

CITY OF KELOWNA

BYLAW NO. 8732

A Bylaw to Discharge a Portion of Daon Developments Corporation Land Use Contract 74-57 (P1870) – Emil Anderson Construction Co. Ltd. (Mike Jacobs) – Summit Drive

WHEREAS Section 930 of the *Local Government Act* provides that a Land Use Contract that is registered in a Land Title Office may be discharged with the agreement of the local government and the owner of any parcel that is described in the bylaw as being covered by the amendment;

AND WHEREAS the City of Kelowna is desirous of discharging Land Use Contract 74-57 from the title to lands owned by Emil Anderson Construction Co. Ltd., registered in the Land Title Office, and legally described as:

Parcel Identifier 003-613-275

Lot A Sections 28 and 33 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806;

and

Parcel Identifier 003-613-291

Lot C Section 28 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768

(the "Lands")

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. That the Land Use Contract 74-57 (P1870) Daon Development Corporation registered in the Land Title Office at Kamloops, British Columbia against title to Lot A Sections 28 and 33 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; and Lot C Section 28 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768 on January 11, 1979 under Registration No. P1870 and all amendments thereto be discharged from Part of Lot A, Sections 28 and 33 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; and Part of Lot C Section 28 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768 by the Agreement attached hereto as Schedule "A" hereof;

2. AND THAT the Mayor and City Clerk are hereby authorized to sign any conveyances, deeds, receipts or other documents in connection with the discharge of Land Use Contract 74-57 from the titles to the Lands and affix the corporate seal of the City of Kelowna to the same;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE 'A'

LAND USE CONTRACT DISCHARGE AGREEMENT

Pursuant to City of Kelowna Bylaw No. 8732

THIS AGREEMENT made the _____ day of _____, 2001.

BETWEEN:

CITY OF KELOWNA
1435 Water Street
Kelowna, British Columbia V1Y 1J4

(hereinafter called the "City")

OF THE FIRST PART

AND:

EMIL ANDERSON CONSTRUCTION CO. LTD.
907 Ethel Street
Kelowna, British Columbia V1Y 2W1

(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner in fee simple of certain lands and premises located in the City of Kelowna, Province of British Columbia and legally described as:

Parcel Identifier 003-613-275
Lot A Sections 28 and 33 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806

And

Parcel Identifier 003-613-291
Lot C Section 28 Township 26 Osoyoos Division Yale District Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768

(the "Lands")

- B. The City and former owner(s) of the Lands entered into a Land Use Contract registered in the Kamloops Land Title Office against title to the Lands on the 11th day of January, 1979 under number P1870 (the "Land Use Contract");
- C. Section 930 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged by bylaw with the agreement of the Local Government and the owner of any parcel that is described in the bylaw as being covered by the amendment.

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the premises and the conditions hereinafter set forth the parties agree as follows:

1. That the Land Use Contract and all amendments thereto be absolutely discharged from a portion of the Lands as shown on Map "A" attached to this agreement.
2. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.
2. Where the singular or masculine is used herein, the same shall be construed as including the feminine, plural, body politic or body corporate where the context or the parties so require.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals in the presence of their officers duly authorized in that behalf, or have hereunto set their hands and seals, as the case may be, on the day and year first above written.

CITY OF KELOWNA by its authorized signatories:

Mayor

City Clerk

EMIL ANDERSON CONSTRUCTION CO. LTD. by its authorized signatories:

Authorized Signatory

Authorized Signatory

