

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

CHASE RIVER ELEMENTARY SCHOOL SANITARY MANHOLE RIGHT-OF-WAY BYLAW, 2024

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 Chase River Elementary School site (the “**Property**”);
- (b) the Property is facility number 6868022;
- (c) the address of the Property is 1503 Cranberry Avenue, Nanaimo, British Columbia V9R 6R7, and the legal description of the Property is:
 - Parcel Identifier: 002-972-379
 - Lot 1, Sections 18 and 19, Cranberry District, Plan 24118 Except that Part in Plan VIP77486;
- (d) the City of Nanaimo (the “**City**”) has asked the Board to grant the City:
 - (i) a blanket statutory right of way over the Property (the “**Blanket Right-of-Way**”) pursuant to Section 218 of the *Land Title Act*, R.S.B.C. 1996, c. 250, in respect of protecting access to the Sanitary Manhole on the Property and systems of sewerage works or waterworks or drainage works, including all related pipes, valves, fittings and other facilities or any combinations of the above (the “**Works**”); and
 - (ii) a specific statutory right of way (the “**Specific Right-of-Way**”) pursuant to Section 218 of the *Land Title Act*, R.S.B.C. 1996, c. 250, in respect of protecting the access to the Works through the manhole located on the Right of Way Area over the **portion of the Property** shown outlined in bold on the plan attached hereto as Schedule A, to facilitate the installation, inspection, operation, repair and maintenance of a system of sewerage works and/or waterworks, and /or drainage works on the Lands (the “**Works**”); and
- (e) the Board is satisfied that the Works will benefit the Board and that the granting of the Right-of-Ways 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 Blanket and Specific Right-of-Ways;
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-Ways 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) Chase River Elementary School Sanitary Manhole Right-of-Way Bylaw, 2024”.

Read a first time this _____ day of _____, 2024.

Read a second time this _____ day of _____, 2024.

All the trustees in attendance having agreed to give this Bylaw three readings at a single meeting, this Bylaw was read a third and final time, passed and adopted this ____ day of _____, 2024.

Chair

Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original “School District No. 68 (Nanaimo-Ladysmith) Chase River Elementary School Sanitary Manhole Right-of-Way Bylaw, 2024” adopted by the Board this _____ day of _____, 2024.

Secretary-Treasurer