

THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 68 (NANAIMO-LADYSMITH)

FOREST PARK ELEMENTARY SCHOOL WATERWORKS RIGHT-OF-WAY AND COVENANT BYLAW, 2023

WHEREAS Section 65(5) of the *School Act*, R.S.B.C. 1996, c. 412, provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board of education only by bylaw;

AND WHEREAS:

- (a) The Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the “**Board**”) owns the Forest Park Elementary School site (the “**Property**”);
- (b) the Property is facility number 6868037;
- (c) the address of the Property is 2050 Latimer Road, Nanaimo, British Columbia V9S 2W5, and the legal description of the Property is:

Parcel Identifier: 000-255-696  
Lot A, Section 17, Range 7, Mountain District, Plan 33741;

Parcel Identifier: 008-881-952  
Lot 3, Block 8, Section 17, Range 7, Mountain District, Plan 526;

Parcel Identifier: 008-881-987  
Lot 7, Block 8, Section 17, Range 7, Mountain District, Plan 526;

Parcel Identifier: 008-882-151  
Lot 4, Block 8, Section 17, Range 7, Mountain District, Plan 526 (“**Lot 4**”);

Parcel Identifier: 008-882-177  
Lot 5, Block 8, Section 17, Range 7, Mountain District, Plan 526; and

Parcel Identifier: 008-882-207  
Lot 6, Block 8, Section 17, Range 7, Mountain District, Plan 526;

- (d) the City of Nanaimo (the “**City**”) has asked the Board to grant the City:
  - (i) a statutory right of way (the “**Right-of-Way**”) pursuant to Section 218 of the *Land Title Act*, R.S.B.C. 1996, c. 250, over the portion of Lot 4 shown outlined in bold on the plan attached hereto as Schedule A, in respect of water meters, meter reading devices, electrical connections and other works for measuring the volume of water supplied to the building on the Property (the “**Works**”); and

- (ii) a covenant (the “**Covenant**”) pursuant to Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250, with respect to the use of the Property and the building thereon; and
- (e) the Board is satisfied that the Works will benefit the Board and that the granting of the Right-of-Way and the Covenant will not interfere with the Board’s use of the Property for educational purposes.

NOW THEREFORE be it resolved as a Bylaw that the Board grant the Right-of-Way and Covenant; and

BE IT FURTHER resolved as a Bylaw that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver all documents required to complete the granting of the Right-of-Way and the Covenant on such terms and conditions as the Secretary-Treasurer may consider advisable as witnessed by the signature of the Secretary-Treasurer.

This Bylaw may be cited as “School District No. 68 (Nanaimo-Ladysmith) Forest Park Elementary School Waterworks Right-of-Way and Covenant Bylaw, 2023”.

Read a first time this 26<sup>th</sup> day of April, 2023.

Read a second time this 26<sup>th</sup> day of April, 2023.

Read a third and final time, passed and adopted this 26<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original “School District No. 68 (Nanaimo-Ladysmith) Forest Park Elementary School Waterworks Right-of-Way and Covenant Bylaw, 2023” adopted by the Board this 26<sup>th</sup> day of April, 2023.

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Secretary-Treasurer

SCHEDULE A

