

M 39581

LAND USE CONTRACT

This Agreement made the

day of

DEC 9 1 18 PM '77
1977

BETWEEN:

CITY OF PRINCE GEORGE

(hereinafter called the Municipality
of the First Part)

AND:

Robert Walters,
Beryl Walters,
Blackburn Road,
Prince George, B.C.(hereinafter called the Developer
of the Second Part;)

WHEREAS the Municipality, pursuant to Section 702 A of the Municipal Act, may, notwithstanding and By-Law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a Land Use Contract containing such terms and conditions for the use and development of land as may be agreed upon with a developer, and thereafter the use and development of the land shall be in accordance with the Land Use Contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of a By-Law of the Municipality or Section 712 or 713 of the Municipal Act or both, and has requested that the Council of the Municipality enter into this contract under the Municipal Act or both, and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702 (2) and 702 A (1) of the Municipal Act, have agreed to the terms, conditions and consideration herein contained;

AND WHEREAS if the land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

MEMORANDUM OF REGISTRATION
Registered the 9 day of Jan, 1978.
on application received at the time written or
stamped on the application.

Substitute Form C
at LUC
on NIL
date of NO
for No
Signature of Applicant

Anna Walden R.W.
1100 Pate Blvd. 564-5151 B.W.

LOT 4, DL 933 C.D. 11.9298

For Plan - See Survey Dept.

✓
8/17/73 PM

LUC
702A
Municipal Act

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a Public Hearing in relation to this Agreement, and considered any opinions expressed at such Hearing, and unless a majority of all the members of the Council voted in favour of a By-Law to authorize the Municipality to enter into this Contract;

NOW THEREFORE this Agreement witnesseth that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

Owner 1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Prince George, in the Province of British Columbia, and being more particularly known and described as:

Land c/T^{o/f} Lot 4, District Lot 633,
81753M Plan 9298

(hereinafter called the "Land")

Consents 2. The Developer has obtained the consent of all persons having a registered interest in the land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

Uses 3. The land, including the surface of water, and any and all buildings and structures erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for none other and shall comply with the special siting provisions set out therein.

Subdivision 4. The area, shape and dimensions of all parcels created by the subdivision of the land including the dimensions, location and alignment of all highways created shall conform to the plans set out in Schedule "G" hereto.

Security and Excessive Costs 5. The Developer shall pay to the Municipality the excessive cost fees set out in Schedule "K" hereto.

By-Law Compliance 6. Except as herein specifically provided, the provisions of the Municipal Act and the By-Laws of the Municipality apply to the land herein described.

R. W.
B. W.

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6. This Agreement shall be construed as running with
 Registration the land and shall be registered in the Land Registry Office
 by the Municipality pursuant to the provisions of Section
 702 A (4) of the Municipal Act.
7. Whenever the singular or masculine is used herein,
 Interpretation the same shall be construed as meaning the plural, feminine
 or body corporate or politic where the context or the
 parties so require.
8. This Agreement shall enure to the benefit of and be
 Binding binding upon the parties hereto and their respective heirs,
 executors, administrators, successors and assigns.

A Public Hearing on the Agreement was held on 27th
 day of June , 1977.

This Agreement was approved on the _____ day of
 , 197 , by By-Law No. 3074.

IN WITNESS WHEREOF the said parties to this agreement
 have hereunto set their hands and seals the day and year
 first above written.

THE CORPORATE SEAL of the)
 CITY OF PRINCE GEORGE was)
 affixed in the presence of;)

[Signature]
 MAYOR)

[Signature]
 CLERK)

SIGNED, SEALED AND DELIVERED)
 in the presence of;)

[Signature]
 (name))

K. C. S. LUTTRELL
 (address) 206, 715 Victoria St.
 Prince George, B.C.
 NOTARY PUBLIC)

(occupation))

and both signatures

(SEAL)

R. O. Walters

B. H. Walters

ACKNOWLEDGMENT OF MAKER

I HEREBY CERTIFY that on the 9th day of Sept., 1977
at Prince George in the Province of British Columbia,

Robert Walters & Berge Walters

~~(whose identity has been proved by the evidence on oath of~~

they are who is) personally known to me, appeared before me and acknowledged to me that
thereof, and whose name are the persons mentioned in the annexed instrument as the makers
that they know subscribed thereto as part of,
the same voluntarily and are the contents thereof, and that they executed
of the full age of nineteen years.

IN TESTIMONY WHEREOF I have hereunto set my hand and seal of office, at
this 9th day of Sept., 1977
Prince George in the Province of British Columbia,

NOTE — Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in parenthesis.

H. O. Laro
A Notary Public in and for the Province of British Columbia
A Commissioner for taking affidavits for British Columbia

M 39581

ACKNOWLEDGEMENT OF OFFICER OF CORPORATION

I HEREBY CERTIFY that, on the *17th* day of *December*, 1977, at Prince George in the Province of British Columbia, *A. D. Buchanan* who is personally known to me, appeared before me and acknowledged to me that he is the City Clerk of the City of Prince George, and that he is the person who subscribed his name to the annexed Instrument as City Clerk of the said City of Prince George and affixed the Seal of the City of Prince George to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said Seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Prince George in the Province of British Columbia, this *17th* day of *December* in the year of our Lord one thousand nine hundred and *seventy seven*.

Anna Walbridge

A Commissioner for taking Affidavits
for British Columbia.

M 39581

LAND USE CONTRACT

Schedule "A"

Schedule of permitted land use.

1. Single Family Residential Dwelling
2. Mobile Home Dwelling

Special Conditions of Use

1. No permanent principal or other building shall be sited more than 100 feet east of the east boundary of proposed Lots "A" and "B".

A.W.

LAND USE CONTRACT

Schedule "G"

Subdivision Plans

Parcels:

Area

Shape

Dimensions

Highways

Dimensions

Location

Alignment

As per plan No. 7704 prepared by
McWilliam, Whyte, Goble & Associates
attached hereto and marked Exhibit
"A" to Schedule "G"

Special Conditions of Subdivision

1. The garage situated on the property line between proposed
Lot "A" & Lot "B" be removed prior to final subdivision approval.

R.W.

LAND USE CONTRACT

Schedule "K"

Excessive Cost Policy:

Excessive cost fees of \$950.00 per new lot created
totalling \$950.00 (1 x \$950.00)

shall be paid to the City of Prince George prior to final
Subdivision Approval.

A.W.

CITY OF PRINCE GEORGEBY-LAW NO. 3074

A By-Law of the City of Prince George to authorize the issuance of a Land Use Contract.

WHEREAS pursuant to the provisions of Section 702 A of the Municipal Act the Council may by By-Law enter into a Land Use Contract for the use and development of land;

AND WHEREAS such By-Law shall not be adopted by a Council until a Public Hearing has been held and then only upon the affirmative vote of two thirds of all the members of Council present and eligible to vote;

AND WHEREAS the Council has by By-Law designated areas of land as development areas as required under Section 702 A (2) of the Municipal Act;

AND WHEREAS a Public Hearing was held in accordance with the Municipal Act and notice has been given according to By-Law.

NOW THEREFORE the Council of the City of Prince George in open meeting assembled, enacts as follows:

1. The Mayor and Clerk are hereby authorized to execute on behalf of the Municipality a Land Use Contract with respect to Lot 4, District Lot 633, Plan 9298 to permit subdivision of less than 2 acres. Location: Blackburn Road. Applicant: Robert and Beryl Walters.
2. The Contract entered into shall be registered in the Land Registry Office, Prince George.
3. The Mayor and Clerk are hereby empowered to do all things necessary to give effect to this By-Law.
4. This By-Law may be cited for all purposes as "Authorization Issuance Land Use Contract No. LU 37-77, By-Law No. 3074, 1977".

READ A FIRST TIME THIS THE DAY OF , 1977.

READ A SECOND TIME THIS THE DAY OF , 1977.

READ A THIRD TIME THIS THE DAY OF , 1977.

ALL THREE READINGS PASSED BY A
MEMBERS OF COUNCIL PRESENT AND ELIGIBLE TO VOTE.

DECISION OF ALL

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS THE DAY OF
1977, BY A DECISION OF ALL MEMBERS
OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CLERK

I hereby certify that the foregoing is a true copy of the original
By-Law as passed by the Municipal Council of the City of Prince George
and sealed with the Seal of the Corporation and dated this the
day of , 1977.

CLERK OF THE CITY OF PRINCE GEORGE

RECEIVED

MAY 10 1977

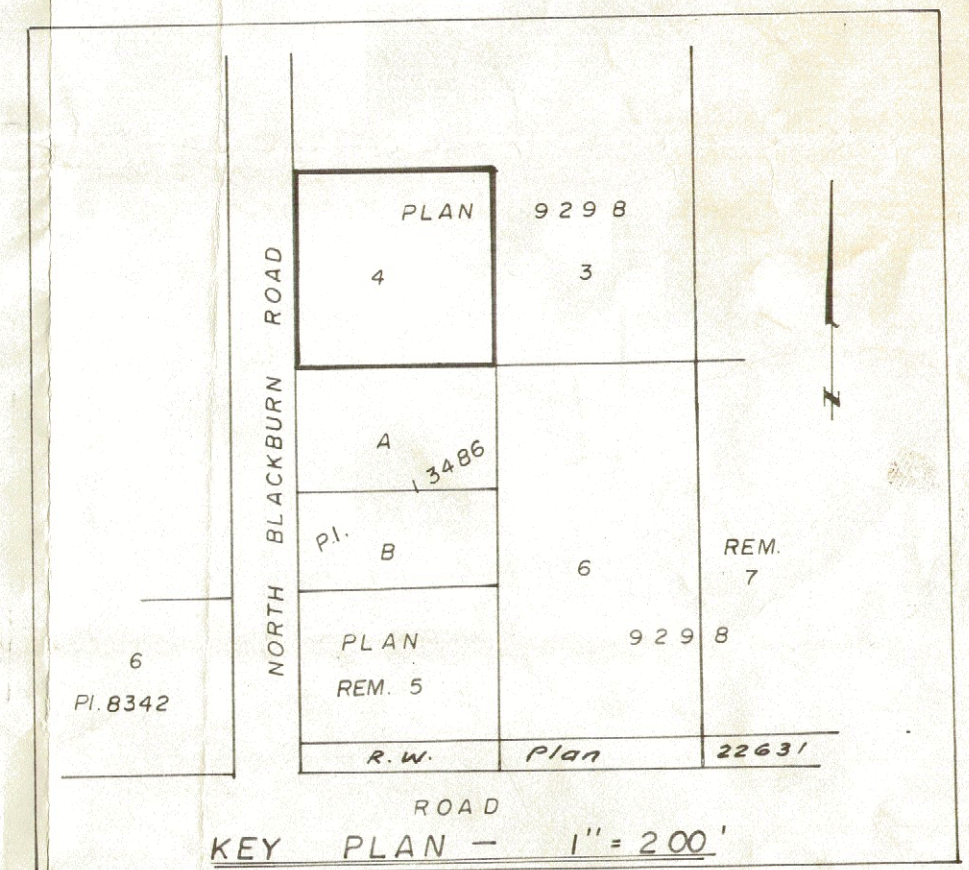
Manager's Office
City of Prince George

PLAN OF PROPOSED SUBDIVISION
OF LOT 4, PLAN 9298,
DISTRICT LOT 633, CARIBOO DISTRICT.

Scale: 1" = 20'



LOT 3, PLAN 9298



CERTIFIED CORRECT

this 20th day of April, 1977.

V. Bartell B.C.L.S.

R.W.

McWilliam, Whyte, Goble, & Assoc.,
B.C. Land Surveyors,
Prince George-Kamloops-Smithers.

REF. NO. 77041