

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

HAMMOND BAY ELEMENTARY SCHOOL WATERWORKS RIGHT-OF-WAYS 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 Hammond Bay Elementary School site (the “**Property**”);
- (b) the Property is facility number 106218 _____;
- (c) the address of the Property is 1025 Morningside Drive, Nanaimo, British Columbia V9T 1N5, and the legal description of the Property is:

Parcel Identifier: 003-796-957
LOT A, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 18839
- (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 sewerage works or waterworks or drainage works, including all related pipes, valves, fittings and facilities, or hydro electric works including all related wires, poles, conduits and other facilities or any combination 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, over the **portion of the Property** shown outlined in bold on the plan attached hereto as Schedule A, in respect of protecting a system of sewerage works, or waterworks or drainage works, including all related pipes, valves, fittings and facilities, or any combination of the above (the “**Works**”); and
- (e) the Board is satisfied that the Works will benefit the Board and that the granting of the two 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) Hammond Bay Elementary School Waterworks Right-Of-Ways Bylaw, 2024".

Read a first time this _____ day of _____, 20__.

Read a second time this _____ day of _____, 20__.

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 _____, 20__.

Chair

Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original "School District No. 68 (Nanaimo-Ladysmith) Hammond Bay Elementary School Waterworks Right-Of-Ways Bylaw, 2024" adopted by the Board this _____ day of _____, 20__.

Secretary-Treasurer

Schedule A

**EXPLANATORY PLAN OVER PART OF:
LOT A, DISTRICT LOT 41,
WELLINGTON DISTRICT, PLAN 18839.**

Plan EPP127522

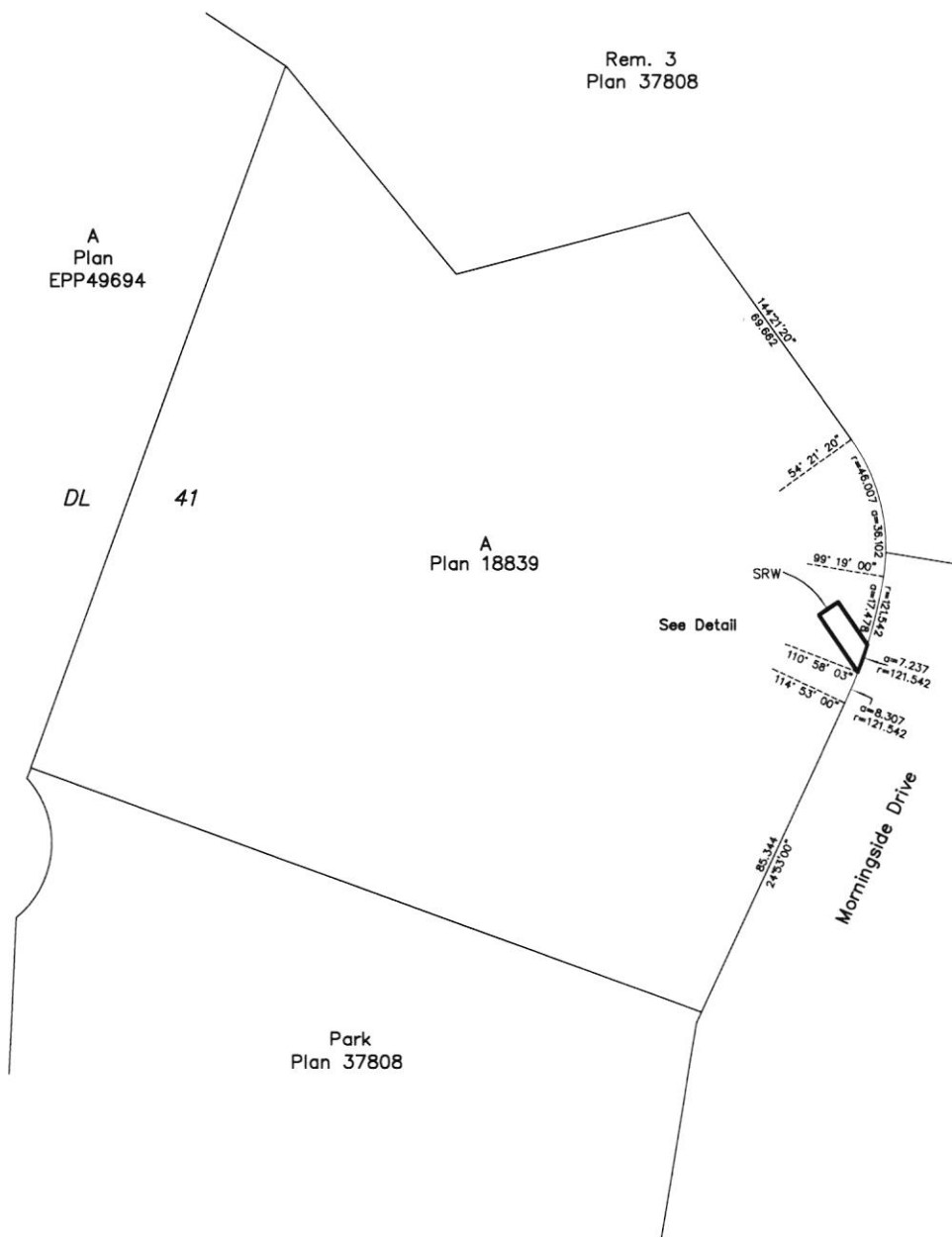
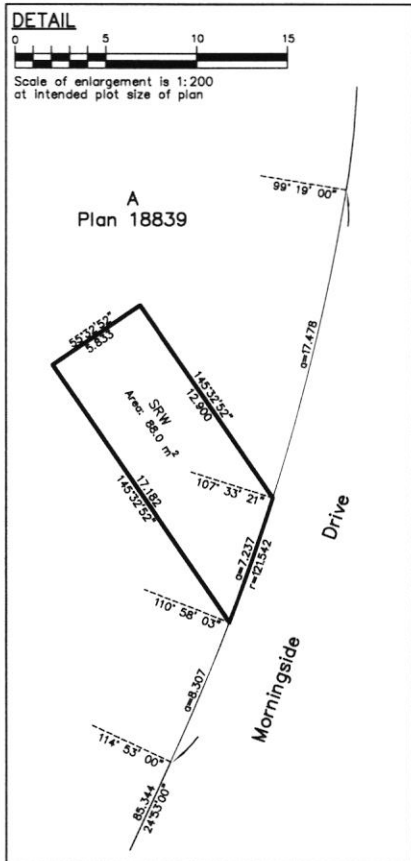
Pursuant to Section 99 (1)(e) of the Land Title Act.
For Statutory Right of Way Purposes
BCGS 92G 021



The intended plot size of this plan is 560mm in height by
432mm in width (C Size) when plotted at a scale of 1:900.

Integrated Survey Area No. 20, City of Nanaimo, NAD83 (CSRS)
3.0.0.BC.1.NVI.

Astronomic bearings are derived from Plan 18839.



This plan lies within the
Regional District of Nanaimo.

Turner & Associates
land surveying

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File: 19-084-A

This plan is based on the following
Land Title and Survey Authority of BC records:
Plan 18839
Matthew D. Schnurch, BCLS 956.
10th day of February, 2023