

CITY OF YORKTON BYLAW NO. 15/84

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

CITY OF YORKTON

SASKATCHEWAN

BYLAW NO. 15/84

**A BYLAW TO PROVIDE FOR ENTERING INTO AN AGREEMENT FOR THE PURPOSE
OF PURCHASING LAND FROM CANADIAN NATIONAL RAILWAY COMPANY.**

The Council of the City of Yorkton in the Province of Saskatchewan enacts as follows:

1. It shall be lawful for the Council of the City of Yorkton to enter into an Agreement hereto attached and identified as Schedule "A" to the Bylaw, with Canadian National Railway Company for the purpose of purchasing land from the Canadian National Railway Company re abandoned Tonkin Subdivision Right-of-Way for development.

2. The Mayor and City Clerk are hereby authorized and directed to execute the said Agreement on behalf of the City of Yorkton and to affix the seal of the municipality thereto.

3. This Bylaw shall come into force on approval of the Local Government Board and final passing by Council.

Introduced and read a first time this 3rd day of December, A.D. 1984.

Read a second time this 17th day of December, A. D. 1984.

Read a third time this 17th day of December A. D. 1984, after unanimous agreement had been reached to have a third reading, and passed unanimously this 17th day of December A. D. 1984, and registered in the Bylaw Register of the City of Yorkton.

MAYOR

CITY CLERK

THIS IS SCHEDULE "A" REFERRED
TO IN BYLAW NO. 15/84

BETWEEN:

CANADIAN NATIONAL RAILWAY COMPANY

- Party of the First Part

- and -

THE CITY OF YORKTON

- Party of the Second Part

AGREEMENT RE RIGHT-OF-WAY - TONKIN
SUBDIVISION

A. D. 1984

THIS AGREEMENT MADE IN DUPLICATE.

BETWEEN:

CANADIAN NATIONAL RAILWAY COMPANY

Party of the First Part
(hereinafter referred to as CN)

- and -

THE CITY OF YORKTON

Party of the Second Part
(hereinafter referred to as the City)

WHEREAS CN is the registered owner of a railway right-of-way known as the Tonkin Subdivision within the limits of the City of Yorkton, described as Mile 72.65 to Mile 74.82 of the said Tonkin Subdivision, hereinafter referred to as the "land", as shown on a Plan attached hereto.

AND WHEREAS CN is willing to enter into an Agreement to sell the lands to the City of Yorkton,

NOW WITNESSETH in consideration of the conditions and covenants herein contained, the parties hereto agree as follows:

THE CITY AGREES:

1. To pay to CN the sum of Six Hundred and Twenty-one Thousand (621,000.00) Dollars payable as follows:
 - a) Deposit of Sixty-Two Thousand One Hundred (\$62,100.00) Dollars, on the execution of this Agreement; (immediately upon issuance by the Canadian Transport Commission of an Abandonment order for the lands of said Subdivision.)
 - b) The balance by nine (9) equal annual payments of Sixty-Two Thousand One Hundred (\$62,100.00) Dollars commencing on the first anniversary of the date of possession, together with interest on each said anniversary payment date on the unpaid balance owing from time to time from the date of possession payable at the prime bank rate being charged by the Bank of Montreal, in Yorkton, in the Province of Saskatchewan, on each such payment date.

2. The City to pay for all survey costs, registration, and transfer fees and costs including any costs and obligations under any relevant planning acts.
3. In exchange for the City paying the CN the sum of Fifty Thousand (\$50,000.00) Dollars, in trust, upon the issuance of the Abandonment Order hereinafter referred to, CN shall obtain an Assignment from Parrish & Heimbecker Ltd. of its elevator site, in favour of the City.
4. The City shall not oppose CN's application for abandonment of the said Tonkin Subdivision in question.
5. In the event that the City sells any of the said lands in any one year during which the purchase price as set in Paragraph 1 hereof remains unpaid, and the total gross sale proceeds, less costs incurred by the City for servicing the property, exceed Sixty-Two Thousand One Hundred (\$62,100.00) Dollars, the City agrees to pay to CN any excess over the said sum of Sixty-Two Thousand One Hundred (\$62,100.00) Dollars and such excess shall be applied against the unpaid purchase price then owing.

CN SHALL:

6. Provide the City with a registerable Transfer of Land subject to the City providing CN with a legal description of the lands, in the event a survey thereof is required.
7. Upon the execution of this Agreement by the City, make an application to the Canadian Transport Commission for the abandonment of the said Tonkin Subdivision situated on the lands.
8. Remove its loading platform from its present location and relocate the same on other CN lands.
9. Within a reasonable time after the issuance of the Abandonment Order, remove the rails, ties, and other track material from the lands.
10. Grant a credit to the City towards the purchase price for the costs incurred in physically removing the Parrish & Heimbecker elevator from the lease site.
11. Adjustments for taxes, etc. shall be made as of the date the CN provides the City with a registerable Transfer of land.
12. In the event the Canadian Transport Commission does not issue an Abandonment Order for the said lands, this Agreement shall be void.

IN WITNESS WHEREOF Canadian National Railway company has hereunto affixed its corporate seal attested thereto by the signatures of its proper officers in that behalf, this 6th day of March, A. D. 1985.

CANADIAN NATIONAL RAILWAY COMPANY

Per: _____
General Manager of Real Estate

Per: _____
Deputy Secretary

IN WITNESS WHEREOF The City of Yorkton hereunto affixed it's corporate seal attested thereto by the signatures of it's proper officers in that behalf, this 20th day of December, A.D.. 1984.

THE CITY OF YORKTON

Per: _____
Mayor

Per: _____
City Clerk

Approval to Agreement: Consent to Pass
Bylaw - City of Yorkton

The Council of the City of Yorkton has submitted copy of proposed Agreement between the said City and Canadian National Railway Company, respecting the acquisition of land, supported by a request from the said Council of the City of Yorkton for the approval of the Local Government Board to the said Agreement and consent to the passing of proposed Bylaw No. 15/84 in connection therewith.

After due consideration, the Board decided to approve of the said Agreement and give its consent to the passing of the said Bylaw.