



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

I hereby certify that the following is a true copy of a Minute of the Honourable the Executive Council of the Province of British Columbia approved by His Honour the Administrator.

1699

APPROVED AND ORDERED 21 MAY 1974

A. J. Hynes
Assistant Deputy Provincial Secretary

J. W. ...
Administrator
~~Lieutenant-Governor~~

EXECUTIVE COUNCIL CHAMBERS, VICTORIA 21 MAY 1974

Pursuant to the ~~Lieutenant-Governor~~ *Administrator* Municipal Act, and upon the recommendation of the undersigned, the ~~Lieutenant-Governor~~, by and with the advice and consent of the Executive Council, orders that By-law No. 102 of the Regional District of North Okanagan cited as "Land Use Contract Agreement By-law No. 102, 1974, No. 4" be approved in the form of by-law hereto attached.

J. W. ...
Minister of Municipal Affairs.

I. Bennett

Presiding Member of the Executive Council.

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 102

A By-law for the ratification of an agreement with Evelyn Lucille Mee to provide for the development of certain lands.

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

1. The Agreement made between the Regional District of North Okanagan and Evelyn Lucille Mee to provide for the development of

Lot 1, Section 2, Township 19, W6M, K.D.Y.D., Plan 4734, R.9, Electoral Area "F",

AND attached hereto as Appendix "A" is hereby ratified and the Chairman and Secretary are hereby authorized to execute same on behalf of the Regional District.
2. This By-law may be cited as "Land Use Contract Agreement By-law No. 102, 1974, No. 4".

READ A FIRST TIME this 13th day of February, 1974.
 READ A SECOND TIME this 13th day of February, 1974.
 READ A THIRD TIME this 13th day of March, 1974.

Advertised on the 1st day of March, 1974, and the 8th day of March, 1974, and a Public Hearing held pursuant to the provisions of Section 798A(3a) of the Municipal Act on the 13th day of March, 1974.

Received the approval of the Department of Highways this 3rd day of April, 1974.

Received the approval of the Lieutenant Governor in Council this 21st day of May, 1974.

RECONSIDERED AND ADOPTED this 22 day of May, 1974.



SECRETARY-TREASURER


CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 102, cited as "Land Use Contract Agreement By-law No. 102, 1974, No. 4" as read a third time by the Regional Board on the 13th day of March, 1974.


SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 102, being "Land Use Contract Agreement By-law No. 102, 1974, No. 4" as reconsidered and adopted by the Regional Board on the 22 day of May, 1974, upon affirmative vote in accordance with the provisions of Section 778(2) of the Municipal Act.


SECRETARY-TREASURER



THIS AGREEMENT made the 22 day of May
A.D., 1974.

BETWEEN:

THE REGIONAL DISTRICT OF NORTH OKANAGAN
a Regional District incorporated under the
laws of the Province of British Columbia,
and having an office at 3109D-31st Avenue,
in the City of Vernon, in the Province of
British Columbia,

(hereinafter called the "District")

OF THE FIRST PART:

AND:

EVELYN LUCILLE MEE, Housewife, of
1828 Happy Valley Road, Santa Rosa in the
State of California in the United States
of America,

(hereinafter called the "Developer")

OF THE SECOND PART:

WHEREAS the District, pursuant to Section 702A and 798A of the Municipal Act, may, with the approval of the Lieutenant-Governor in Council, notwithstanding any By-law of the District or Section 712 or 713 of the Municipal Act upon the application of an owner of land within a development area designated as such by By-law of the District, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

AND WHEREAS the Municipal Act requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any Land development contract and the terms, conditions and considerations thereof;

AND WHEREAS the Developer has presented to the District a scheme of use and development of the within described lands and premises and has made application to the District to enter into this Land Use Contract under the terms, conditions, and for the consideration hereinafter set forth;

AND WHEREAS a Land Use Contract is deemed to be a zoning By-law for the purposes of the Controlled Access Highways Act and if the land is so situated that it



is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the District can enter into same;

AND WHEREAS the Developer acknowledges that she is fully aware of the provisions and limitations of Sections 702A and 798A of the Municipal Act, and the District and the Developer mutually acknowledge and agree that the Regional Board of the District cannot enter into this Agreement until the Regional Board has held a public hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing, and unless two-thirds (2/3rds) of all the Directors having among them two-thirds (2/3rds) of all the votes of the Regional Board vote in favour of the District entering into this contract, and unless and until the Lieutenant-Governor in Council has approved the By-law of the District authorizing the District 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 District and the Developer covenant and agree as follows:

1. The Developer is the 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 Province of British Columbia, and being more particularly known and described as:

Lot One (1)
Section Two (2)
Township Nineteen (19)
Range Nine (9)
West of the Sixth Meridian (W6M)
Kamloops Division Yale District,
Plan Four thousand seven hundred and
thirty-four (4734)
In the Vernon Assessment District,
being land in Electoral Area "F"
(Enderby Rural), Regional District of
North Okanagan,
(hereinafter called the "Land")

2. The Developer has obtained the consent of any other persons holding any registered interest in the Land as set out in the consents to the use and development set forth herein, which consents are attached hereto and

incorporate agreements from such persons granting priority to this Land Use Contract over such registered interests.

3. The Land, including the surface of water, and any and all buildings, structures and improvements erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for no other purpose.

4. No land shall be subdivided except in compliance with and according to the plans and particulars set out in Schedule "B" hereto, and it is understood and agreed that the subdivision, in its final form, will have to comply with the Land Registry Act requirements and be subject to the necessary approval of the Department of Highways regarding roads.

5. The Developer covenants and agrees to construct or cause to be constructed all roads shown as such on Schedule "B" hereto in accordance with such standards of construction and other requirements as may be specified by the Department of Highways for the Province of British Columbia, and to deposit with the said Department of Highways such sum or sums of money or other security as may be required by the said Department with respect to the construction of roads within any subdivision of the lands.

6. The permitted uses of the Land and every structure thereon shall be in conformity with the requirements of this contract.

7. The minimum front yard set back shall be twenty-five (25') feet from the Department of Highways widening requirement of One hundred (100') feet from the centre line of the existing pavement.

8. There shall be provided, off-street parking of one space per each employee and additional space for each Five thousand (5,000) square feet of gross floor area and such parking space shall be suitably finished, marked and drained.

9. A landscape screen shall be provided fifty (50') feet from the centre line of the existing highway, as per Schedule "B".

10. A potable water supply shall be provided on the site in accordance with the North Okanagan Health Unit requirements..



11. Loading and unloading of materials shall take place on the site.
12. There shall be retail sales of only those goods and materials manufactured on the site.
13. There shall be no burning of any waste material on the site.
14. The Developer shall provide on-site fire protection.
15. All buildings, structures constructed, reconstructed or altered or moved upon the said site shall be done in compliance with and in accordance with the Regional District Building By-law No. 90, or as amended from time to time.
16. The development will proceed in accordance with and in compliance to the requirements of the North Okanagan Health Unit.
17. The Developer will adhere to the requirements of the Department of Highways, and in particular will surrender an additional right-of-way as shown on the attached Plan (100 feet from the centre line of the existing pavement), being Schedule "C".
18. The Developer undertakes to have no part of a septic tank system on the aforesaid right-of-way, and also undertakes to carry on any material storage and parking required on the right-of-way only under the terms and conditions as set out and covered by a permit.
19. The Developer undertakes to pay for the cost of any truck-turning signs required.
20. The Developer agrees to provide and submit a legal plan of survey setting forth the requirements of the Department of Highways with respect to the dedication of an additional right-of-way being one hundred (100') feet from the centre line of the existing pavement.
21. The entire cost of development of the Land, including the provision of all services and the provision and construction required hereunder, shall be paid for by the Developer.
22. No building shall be constructed nor floatable materials stored on land the elevation of which is less than 10 feet above the natural boundary of the Shuswap River in the immediate vicinity.
23. The agreement shall be construed as running with the Land and shall be registered in the Land Registry



Office by the Regional District pursuant to the provision of Section 702A(4) of the Municipal Act.

24. Whenever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

25. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators and assigns.

A public hearing on this Agreement was held the 13 day of MARCH A.D., 1974.

This Agreement was approved on the 22 day of MAY A.D., 1974 by a vote of two-thirds of all the members of Council.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals, the Incorporations have hereunto affixed the corporate seals in the presence of their duly authorized officers on that behalf the day and year first above written.

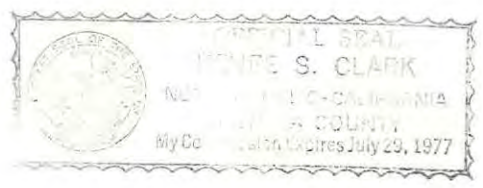
THE CORPORATE SEAL OF THE REGIONAL DISTRICT OF THE NORTH OKANAGAN was hereunto affixed in the presence of:

[Signature] CHAIRMAN
[Signature] SECRETARY

SIGNED, SEALED AND DELIVERED in the presence of:

Renee S. Clark
Name
2323 Magowan rd.
Address
Santa Rosa, Calif
Notary Public
Occupation

[Signature]
Evelyn Lucille Mee

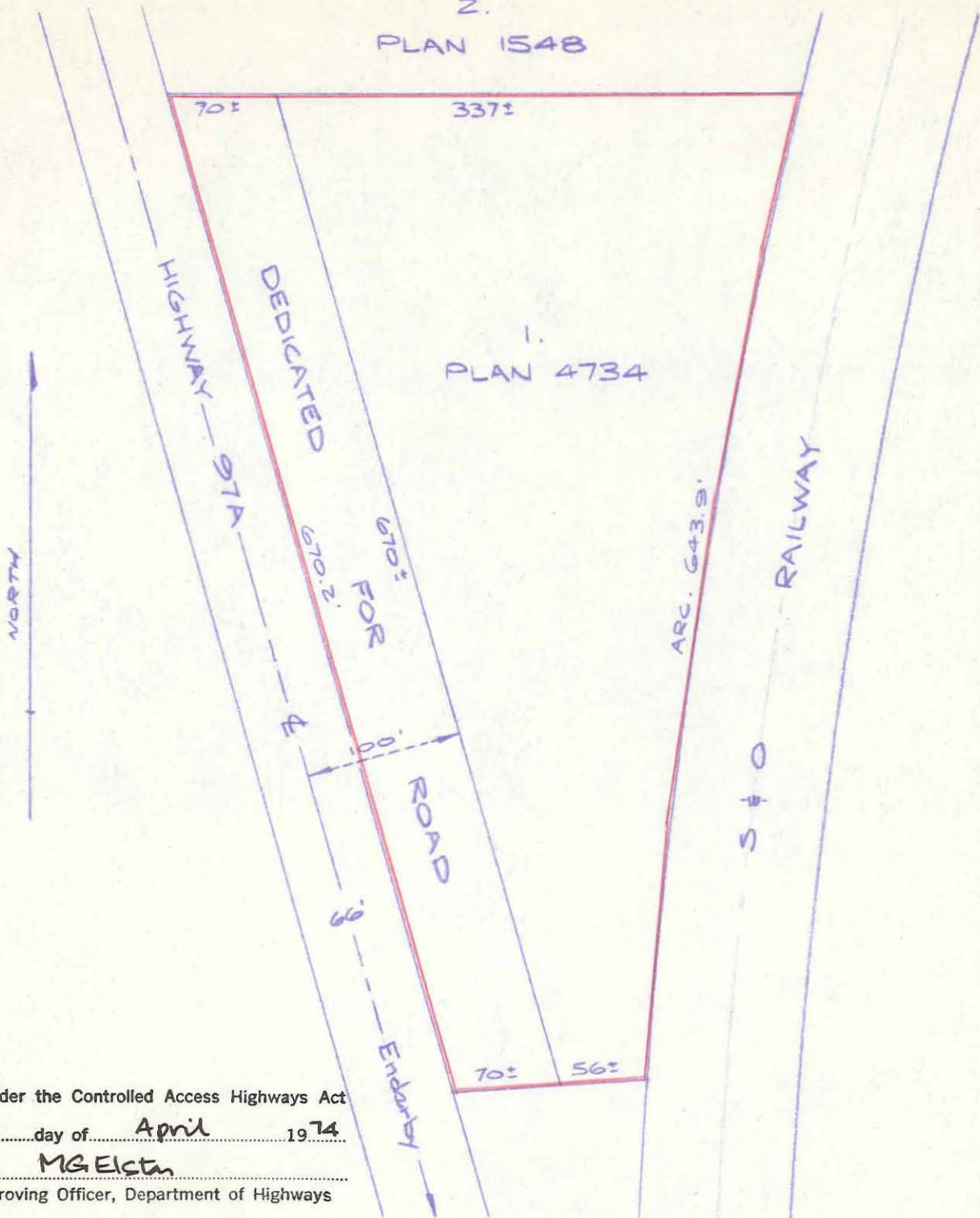


Approved under the Controlled Access Highways Act
this 3rd day of April 1974
MGEIsta
Senior Approving Officer, Department of Highways

[Signature]

2.
PLAN 1548

1.
PLAN 4734



Approved under the Controlled Access Highways Act

this 3rd day of April 1974

MGEIctn

Senior Approving Officer, Department of Highways

MORGAN A. R. STEWART
AND COMPANY
3003 - 34th Street, Vernon, B.C.,

ENGINEERS
AND SURVEYORS
Telephone 545-3977

SCALE 1" = 100'

DATE 7 Feb/74

DRAWN RB

OUR FILE R2693

CHECKED

M&S Lumber

PLAN OF PROPOSED SUBDIVISION
OF PART OF LOT 1, PLAN 4734,
SEC. 2, TP. 19, R. 9, W6M,
K.D.Y.D. (FOR ROAD DEDICATION
PURPOSES ONLY.)