Corporation will restore the surface of the ground as nearly as possible to the condition thereof at the time of the commencement of that work and will repair any injury to property caused directly or indirectly by the Corporation, its officers, agents, servants, workmen, contractors or subcontractors, in the course of carrying out that work.



THE GRANTOR covenants with the Corporation:

1. Until the right-of-way area has been established as hereinbefore provided, not to install, erect or construct or permit to be installed, erected or constructed, any building or fixture within the boundaries of the land described in Schedule "A" hereto without the consent in writing of the Corporation and not to diminish or permit to be diminished or substantially add to or allow to be substantially added to the soil cover over any of the facilities installed within the boundaries of the land described in Schedule "A" hereto without the consent in writing of the Corporation, and not to do any act or knowingly suffer or permit any act to be done within the boundaries of the land described in Schedule "A" hereto which may interfere with the facilities or any of them;
2. After the right-of-way has been established as hereinbefore provided, not to install, erect, or construct or permit to be installed, erected or constructed, any building or fixture within the right-of-way area without the consent in writing of the Corporation and not to diminish or permit to be diminished or substantially add to or allow to be substantially added to the soil cover over any of the facilities installed within the right-of-way area without the consent in writing of the Corporation, and not to do any act or knowingly suffer or permit any act to be done within the right-of-way area which may interfere with the facilities or any of them, and
3. If at the date hereof, the grantor is not the sole owner of the land described in Schedule "A" hereto, this instrument shall nevertheless bind the Grantor to the full extent of his interest therein, and if he shall later acquire a greater interest therein, the provisions hereof shall extend to such after acquired interest.

THE PARTIES MUTUALLY AGREE that the facilities shall at all times remain the property of the Corporation, its successors and assignees, notwithstanding that they may be affixed to the land and the facilities or any of them at any time and from time to time may be removed by the Corporation, its successors and assignees, but the Corporation shall be under no obligation to remove the facilities or any of them from the land.

The provisions of this instrument shall be binding upon and enure to the benefit of the Grantor's heirs, executors, administrators, successors and assignees and the Corporation's successors and assignees, and wherever the singular or masculine is used herein, it shall be construed as if the feminine, plural or neuter, as the case may be, had been used where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary have been made.

IN WITNESS WHEREOF the parties have executed this Agreement effective on the date hereof.

SIGNED, SEALED AND DELIVERED)
 In the presence of:)
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 _____)
 Name:)
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 _____)
 Address:)
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 _____)
 Occupation:)
)
)
 SIGNED, SEALED AND DELIVERED)
 In the presence of:)
)
)
 _____)
 Name:)
)
)
 _____)
 Address:)
)
)
 _____)
 Occupation:)

SIGNED, SEALED AND DELIVERED)
In the presence of:)

_____))
Name:)

_____))
Address:)

_____))
Occupation:)

THE CORPORATE SEAL OF)
_____))
was affixed in the presence of:)

_____))
_____))

THE CORPORATE SEAL OF)
_____))
was affixed in the presence of:)

_____))
_____))
_____))



SCHEDULE "A"

MEMORANDUM AS TO ENCUMBRANCES, LIENS AND INTERESTS

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

.....
Name

.....
Address

.....
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

.....

.....



LAND TITLE ACT

FORM 2

(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, of in British Columbia, make oath and say:

- 1. I was present and saw this instrument duly signed and executed by the party(ies) to it, for the purposes named in it.
2. The instrument was executed at
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at in British Columbia, this day of, 19

*

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia. NOTE—This affidavit must be sworn by a witness who is not a party to the instrument.

LAND TITLE ACT

FORM 3

(Sections 43 (b) and 44 (b))

CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

I certify that on the day of, 19, at in the of

*(Whose identity has been proved by the evidence on oath of who is) personally known to me, (State full name, address, and occupation)

appeared before me and acknowledged to me that he/she/they is(are) the person(s) mentioned in this instrument as a transferor (or attorney of a transferor) that his/her/their name(s) is(are) subscribed to it, that he/she/they know(s) the contents of the instrument and executed it voluntarily, and is(are) of the age of 19 years or more.

In testimony of which I set my hand and seal of office at this day of, 19

†

*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets. †Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT

FORM 6

(Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the day of, 19, at in British Columbia,

(*whose identity has been proved by the evidence on oath of who is) personally known to me, appeared (State full name, address, and occupation)

before me and acknowledged to me that he/she is the authorized signatory of and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, †(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at this day of, 19

‡

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets. †These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) of the Act to call for further evidence of the existence of the corporation. ‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

[Handwritten signature]

26

27

6.0m
3.0m
1.5m



3.0 metre permanent easement

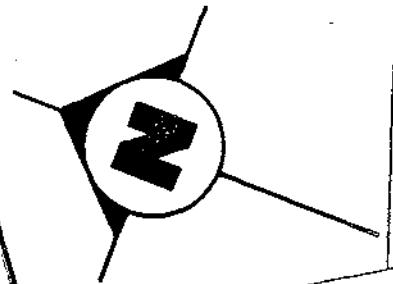
6.0 metre temporary working easement

18

17

16

PL 25146



TWIGGLEY WIGGLEY RD.

9

10

11

PLAN
SCALE; 1:500

CITY OF NANAIMO
 NANAIMO WEST SEWERS - STAGE II
 SEWER EASEMENT THROUGH
 LOT 17 PLAN 25146

DAYTON & KNIGHT LTD.

CONSULTING ENGINEERS

DATE JULY 26/82 SKETCH No. 17 ISSUE 1

CITY OF NANAIMO

BYLAW NO. 2519

A BYLAW TO ACQUIRE LANDS BY EXPROPRIATION
FOR THE PURPOSE OF WIDENING BOWEN ROAD

WHEREAS the City Council of the City of Nanaimo deems it necessary to acquire property for the purpose of widening Bowen Road;

AND WHEREAS Section 578 of the Municipal Act, R.S.B.C. 1979, c.290 provides that, the City Council may, by bylaw, establish a highway or any portion of a highway;

AND WHEREAS Section 578(3) of the Municipal Act, R.S.B.C., 1979, c.290 provides that, the City Council may acquire property by expropriation and have free entry thereon;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "BOWEN ROAD EXPROPRIATION BYLAW 1982 NO. 2519".

2. Pursuant to Section 578(3) and subject to Division 4 of Part XII of the Municipal Act, R.S.B.C., 1979, c.290, the City of Nanaimo is hereby authorized to enter on, expropriate, break up, take and enter into possession of and use for the purpose of widening Bowen Road, all and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Nanaimo, in the Province of British Columbia, more particularly described as those parts of Lots 1 and 2, Block 2, Section 18, Range 7, Mountain District, Plan 526 shown in heavy outline on a plan of survey prepared by Ross N. Glover, B.C. Land Surveyor and certified the 2nd day of November, 1982.

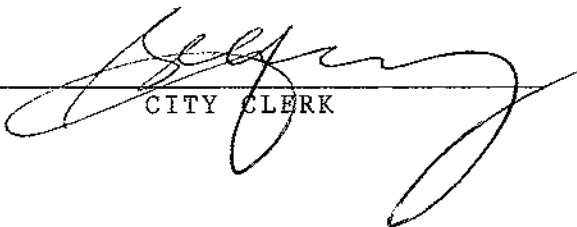
3. This Bylaw shall not come into effect until it has been published once in The B.C. Gazette and in a newspaper published or circulated in the City of Nanaimo, and a certified copy of the Bylaw has been filed in the Victoria Land Title Office, and a Notice of Expropriation has been served on the registered owners of the land.

PASSED FIRST, SECOND AND THIRD READINGS 1982-NOV-15.


ADOPTED 1982-NOV-22.



ACTING M A Y O R



CITY CLERK

 This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.

STATUTORY RIGHT OF WAY PLAN
THROUGH PART OF LOTS 1 and 2, BLK. 2,
SECTION 18, RANGE 7, MOUNTAIN
DISTRICT, PLAN 526.

PURSUANT TO SEC. 113 OF THE LAND TITLES ACT.



LEGEND

BEARINGS ARE ASTRONOMIC AND DERIVED FROM PP 3327

- OIP DENOTES IRON POST FOUND
- IP DENOTES IRON POST SET
- Sq. m. DENOTES SQUARE METERS

ALL DISTANCES ARE IN METERS



SEC. 18

PLAN 21250

I, ROSS N. GLOVER A BRITISH COLUMBIA LAND SURVEYOR OF COURTENAY IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE 2nd DAY OF NOVEMBER, 1982.

Ross N. Glover B.C.L.S.

APPROVED UNDER THE LAND TITLES ACT
THIS _____ DAY OF _____ 1982

APPROVING OFFICER FOR THE CITY OF NANAIMO

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO

16
PLAN 27484

BLOCK 2

Rem. 2
(545.5 sq.m)

PLAN 526
(1133.7)

Rem. 1
(569.6 sq.m)

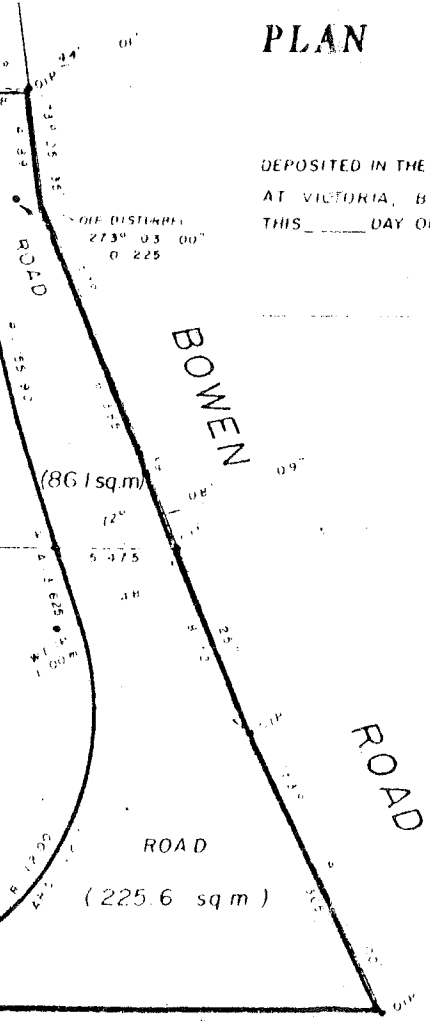
PLAN

DEPOSITED IN THE LAND TITLE OFFICE
AT VICTORIA, B.C.
THIS _____ DAY OF _____ 1982

REGISTRAR

LANE 148.0 m

NORTHFIELD ROAD



McELHANNAY ASSOCIATES
PROFESSIONAL LAND SURVEYORS
445 - SIXTH STREET
COURTENAY, B.C. V9N 6V4
FILE 303156 DWG A

CITY OF NANAIMO

BYLAW NO. 2532

A BYLAW TO ACQUIRE LANDS BY EXPROPRIATION
FOR THE PURPOSE OF WIDENING BOWEN ROAD

WHEREAS the City Council of the City of Nanaimo deems it necessary to acquire property for the purpose of widening Bowen Road;

AND WHEREAS Section 578 of the Municipal Act, R.S.B.C. 1979, c.290 provides that, the City Council may, by bylaw, establish a highway or any portion of a highway;

AND WHEREAS Section 578(3) of the Municipal Act, R.S.B.C., 1979, c.290 provides that, the City Council may acquire property by expropriation and have free entry thereon;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "BOWEN ROAD EXPROPRIATION BYLAW 1982 NO. 2532".

2. Pursuant to Section 578(3) and subject to Division 4 of Part XII of the Municipal Act, R.S.B.C., 1979, c.290, the City of Nanaimo is hereby authorized to enter on, expropriate, break up, take and enter into possession of and use for the purpose of widening Bowen Road, all and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Nanaimo, in the Province of British Columbia, more particularly described as those parts of Lots 7, 8 and 9, Block 1, Section 17, Range 7, Mountain District, Plan 526 as shown on a plan of survey prepared by Ross N. Glover, B.C. Land Surveyor and certified on the 5th day of November, 1982.

3. This Bylaw shall not come into effect until it has been published once in The B.C. Gazette and in a newspaper published or circulated in the City of Nanaimo, and a certified copy of the Bylaw has been filed in the Victoria Land Title Office, and a Notice of Expropriation has been served on the registered owners of the land.

PASSED FIRST, SECOND AND THIRD READINGS 1982-DEC-13.

ADOPTED 1983-JAN-10.



M A Y O R



C I T Y C L E R K

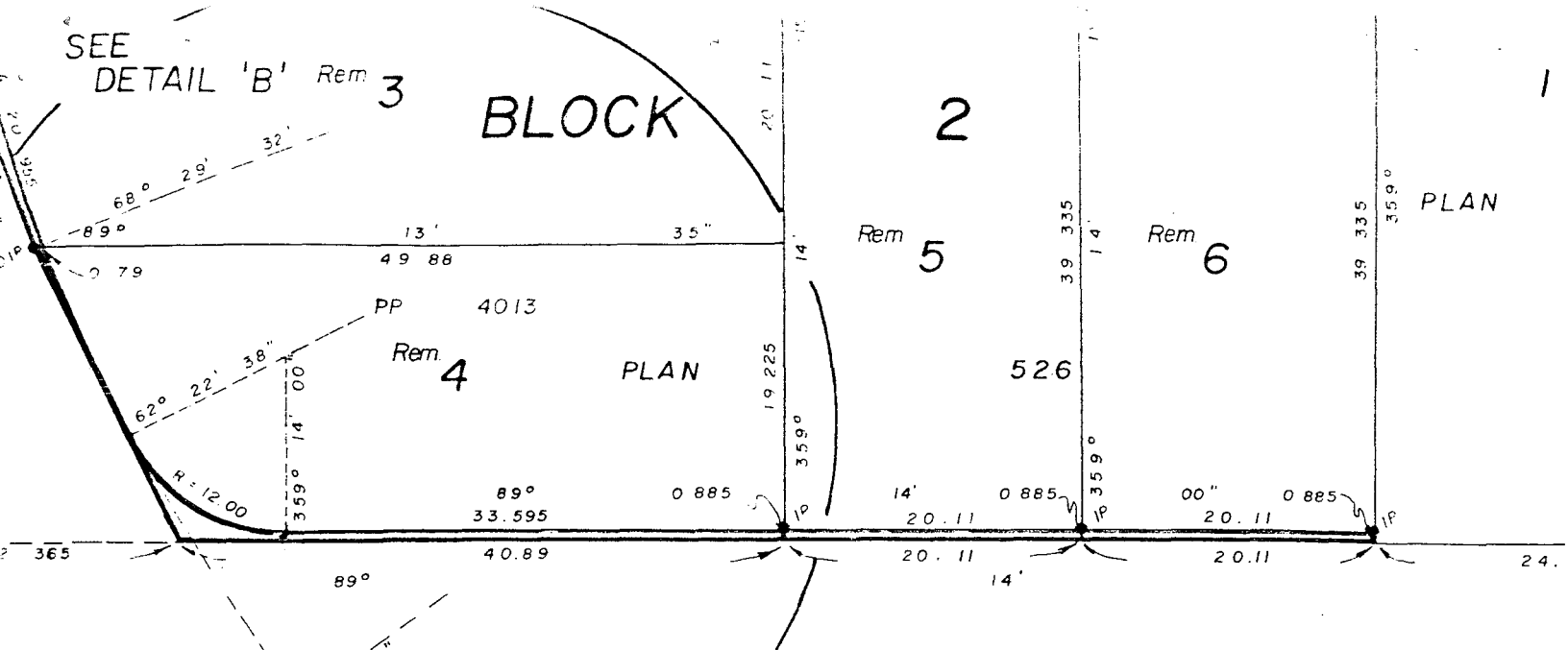
This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.

SEE
DETAIL 'B' Rem 3

BLOCK

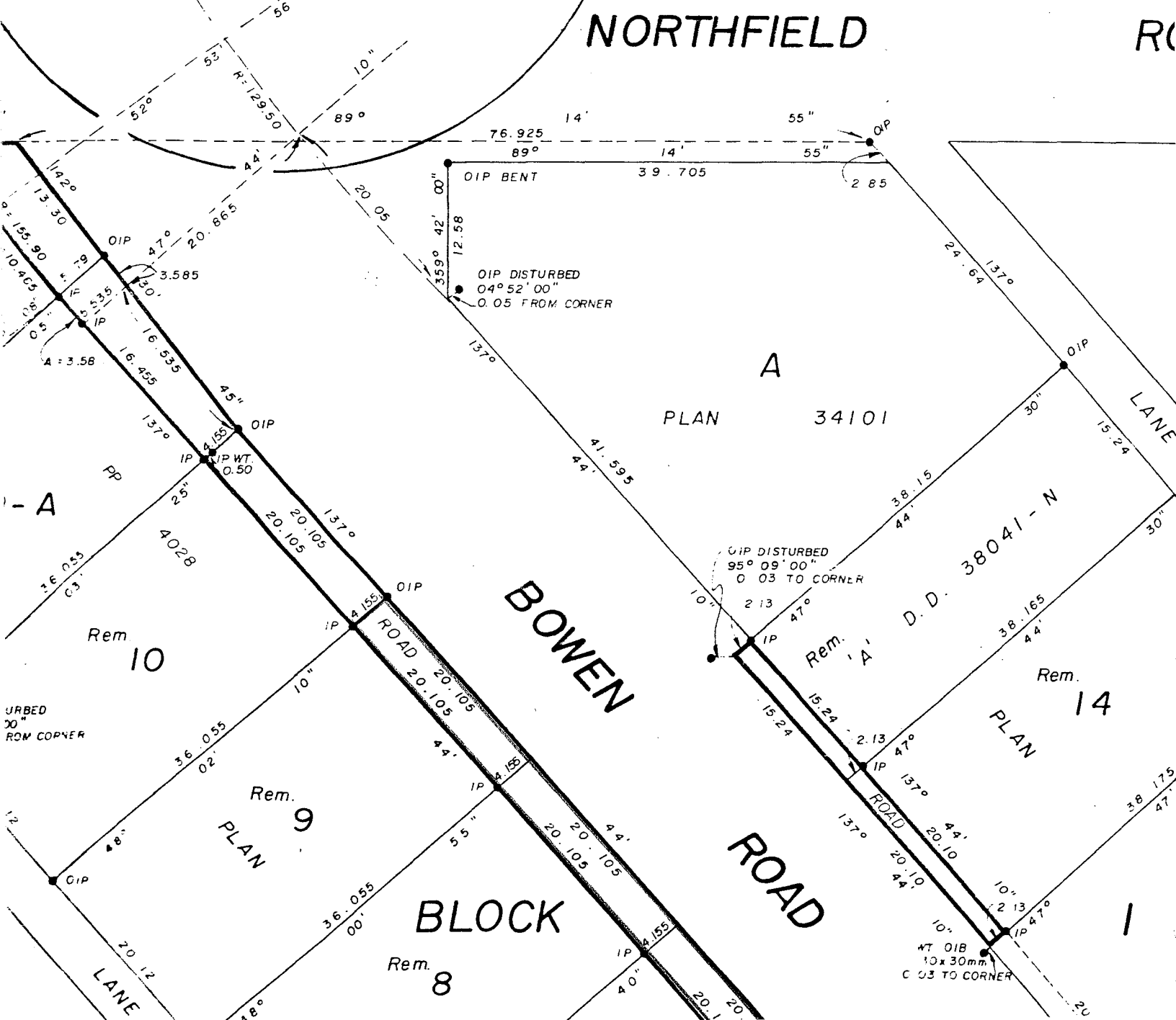
2

PLAN



NORTHFIELD

RO



A

PLAN 34101

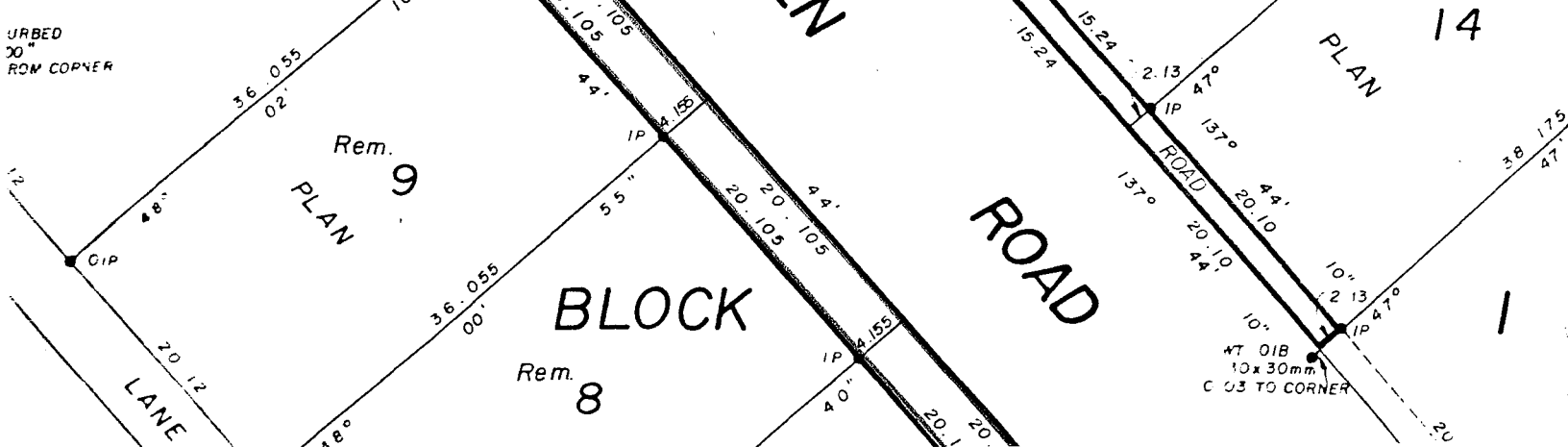
BOWEN

ROAD

BLOCK

8

PLAN 14



CITY OF NANAIMO

BYLAW NO. 2541

A BYLAW TO ACQUIRE LANDS BY EXPROPRIATION
FOR THE PURPOSE OF WIDENING BOWEN ROAD

WHEREAS the City Council of the City of Nanaimo deems it necessary to acquire property for the purpose of widening Bowen Road;

AND WHEREAS Section 578 of the Municipal Act, R.S.B.C. 1979, c.290 provides that, the City Council may, by bylaw, establish a highway or any portion of a highway;

AND WHEREAS Section 578(3) of the Municipal Act, R.S.B.C., 1979, c.290 provides that, the City Council may acquire property by expropriation and have free entry thereon;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "BOWEN ROAD EXPROPRIATION BYLAW 1983 NO. 2541".

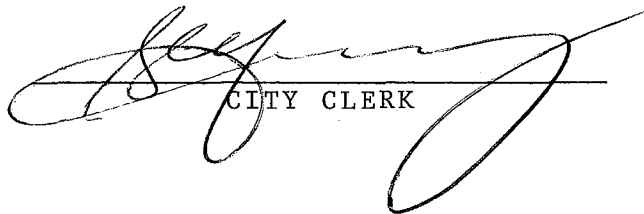
2. Pursuant to Section 578(3) and subject to Division 4 of Part XII of the Municipal Act, R.S.B.C., 1979, c.290, the City of Nanaimo is hereby authorized to enter on, expropriate, break up, take and enter into possession of and use for the purpose of widening Bowen Road, all and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Nanaimo, in the Province of British Columbia, more particularly described as that part of Lot 10, Block 1, Section 17, Range 7, Mountain District, Plan 526 shown outlined in red on a plan of survey prepared by Ross N. Glover, B.C. Land Surveyor and certified on the 5th day of November, 1982.

3. This Bylaw shall not come into effect until it has been published once in The B.C. Gazette and in a newspaper published or circulated in the City of Nanaimo, and a certified copy of the Bylaw has been filed in the Victoria Land Title Office, and a Notice of Expropriation has been served on the registered owners of the land.

PASSED FIRST, SECOND AND THIRD READINGS 1983-JAN-10.

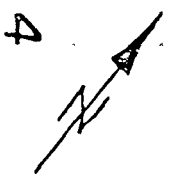
ADOPTED 1983-JAN-24.


M A Y O R


CITY CLERK

This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.





NORTHFIELD

BOWEN

LOT A

PLAN 34101

Pct 1/4
OF
(D.D. 38041-N)
LOT 13

BLK.

[Signature]
14

10^B

10^A

AREA = 83.4 m²
(897.9 ft²)

10

SEE

PLAN P.P.

9

3406

8

BLK.

1

Plan

7

LANE

4.15
20.1
4.15

PROPOSED LAND ACQUISITION SKETCH

LOT 10, BLK 1 PLAN 526

SCALE 1:500

OCT. 1982



City of Nanaimo

CITY OF NANAIMO

BYLAW NO. 2594

A BYLAW TO ACQUIRE LANDS BY EXPROPRIATION
FOR THE PURPOSE OF WIDENING IRWIN STREET

WHEREAS the City Council of the City of Nanaimo deems it necessary to acquire property for the purpose of widening Irwin Street;

AND WHEREAS Section 578 of the Municipal Act, R.S.B.C. 1979, c.290 provides that, the City Council may, by bylaw, establish a highway or any portion of a highway;

AND WHEREAS Section 578(3) of the Municipal Act, R.S.B.C., 1979, c.290 provides that, the City Council may acquire property by expropriation and have free entry thereon;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "EXPROPRIATION BYLAW 1983 NO. 2594".

2. Pursuant to Section 578(3) and subject to Division 4 of Part XII of the Municipal Act, R.S.B.C., 1979, c.290, the City of Nanaimo is hereby authorized to enter on, expropriate, break up, take and enter into possession of and use for the purpose of widening Bowen Road, all and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Nanaimo, in the Province of British Columbia, more particularly described as that part of Lot 20, Block 8, Section 1, Nanaimo District, Plan 584 lying to the northeast of a straight line joining points on the northerly and southerly boundaries of said Lot distant 34-feet and 4-feet respectively from the northeasterly and southeasterly corners of said Lot.

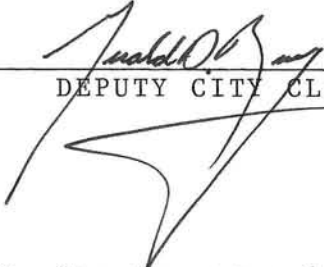
3. This Bylaw shall not come into effect until it has been published once in The B.C. Gazette and in a newspaper published or circulated in the City of Nanaimo, and a certified copy of the Bylaw has been filed in the Victoria Land Title Office, and a Notice of Expropriation has been served on the registered owners of the land.

PASSED FIRST, SECOND AND THIRD READINGS 1983-MAY-30.

ADOPTED 1983-JUN-20.

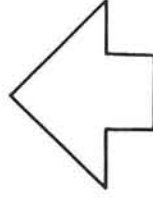


M A Y O R



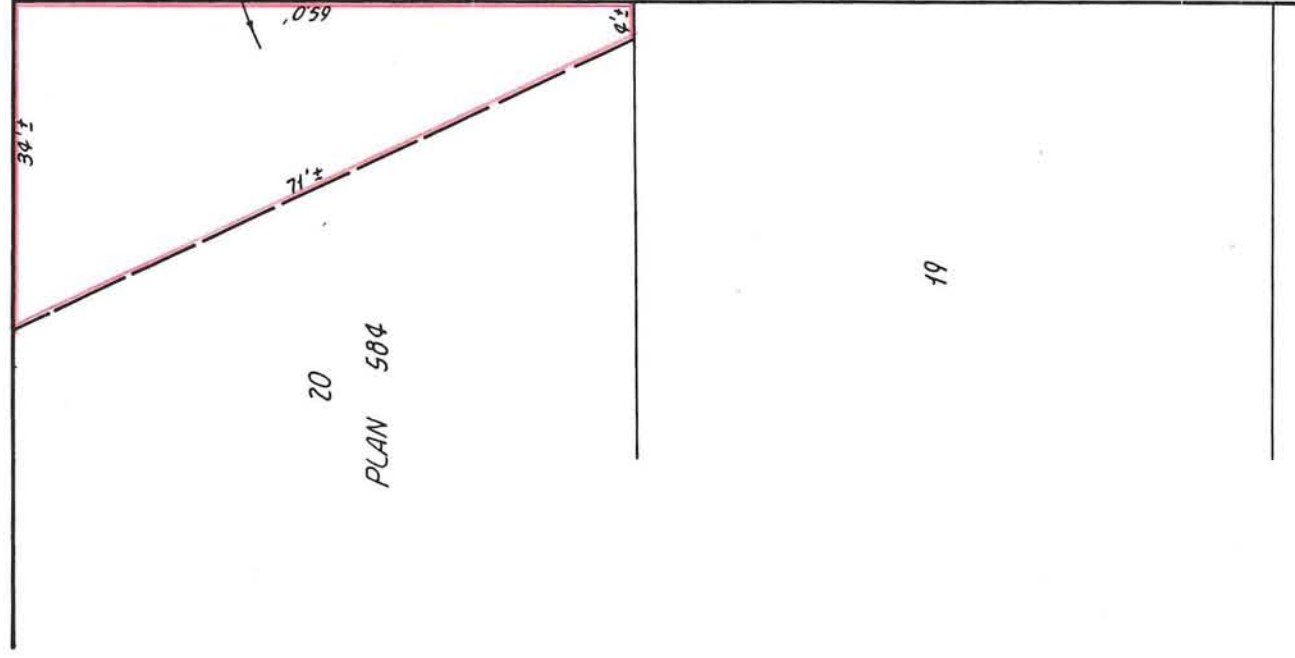
D E P U T Y C I T Y C L E R K

This bylaw was not advertised in the B. C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.



CRACE ST.

ESPLANADE



PROPOSED ACQUISITION
 (AREA REQ'D. = 1235 ± SQ. FT.
 OR 114.8 ± SQ. M)

IRWIN ST.

BYLAW NO. 2594



City of Nanaimo

Project:
PROPOSED LAND ACQUISITION SKETCH
 COVERING LOT 20, BLOCK 8,
 PLAN 584

Scale: 1" = 20'
 Drawn: A.R.D.
 Date: MAY 1983
 Dwg. No.

CITY OF NANAIMO

BYLAW NO. 2738

A BYLAW TO AUTHORIZE THE MUNICIPALITY TO ENTER UPON,
EXPROPRIATE, BREAK UP, TAKE AND ENTER INTO POSSESSION
OF AND USE LANDS FOR SEWER PURPOSES

WHEREAS the Council of the City of Nanaimo deems it necessary to acquire property for sewer purposes; and

WHEREAS the Council may, by bylaw, pursuant to section 611 of the Municipal Act, provide for the establishment of a system of sewerage works for the collection, conveyance and disposal of sewage, or drainage works for the impounding, conveying and discharging of surface and other waters, or both, or a combination of them;

AND WHEREAS Section 611(4) of the Municipal Act provides that, the Council may acquire property by expropriation and have free entry thereon;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as the "EXPROPRIATION BYLAW 1984 NO. 2738".

2. Pursuant to Section 611(4) and subject to Division 4 of Part X11 of the Municipal Act, the City of Nanaimo is hereby authorized to enter on, expropriate, break up, take and enter into possession of and use and does hereby expropriate for sewer purposes all that interest as set out in the right-of-way document attached hereto and forming a part of this bylaw in and to, all and singular that certain parcel or tract of land and premises situate, lying and being in the Municipality of Nanaimo, in the Province of British Columbia, more particularly described as: Those Parts of The Common Property of Strata Plan 1041 included in Plan 37090.

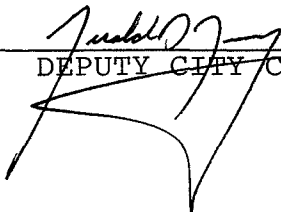
3. The Mayor and Clerk are hereby empowered to do all things necessary to give effect to this bylaw.

PASSED FIRST, SECOND AND THIRD READINGS 1984-JUL-09.

ADOPTED 1984-JUL-30.



M A Y O R



D E P U T Y C I T Y C L E R K

Note: This bylaw was not advertised in the B.C. Gazette or a local newspaper, and was not filed in the Land Title Office as the matter was resolved other than by expropriation.

K105913

RE Hooper
SMB

Deposited in the Land Title Office
this 17 day of Nov 1971
Deputy Registrar

REFERENCE PLAN OF STATUTORY RIGHT OF WAY THROUGH THE COMMON PROPERTY OF STRATA PLAN 1041, NAIMO DISTRICT,

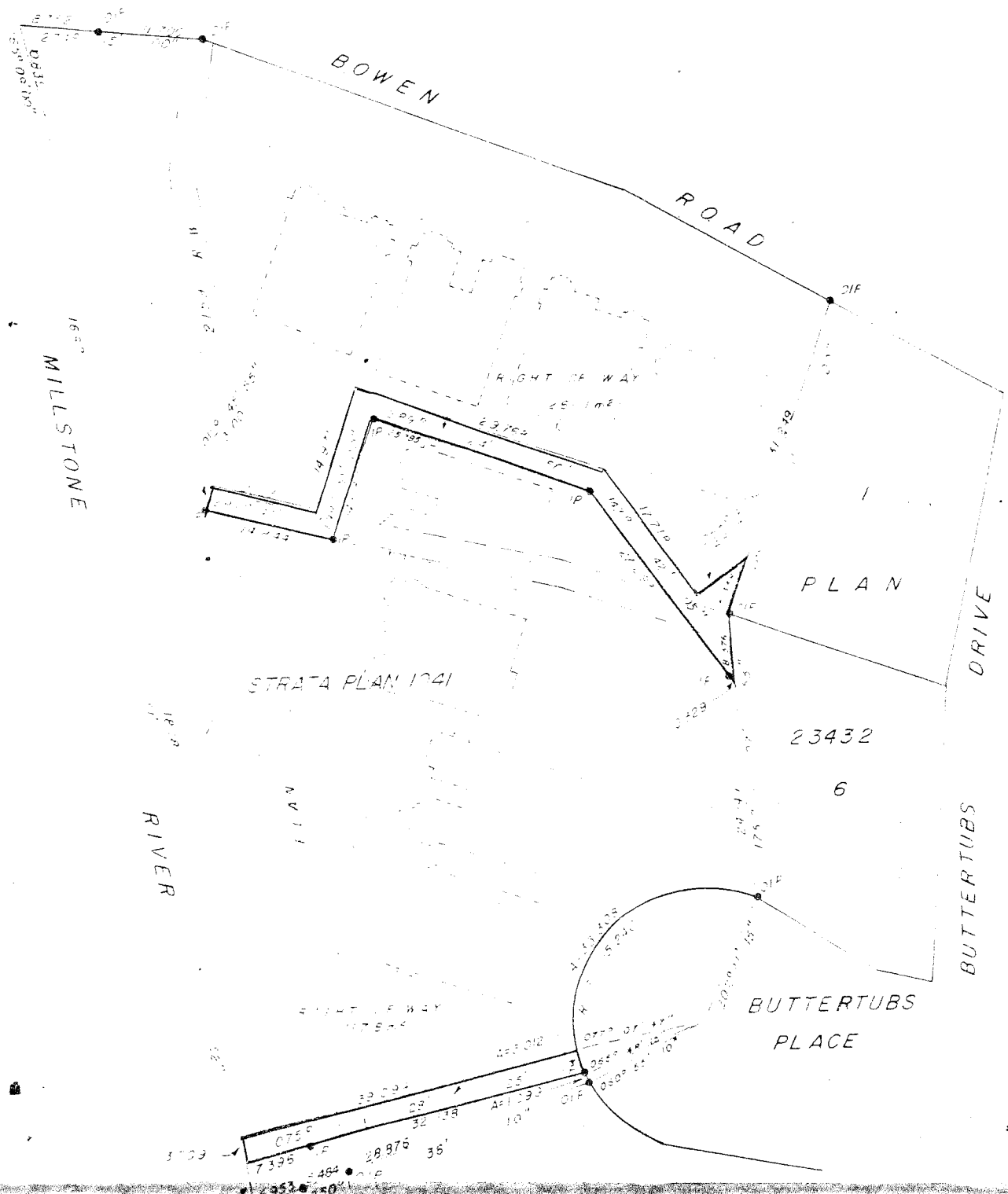
located within the Naimo Regional District

City of Naimo

Mayor

DEPUTY DEP. Clerk

Legend:
● - Boundary - R.O.W. - 20' wide
● - D.I.F. - Boundary - R.O.W. - 25' wide
Distances are derived from Strata Plan 1041
Distances are in metres



CITY OF NANAIMO

BYLAW NO. 3140

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw, pursuant to section 735 of the Municipal Act authorize the removal of a building, structure or thing that contravenes a bylaw; and

WHEREAS the sign more particularly described in Schedule 'A' hereto is in contravention of "SIGN BYLAW 1982 NO. 2200".

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "SIGN REMOVAL BYLAW 1986 NO. 3140".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.
3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located, by personal service of the notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1986-NOV-17.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw 3140

SCHEDULE 'A'

Civic address of property upon which the sign is located:

211 Terminal Avenue N, Nanaimo, B.C.

Legal description of parcel of land on which the sign is located:

Lots 1 and 16, Section 1, Plan 10490

Full description of the sign as to design and message:

One (1) plywood rooftop sign, white, green and red in colour displaying message of Al Johnson's, All Work guaranteed, Automotive Repair Centre, Certified Mechanics, Repairs to All Makes & Models, Alignment Specialists

Bylaw 3140

SCHEDULE 'B'

NOTICE TO:

Norma J. Roberts
(Owner)

4014 West 33rd Avenue

Vancouver, B.C. V6N 2S1
(Address)

Al Johnson's Automotive Repair Centre
(Occupier and/or tenant)

211 Terminal Avenue, Nanaimo, B.C. V9S 4J4
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

CITY OF NANAIMO

BYLAW NO. 3142

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw, pursuant to section 735 of the Municipal Act authorize the removal of a building, structure or thing that contravenes a bylaw; and

WHEREAS the sign more particularly described in Schedule 'A' hereto is in contravention of "SIGN BYLAW 1982 NO. 2200".

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "SIGN REMOVAL BYLAW 1986 NO. 3142".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.
3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located, by personal service of the notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1986-NOV-17.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw 3142

SCHEDULE 'A'

Civic address of property upon which the sign is located:

464 Terminal Avenue N., Nanaimo, B.C.

Legal description of parcel of land on which the sign is located:

Lot A, Block 12, Section 1, Plan 28046

Full description of the sign as to design and message:

Two (2) plywood rooftop signs, green and red in colour displaying message of MIDLAND LIQUIDATORS.

Four (4) plywood temporary portable signs green and red in colour displaying message MIDLAND LIQUIDATORS OPEN.

Bylaw 3142

SCHEDULE 'B'

NOTICE TO:

Tonecraft Realty Ltd.
(Owner)

750-999 West Hastings Street

Vancouver, B.C. V6C 2W2
(Address)

True-Value Liquidators
(Occupier and/or tenant)

464-480 Terminal Avenue, Nanaimo, B.C. V9S 4J9
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

CITY OF NANAIMO

BYLAW NO. 3148

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw, pursuant to section 735 of the Municipal Act authorize the removal of a building, structure or thing that contravenes a bylaw; and

WHEREAS the sign more particularly described in Schedule 'A' hereto is in contravention of "SIGN BYLAW 1982 NO. 2200".

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "SIGN REMOVAL BYLAW 1986 NO. 3148".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.
3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located, by personal service of the notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1986-NOV-17.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw 3148

SCHEDULE 'A'

Civic address of property upon which the sign is located:

6450 Metral Drive, Nanaimo, B.C.

Legal description of parcel of land on which the sign is located:

Lot 2, Section 12, Plan 12124

Full description of the sign as to design and message:

Two (2) yellow temporary portable signs capable of displaying messages than can change from time to time bearing serial numbers 0634 and 98950.

Bylaw 3148

SCHEDULE 'B'

NOTICE TO:

Nielsen Development Co. Ltd.
(Owner)

6450 Metral Drive

Nanaimo, B.C.
(Address)

Northgate Motor Inn
(Occupier and/or tenant)

6450 Metral Drive, Nanaimo, B.C.
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

CITY OF NANAIMO

BYLAW NO. 3150

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw, pursuant to section 735 of the Municipal Act authorize the removal of a building, structure or thing that contravenes a bylaw; and

WHEREAS the sign more particularly described in Schedule 'A' hereto is in contravention of "SIGN BYLAW 1982 NO. 2200".

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "SIGN REMOVAL BYLAW 1986 NO. 3150".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.
3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located, by personal service of the notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1986-NOV-17.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw 3150

SCHEDULE 'A'

Civic address of property upon which the sign is located:

42 Nicol Street, Nanaimo, B.C.

Legal description of parcel of land on which the sign is located:

Lot PCL A(9405N) of 4, Block AA, Section 1, Plan 584

Full description of the sign as to design and message:

Two (2) plywood facia signs black and white in colour displaying message
SECOND HAND STORE

Bylaw 3150

SCHEDULE 'B'

NOTICE TO: Douglas Grant
(Owner)

Watson Settlement, R.R. #7
Woodstock, Newbrunswick E0J 2B0
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

Bylaw 3150

SCHEDULE 'B'

NOTICE TO: George Fredricks
(Owner)

710 Fitzwilliam Street
Nanaimo, B.C. V9R 5B6
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

CITY OF NANAIMO

BYLAW NO. 3151

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw, pursuant to section 735 of the Municipal Act authorize the removal of a building, structure or thing that contravenes a bylaw; and

WHEREAS the sign more particularly described in Schedule 'A' hereto is in contravention of "SIGN BYLAW 1982 NO. 2200".

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as "SIGN REMOVAL BYLAW 1986 NO. 3151".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.
3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located, by personal service of the notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1986-NOV-17.
NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw 3151

SCHEDULE 'A'

Civic address of property upon which the sign is located:

398 Bruce Avenue, Nanaimo, B.C.

Legal description of parcel of land on which the sign is located:

Lots 4 and 5, Block 1, Section 1, Plan 1476

Full description of the sign as to design and message:

Yellow temporary portable sign capable of displaying messages than can change from time to time.

Bylaw 3151

SCHEDULE 'B'

NOTICE TO:

Nick Apostolopoulos
(Owner)

4655 Cascade Place

Powell River, B.C.
(Address)

Little George's Restaurant
(Occupier and/or tenant)

398C Bruce Avenue, Nanaimo, B.C. V9R 3Y1
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign as more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1982 NO. 2200";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said Bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of service of this Notice upon you notice of your intention to appeal the decision of the Council to the County Court;

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day
of , 1986.

CITY CLERK

CITY OF NANAIMO

BYLAW NO. 3204

A BYLAW TO AMEND THE
"DEVELOPMENT APPROVAL PROCEDURES BYLAW 1987 NO. 3168"

WHEREAS the Council may establish procedures and fees by bylaw, pursuant to Sections 954, 980, 988 and 976 of the Municipal Act;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "DEVELOPMENT APPROVAL PROCEDURES AMENDMENT BYLAW 1987 NO. 3204"

2. The "DEVELOPMENT APPROVAL PROCEDURES BYLAW 1987 NO. 3168" is hereby amended as follows:

(1) By deleting in entirety Schedule 'B' "Application Fees" and replacing it with the attached Schedule 'B'.

PASSED FIRST, SECOND AND THIRD READINGS 1987-MAY-25.

NOT ADOPTED.

M A Y O R

CITY CLERK

SCHEDULE 'B'

APPLICATION FEES

1. The following fees shall be paid at the time of application, as follows:
 1. An applicant for a Development Permit shall, at the time of filing an application, pay to the City of Nanaimo \$250.00.
 2. An applicant for a Development Variance Permit shall, at the time of filing an application, pay to the City of Nanaimo \$150.00.
 3. An applicant for an amendment to the Official Community Plan shall, at the time of filing an application, pay to the City of Nanaimo \$250.00.
 4. An applicant for an amendment to the Zoning Bylaw shall, at the time of filing an application, pay to the City of Nanaimo:
 - (a) For an application to rezone lands to a residential, residential rural, or rural zone, \$150.00.
 - (b) For any other application for an amendment to the Zoning Bylaw, \$250.00.
 5. An applicant for a waiver for the holding of a public hearing shall, at the time of filing an application, pay to the City of Nanaimo, no fee.
 6. An applicant for a Temporary Commercial and Industrial Permit shall, at the time of filing an application, pay to the City of Nanaimo, \$250.00.
 7. An applicant for an amendment to a land use contract shall, at the time of application, pay to the City of Nanaimo, \$250.00.
 8. When an application proceeds to a Public Hearing, an additional \$250.00 shall be paid.
 9. Fees are not refundable.

CITY OF NANAIMO

BYLAW NO. 3256

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN OR SIGNS

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw pursuant to Section 735 of the Municipal Act, authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw or Council believes is in an unsafe condition; and

WHEREAS the signs more particularly described in Schedule 'A' attached hereto and forming part of this bylaw are in contravention of "SIGN BYLAW 1987 NO. 2850" or are in such a condition as to be dangerous to the community.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as "SIGN REMOVAL BYLAW 1987 NO. 3256".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the signs more particularly described in Schedule 'A' attached hereto and forming part of this bylaw.
3. Thirty (30) days notice of the contemplated removal of the signs shall be given to the owner, tenant or occupier of the real property on which the signs are located as set out in Schedule 'B' attached hereto and forming part of this bylaw.

PASSED FIRST, SECOND AND THIRD READINGS 1987-SEP-14.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw No. 3256

SCHEDULE 'A'

Civic address of property upon which the signs are located:

3601 Shenton Road, Nanaimo, B. C.

Legal description of parcel of land on which the signs are located:

Lot 5 & 6, Section 3, Wellington District, Plan 13166.

Full description of the signs as to design and message:

- Sign No. 1 - Painted Wall Sign
 - Advertising : - "Eagle Collision"
 - Dimensions : - 8' high x 32' wide
- Sign No. 2 - Facia Sign
 - Advertising : - "Mid Island Towing"
 - Dimensions : - 4' high x 8' wide
 - Structure : - Plywood
- Sign No. 3 - Facia Sign
 - Advertising : - "Eagle Collision"
 - Dimensions : - 4' high x 48' wide
 - Structure : - Plywood
- Sign No. 4 - Canopy Sign
 - Advertising : - "Quick Change"
 - Dimensions : - 4' high x 8' wide
 - Structure : - Plywood
- Sign No. 5 - Facia Sign
 - Advertising : - "Mid Island Towing"
 - Dimensions : - 4' high x 8' wide
 - Structure : - Plywood
- Sign No. 6 - Facia Sign
 - Advertising : - "Auto Pride"
 - Dimensions : - 6' high x 24' wide
 - Structure : - Plywood
- Sign No. 7 - Facia Sign
 - Advertising : - "Eagle Collision"
 - Dimensions : - 4' high x 8' wide
 - Structure : - Plywood

Bylaw No. 3256

SCHEDULE 'B'

NOTICE TO: Monarch Holdings Ltd. (Inc. No. 3828A)
(Owner)
No. 11-2544 Dunlevy Street, Victoria, B. C. V8R 5Z3
(Address)
Eagle Collision Repairs
(Occupier and or tenant)
3601 Shenton Road, Nanaimo, B. C. V9T 2H1
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the signs more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which signs contravene City of Nanaimo "SIGN BYLAW 1987 NO. 2850";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the signs authorized by the said bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of this Notice, notice of your intention to appeal the decision of the Council to the County Court;

Bylaw No. 3256

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day of ,
1987.

.....
K. B. DAVIS
DEPUTY ADMINISTRATOR

pc: Mid Island Towing
Auto Pride
Quick Change Lubrication
Eagle Collision Repairs
Eagle Automotive 1987

Address for all of the above:

3601 Shenton Road,
Nanaimo, B. C.
V9T 2H1

BYLAW/233

CITY OF NANAIMO

BYLAW NO. 3306

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN OR SIGNS

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw pursuant to Section 735 of the Municipal Act, authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw or Council believes is in an unsafe condition; and

WHEREAS the sign more particularly described in Schedule 'A' attached hereto and forming part of this bylaw is in contravention of "SIGN BYLAW 1987 NO. 2850" or is in such a condition as to be dangerous to the community.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as "SIGN REMOVAL BYLAW 1988 NO. 3306".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' attached hereto and forming part of this bylaw.

3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located as set out in Schedule 'B' attached hereto and forming part of this bylaw.

PASSED FIRST, SECOND AND THIRD READINGS 1988-FEB-04.

M A Y O R

CITY CLERK

Bylaw No. 3306

SCHEDULE 'A'

Civic address of property upon which the sign is located:

398 Bruce Avenue, Nanaimo, B. C.

Legal description of parcel of land on which the sign is located:

Lots 4 & 5, Block 1, Section 1, Plan 1476

Full description of the sign as to design and message:

Yellow/orange temporary portable (Read-o-Graph) varying messages

Bylaw No. 3306

SCHEDULE 'B'

NOTICE TO: Nick Apostolopoulos
(Owner)
Tomada, 4102 Gordon Avenue, Powell River, B. C. V8A 2V2
(Address)
Little George's Restaurant
(Occupier and or tenant)
398C Bruce Avenue, Nanaimo, B. C.
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1987 NO. 2850";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of this Notice, notice of your intention to appeal the decision of the Council to the County Court;

Bylaw No. 3306

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day of ,
1988.

.....

K. B. DAVIS
DEPUTY ADMINISTRATOR

CITY OF NANAIMO

BYLAW NO. 3323

A BYLAW TO AUTHORIZE THE REMOVAL OF A SIGN OR SIGNS

WHEREAS the Municipal Council of the City of Nanaimo may, by bylaw pursuant to Section 735 of the Municipal Act, authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw or Council believes is in an unsafe condition; and

WHEREAS the sign more particularly described in Schedule 'A' attached hereto and forming part of this bylaw is in contravention of "SIGN BYLAW 1987 NO. 2850" or is in such a condition as to be dangerous to the community.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as "SIGN REMOVAL BYLAW 1988 NO. 3323".
2. The City of Nanaimo by its workmen or agents is hereby authorized to remove the sign more particularly described in Schedule 'A' hereto.

Bylaw No. 3323

- 2 -

3. Thirty (30) days notice of the contemplated removal of the sign shall be given to the owner, tenant or occupier of the real property on which the sign is located and the owner of the sign, by personal service of this notice as set out in Schedule 'B' hereto.

PASSED FIRST, SECOND AND THIRD READINGS 1988-MAR-28.

NOT ADOPTED.

M A Y O R

CITY CLERK

Bylaw No. 3323

SCHEDULE 'A'

Civic address of property upon which the sign is located:

702 Nicol Street, Nanaimo, B. C.

Legal description of parcel of land on which the sign is located:

Lot A, Section 1, Plan 41876, L.D. 32

Full description of the sign as to design and message:

Portable non-illuminated sign advertising gas discounts (approximately 32 sq. ft. in diameter)

Bylaw No. 3323

SCHEDULE 'B'

NOTICE TO: Payless Gas Co. (1972) Ltd.
(Owner)
P. O. Box 7100, Stn. D, Victoria, B. C. V8B 4Z2
(Address)
Payless Gas
(Occupier and or tenant)
702 Nicol Street, Nanaimo, B. C. V9R 4V1
(Address)

TAKE NOTICE THAT the City of Nanaimo has, by bylaw, under Section 735 of the Municipal Act authorized the removal of the sign more particularly described in Schedule 'A' to the bylaw, a copy of which bylaw and Schedule 'A' are attached to this Notice, which sign contravenes City of Nanaimo "SIGN BYLAW 1987 NO. 2850";

FURTHER TAKE NOTICE THAT you are hereby given thirty (30) days notice of the contemplated removal of the sign authorized by the said bylaw;

FURTHER TAKE NOTICE THAT an appeal lies to the County Court of Nanaimo against the contemplated action of the Council of the City of Nanaimo;

FURTHER TAKE NOTICE THAT if you intend to appeal the contemplated action to the County Court you shall give to the City of Nanaimo within ten (10) days from the date of this Notice, notice of your intention to appeal the decision of the Council to the County Court;

Bylaw No. 3323

FURTHER TAKE NOTICE THAT if you appeal to the County Court, the County Court shall finally determine the matter and make such order as it believes proper, but a further appeal from a decision of the County Court lies to the Court of Appeal with leave of a Justice of the Court of Appeal.

THIS NOTICE is given by the City of Nanaimo this day of ,
1988.

K. B. DAVIS
DEPUTY ADMINISTRATOR

ABANDONED

CITY OF NANAIMO

BYLAW NO. 5683

A BYLAW TO CREATE A BUSINESS IMPROVEMENT AREA

WHEREAS the Council may, by majority vote, grant money to an applicant under Section 215 of the *Community Charter* for the purpose of the planning and implementation of a Business Promotion Scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a Bylaw as required by Sections 211(2) and 215 of the *Community Charter*,

AND WHEREAS the Council has had an application for a grant of money under Section 215 of the *Community Charter*;

THEREFORE BE IT RESOLVED that the City of Nanaimo in open meeting assembled hereby enacts as follows:

1. Title

This Bylaw may be cited as "BUSINESS IMPROVEMENT AREA BYLAW 2004 NO. 5683". (B.I.A. No. 6)

2. Definitions

In this Bylaw, unless the context otherwise requires:

- | | |
|-----------------------------|--|
| “Applicant” | means the Nanaimo City Centre Association. |
| “Business Improvement Area” | means the area of the City designated by Section 3 of this Bylaw. |
| “Business Promotion Scheme” | means: <ul style="list-style-type: none">(a) carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on,(b) improving, beautifying or maintaining streets, sidewalks or municipally owned land, buildings or other structures in one or more business improvement areas,(c) the removal of graffiti from buildings and other structures in one or more business improvement areas,(d) conserving heritage property in one or more business improvement areas, and |

(e) encouraging business in one or more business improvement areas,

in accordance with the plan set out in Schedule "B".

"City"

means the City of Nanaimo.

"Council"

means the Council of the City.

"Parcel"

means all properties that are taxable for General Municipal Purposes that fall or would fall within Class 5 or 6 of the Assessment-Classes and Percentage Levels Regulation, B.C. Reg. 438/81.

3. Designation of Area

For the purposes of this Bylaw, the Business Improvement Area to which this Bylaw is applicable shall be comprised of that tract of land shown in heavy outline on Schedule "A" attached hereto and forming part of this Bylaw, and shall be commonly referred to as Business Improvement Area No. 6.

4. Grant

4.1 For the purposes of this Bylaw, the maximum amount of money to be granted to the Applicant under this Bylaw pursuant to Section 215 of the *Community Charter* is as follows:

4.1.1 in the calendar year 2004, a sum not to exceed THREE THOUSAND ONE HUNDRED THIRTY SIX DOLLARS (\$3,136.00);

4.1.2 in the calendar year 2005, a sum not to exceed THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00);

4.1.3 in the calendar year 2006, a sum not to exceed THREE THOUSAND TWO HUNDRED SIXTY FOUR DOLLARS (\$3,264.00);

4.1.4 in the calendar year 2007, a sum not to exceed THREE THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS (\$3,328.00);

4.1.5 in the calendar year 2008, a sum not to exceed THREE THOUSAND THREE HUNDRED NINETY TWO DOLLARS (\$3,392.00),

subject to adjustment under Subsection 4.2.

4.2 4.2.1 The City shall grant to the Applicant the money as specified in Section 4.1 of this Bylaw in accordance with the timetable set out in Schedule "D" attached to and forming part of this Bylaw.

4.2.2 The first four quarterly installment payments advanced to the Applicant shall be net of administration costs incurred by the City as outlined in Schedule "D" of this Bylaw.

4.2.3 The City shall pay simple interest to the Applicant on the funds collected from the B.I.A.'s but not yet advanced to the Applicant. The interest rate

paid shall be equal to the Municipal Finance Authority of British Columbia money market fund daily interest rate established on the first day of each installment period.

5. Expenditure

5.1 The money granted under Section 215 of the *Community Charter* pursuant to this Bylaw shall be expended only:

5.1.1 by the Applicant;

5.1.2 in accordance with the conditions and limitations set out in this Bylaw;

5.1.3 for the Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this Bylaw.

6. Cost Recovery

All of the costs of the service established pursuant to this Bylaw shall be recovered within the Business Improvement Area from the owners of the land within that area by a local service tax imposed as a parcel tax in accordance with Section 7.

7. Parcel Tax

7.1 For the purpose of recovering the costs of the service established under this Bylaw pursuant to Section 215 of the *Community Charter*, the Council hereby levies and imposes each year within the Business Improvement Area a parcel tax with respect to each parcel which when multiplied by the number of parcels in the Business Improvement Area will yield the amount of the respective grants set out in Section 4, subject to the following limits:

7.1.1 in the calendar year 2004, a parcel tax at a rate not to exceed ONE HUNDRED NINETY SIX DOLLARS (\$196.00) per parcel;

7.1.2 in the calendar year 2005, a parcel tax at a rate not to exceed TWO HUNDRED DOLLARS (\$200.00) per parcel;

7.1.3 in the calendar year 2006, a parcel tax at a rate not to exceed TWO HUNDRED FOUR DOLLARS (\$204.00) per parcel;

7.1.4 in the calendar year 2007, a parcel tax at a rate not to exceed TWO HUNDRED EIGHT DOLLARS (\$208.00) per parcel;

7.1.5 in the calendar year 2008, a parcel tax at a rate not to exceed TWO HUNDRED TWELVE DOLLARS (\$212.00) per parcel.

8. Conditions and Limitations

- 8.1 The money granted pursuant to Section 215 of the *Community Charter* as outlined in this Bylaw shall be expended by the Applicant for the purpose of carrying out the Business Promotion Scheme more particularly set out in Schedule "B" attached to and forming part of this Bylaw.
- 8.2 The Applicant shall submit to the City an annual audited financial statement that shall be prepared in accordance with generally accepted accounting principles and shall include a Balance Sheet and a Statement of Revenue and Expenditure. The financial statement shall be prepared on a calendar year basis. The financial statement shall be submitted by the Applicant on or before the first day of September in each year of the Business Promotion Scheme.
- 8.3 The Applicant shall submit an annual budget for the approval of the City and, notwithstanding anything in this Bylaw, no payments shall be made unless the budget submitted is within the amounts established by this Bylaw.
- 8.4 The annual budget of the Applicant shall be submitted on or before the first day of June in each year of the Business Promotion Scheme.
- 8.5 The Applicant shall submit a monthly financial statement by the 15th of each following month.

9. Independent Agency

- 9.1 The Applicant is an agency independent from the City and it shall be solely responsible for managing its own affairs and for hiring, compensating, training and providing direction to its own employees.
- 9.2 The Applicant shall pay all expenses in connection with its operation, including, but not limiting the generality of the foregoing, salaries of administration and support staff, rent, stationery, telephone and postage, taxes, electricity, heat and other utility charges, and all other office expenses.
- 9.3 Employees of the Applicant are not employed by the City and as such are not bound by or benefit from the terms and conditions set out in agreements made between the City and its employees.
- 9.4 The Applicant will not in any manner whatsoever commit or purport to commit the City to the payment of any money to any person, firm or corporation.

10. Insurance

The Applicant shall provide to the City copies of insurance policies insuring the Applicant in accordance with the specifications set out in Schedule "C" attached hereto and forming part of this Bylaw, which insurance shall be maintained by the Applicant.

11. Expiration Date

This Bylaw shall cease to have effect on 2009-JUN-30.

12. Merging of Business Improvement Areas

The Business Improvement Area created by this Bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for the merged area.

SCHEDULE "B"

BUSINESS IMPROVEMENT AREA NO. 6

Business Promotion Scheme

1. Marketing (includes advertising, special events)
2. Wages/Benefits
3. Facilities
4. Administration
5. Community Projects (2004-2009)

SCHEDULE "C"

INSURANCE SPECIFICATION

1. The Applicant shall provide and maintain Comprehensive General Liability insurance acceptable to the City and subject to limits of not less than TWO MILLION DOLLARS (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover anyone employed directly or indirectly by the Applicant as well as any contractor or subcontractors hired by the Applicant.
2. The City shall be added as an additional named insured under the Comprehensive General Liability.
3. The Applicant shall provide Employee Fidelity insurance of not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) per employee.
4. The Applicant shall provide the City with a copy of its Comprehensive General Liability and Employee Fidelity Insurance Policies prior to the City providing funding under Section 4 of this Bylaw.
5. The Applicant's Comprehensive General Liability and Employee Fidelity Insurance policies shall contain an endorsement to provide the City within 30 days written notice of change or cancellation.

SCHEDULE "D"
SCHEDULE OF INSTALLMENT PAYMENTS

Payment Date	Payment Amount	Admin Fee
July 2/2004	40% of annual funding	\$150.00
October 1/2004	27% of annual funding	
January 4/2005	15% of annual funding	
April 4/2005	18% of annual funding	
		<hr/> \$150.00 <hr/>

In the remainder of the term of this Bylaw the annual funding shall be provided on a quarterly basis or about the first working day of July, October, January and April as follows:

July	40% of annual funding
October	27% of annual funding
January	15% of annual funding
April	18% of annual funding

MAP OF BUSINESS IMPROVEMENT AREA NO. 6



Bia6.pdf