



THE BOARD OF REGIONAL TRUSTEES OF SCHOOL DISTRICT NO. 93  
(CONSEIL SCOLAIRE FRANCOPHONE DE LA COLOMBIE-BRITANNIQUE)

**NANAIMO WATERWORKS RIGHTS-OF-WAY BYLAW, 2020**

WHEREAS section 65 (5) of the *School Act* 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 only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*, “land” includes any interest in land, including any right, title or estate in it of any tenure;

AND WHEREAS section 96 (3) of the *School Act* provides that a board of education may dispose of land or improvements, or both, subject to the orders of the British Columbia Minister of Education (the “**Minister**”);

AND WHEREAS the Disposal of Land or Improvements Order M193/08 (the “**Disposal Order**”) provides that boards must not dispose of land or improvements by sale and transfer in fee simple or by way of lease or 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5 of the Disposal Order, but the Disposal Order does not require the granting of a right-of-way to be approved by the Minister;

AND WHEREAS:

- (i) City of Nanaimo (“**Nanaimo**”) has requested that the Board of Education of School District No. 93 (Conseil Scolaire Francophone de la Colombie-Britannique) (the “**Board**”) grant in favour of Nanaimo a right-of-way to permit the construction, operation and maintenance of certain waterworks that include a water line for fire suppression, a vault and a radio detection meter (the “**Waterworks**”) on property owned by the Board (the “**Property**”), to be limited to the area shown on Statutory Right-of-Way Plan EPP103505, a reduced copy of which is attached hereto as Schedule A, and a second right-of-way over the entire Property for access to the Waterworks (together, the “**Rights-of-Way**”);
- (ii) the Property is facility number 6868067;
- (iii) the address of the Property is 1951 Estevan Road, Nanaimo, B.C.;
- (iv) the legal description of the Property is:  
  
PID: 009-764-259  
That Part of Section 1, Nanaimo District  
Shown outlined in red on Plan 1283R, except part in Plan EPP5328; and
- (v) the Board is satisfied that the granting of the Rights-of-Way will not interfere with the Board’s use of the Property for educational purposes;

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**LE CONSEIL SCOLAIRE FRANCOPHONE DE LA COLOMBIE-BRITANNIQUE (SD No 93)**

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NOW THEREFORE be it resolved as a Bylaw of the Board that:

1. The Board grant the Rights-of-Way, and the Rights-of-Way be registered against the Lands.
2. The Secretary Treasurer of the Board be and is hereby authorized, on behalf of the Board, to execute and deliver the Rights-of-Way and all ancillary and related documents required to complete the granting of the Rights-of-Way in favour of Nanaimo.
3. This Bylaw may be cited as Conseil Scolaire Francophone de la Colombie-Britannique Nanaimo Waterworks Rights-of-Way Bylaw, 2020.

READ A FIRST TIME THE 19TH DAY OF DECEMBER 2020;  
READ A SECOND TIME THE 19TH DAY OF DECEMBER 2020;

THE MEMBERS OF THE BOARD WHO PRESENT AT THE MEETING HAVING UNANIMOUSLY AGREED TO GIVE THIS BYLAW THREE READINGS AT THE MEETING,

READ A THIRD TIME, PASSED THE 19TH DAY OF DECEMBER 2020.

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Board Chair

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Acting Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original Conseil Scolaire Francophone de la Colombie-Britannique Nanaimo Waterworks Rights-of-Way Bylaw, 2020, adopted by the Board on the 19th day of december, 2020.

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Acting Secretary-Treasurer

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