

BY LAW NO. 22 - 1986

TOWN OF SLAVE LAKE

A BY LAW TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN OF SLAVE LAKE TO ENTER INTO AGREEMENTS WITH HER MAJESTY THE QUEEN IN THE RIGHT OF ALBERTA (REPRESENTED BY THE MINISTER OF THE ENVIRONMENT)

WHEREAS under the provisions of Section 116 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, (as amended), the Council may pass a by law authorizing the making of an agreement with the Province of Alberta, or its agents, for the performance of any matter or thing considered by the Council and the Province or its agents to be a benefit to both parties and

WHEREAS under Section 7 of the Land Surface Conservation and Reclamation Act the Minister of the Environment may enter into an agreement with an owner to restrict the use of certain land;

NOW THEREFORE the Municipal Council of the Town of Slave Lake in Council assembled enacts as follows:

That the Mayor and Secretary Treasurer of the Town of Slave Lake be and are hereby empowered to execute an agreement similar to the form attached and marked Exhibit "A", between the said Town and the Minister of the Environment relating to reclamation of certain land described as follows:

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Ptn. NE $\frac{1}{4}$ 31 72-5-W5M

READ A FIRST TIME THIS 11th DAY OF June A.D., 1986

Paerx Pieaux
MAYOR

N.E. Doherty
SECRETARY TREASURER

READ A SECOND TIME THIS 11th DAY OF June A.D., 1986

Paerx Pieaux
MAYOR

V.E. Doherty
SECRETARY TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF June A.D., 1986

Paerx Pieaux
MAYOR

N.E. Doherty
SECRETARY TREASURER



By-Law #22-1986

THIS AGREEMENT made in duplicate this 13th day of June 1986
BETWEEN the Parties:

HER MAJESTY THE QUEEN, in Right of Alberta, hereinafter called "Her Majesty", as represented herein by the Minister of the Environment, hereinafter called the "Minister"

The Town of Slave Lake — and —
a Municipal Corporation,
hereinafter called the "Owner".

RECITALS:

The Owner and the Minister agree that it is desirable to reclaim the Owner's land hereinafter described.

The Owner has requested that the Minister perform such reclamation on the lands as the Minister deems proper and the Minister agrees to reclaim the land upon the Terms and Conditions hereinafter expressed.

Under section 7 of The Land Surface Conservation and Reclamation Act, the Minister may

- (a) enter into an agreement on behalf of the Government with an owner to restrict the purposes to which that land may be used by that owner and his successors in title for a specified time or of indefinite duration, in consideration of the payment by the Government of the compensation specified in the Agreement, and
- (b) register the Agreement under The Land Titles Act against the Certificate of Title to the land.

Under section 116 of The Municipal Government Act, the Owner is authorized by By-Law No. 22-1986 dated June 11, 1986 to enter into this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. The Owner hereby grants and assigns unto Her Majesty the Queen in Right of Alberta, as represented by the Minister of the Environment, the right by his or their servants, workmen, agents, or contractors to enter upon, use and occupy the following lands:

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to enable the Minister, his servants, workmen, agents or contractors, at his cost, to reclaim the lands to such condition as the Minister deems proper and to take upon the lands for that purpose all necessary implements and machinery, on, from and after June 13, 1986 until the lands are reclaimed.

2. The Owner hereby covenants and agrees that before any reclamation is performed on the lands, the Minister at his expense shall have the property appraised as to its fair market value, and such appraisal shall be acceptable to the Owner.
3. The Owner covenants and agrees that during a period of 10 years from the date of this Agreement, the Owner will restrict the purposes for which the land may be used by the Owner to any municipal purposes authorized under The Municipal Government Act.
4. (1) In consideration of the Minister reclaiming the lands, the Owner hereby covenants and agrees with the Minister that in the event that the Owner desires to sell the lands within a period of ten years from the date hereof, the Owner shall cause the fair market value of the land to be established at his sole cost by an appraiser acceptable to the Minister before offering to sell the lands to any other person, and shall, subject to subsection (2), offer to sell to the Minister the lands or such part thereof as the Minister may request for a purchase price equal to the value so established.
(2) In an offer by the Owner under subsection (1), the actual price to be paid by the Minister shall be reduced from the appraised market value by an amount equivalent to the payments made by the Minister for the reclamation of the lands under this Agreement or a proportionate part thereof where a part of the lands only is offered to the Minister.
(3) The Minister shall, within 3 months from the date of receipt of the Owner's offer, serve the Owner with a notification, in writing, of his acceptance or rejection of the offer.
(4) If the Minister does not accept the Owner's offer before the expiration of the 3 month period prescribed in subsection (3) or the date of receipt of the notification or rejection, whichever is the earlier date, the Owner may, subject to subsection (5), sell the land to any other person.
(5) When the Owner sells the land to any other person other than the Minister in accordance with subsection (4), the Owner will pay to the Minister the difference between the purchase price actually received by the Owner in such a sale, and the currently assessed fair market value of the land as determined at the time of such sale or the actual cost to the Minister of the reclamation under section 1, whichever is the lesser amount, subject to any appreciation or depreciation in the value of the lands, that might occur had the reclamation works not have been performed under this Agreement. The payment of monies made by the Municipality to the Minister will be in consideration for the reclamation work performed on the lands by the Minister under this Agreement.
5. The Owner hereby further covenants and agrees with the Minister that if the Owner, within ten years from the date of this Agreement, desires to exchange the said lands for another parcel of land the Owner shall pay to the Minister any excess in fair market value of the land to be received in exchange, over and above the fair market value of the land herein reclaimed, as determined pursuant to section 2 hereof, subject to any appreciation or depreciation in the value of the lands, that might occur had the reclamation works not have been performed under this Agreement. The payment of monies made by the Municipality to the Minister will be in consideration for the reclamation work performed on the lands by the Minister under this Agreement.
6. The Owner hereby agrees that the rights granted under section 4(1) and (4) and section 5, constitute an interest in the lands specified in section 1 of the Agreement.

The Owner agrees to hold harmless and to indemnify the Minister, his employees and agents from all claims, damages, costs, losses, expenses, actions and suits caused by, or arising directly or indirectly out of, the reclamation performed under this Agreement, or by reason of any matter or thing done, permitted or omitted to be done, by the Owner or his heirs, administrators, and assigns and whether occasioned by negligence or otherwise.

8. This Agreement inures to the benefit of and is binding upon the Parties hereto and their respective heirs, successors and approved assigns.

THIS AGREEMENT is executed by the Parties as of the date shown on the first page of this Agreement.

HER MAJESTY THE QUEEN
IN RIGHT OF ALBERTA

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Witness

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Minister of the Environment

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Bevne Kreiner
Witness

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Paddy Pieau
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