



DISTRICT OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 2225

A BYLAW OF THE DISTRICT OF CAMPBELL RIVER TO AUTHORIZE THE PURCHASE OF PROPERTY FOR PARK PURPOSES.

WHEREAS Council is desirous of purchasing the lands known as the Tye Sp. Spit.

AND WHEREAS Council may, under authority of Section 529 of the Local Government Act, acquire real property for municipal purposes.

AND WHEREAS Council may, under authority of Section 322 of the Local Government Act, enter into an agreement for the purchase of real property, and may by Bylaw enter into mortgages or other obligation to pay money to secure an amount owing under the said purchase agreement.

AND WHEREAS the property is to be acquired subject to certain conditions of use.

AND WHEREAS Council wishes, following satisfaction of those conditions of use, to reserve the property for use as a Municipal Park.

NOW THEREFORE the Council of the District of Campbell River in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "**Tye Sp. Spit and Estuary Lands Acquisition Bylaw No. 2225, 1994**".
2. That the Council of the District of Campbell River is hereby authorized to acquire and enter into such agreements as may be necessary for a purchase price of One Million Seven Hundred Thousand and One Dollars (\$1,700,001.) those certain parcels of land and premises situate and lying and being within the District of Campbell River, Province of British Columbia and particularly known and described as:
 - a. Parcel Identifier 008-983-411
Those parts of Campbell River Indian Reserve No. 11, Sayward District, lying to the West and North West of the lines bordered in red on plan 1673-R, except those parts in plans 12883, 21743, 35318, 54523, VIP57205 and excluding those lands being sold to the Municipality pursuant to an agreement dated September 7, 1993 ("Pump Station Agreement") shown outlined by heavy bold lines on the plan attached hereto as Schedule 'A'.

3. The Council is hereby authorized and empowered to borrow upon the credit of the District of Campbell River, the sum of One Million, Seven Hundred Thousand Dollars (\$1,700,000.) by way of a bank loan for the purpose herein before recited and to pay interest thereon.
4. The form of obligation or obligations to be given as an acknowledgement of the liability shall be a Promissory Note or Notes bearing the Seal of the District of Campbell River and signed by the Mayor and the Treasurer or Deputy Treasurer.
5. The principal amount of the Bank Loan shall be repaid in the following annual installments:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1995	\$104,000	2000	\$172,000
1996	\$115,000	2001	\$190,000
1997	\$127,000	2002	\$209,000
1998	\$140,000	2003	\$232,000
1999	\$155,000	2004	\$256,000

6. Requisite sums shall be levied and raised by way of real property taxes in each year by a rate sufficient to make the annual payments for interest and for the repayment of the principal.
7. That the acquisition of the lands is subject to registration of a Restrictive Covenant whereby the Spit Lands will be burdened by the following restrictions for the benefit of other lands commonly known as the Elk Falls Mill Lands, Service Commercial Lands, Residential Lands and TimberWest Woodlands for a period of ten years from and after the purchase, wherein the District of Campbell River and its successors in title agree;
 - (i) that the District of Campbell River insofar as it lawfully can, will not seek or consent to a rezoning of the Spit Lands to permit uses other than the general type of uses, purposes and businesses in existence at the time of purchase;
 - (ii) that the District of Campbell River will not use or occupy or permit to the use or occupancy of the Spit Lands or any portion of the Spit Lands or permit building or development on the Spit Lands or any portion of the Spit Lands for permanent residential or industrial uses or any commercial use other than the general type of use, purpose or business in existence at the time of purchase.
8. The acquisition of the lands is subject to the District of Campbell River permitting by way of a License of Occupation, the Tyee Club of British Columbia or its successors to occupy and remain on the Spit Lands on the same terms and conditions of the license existing at the time of purchase between the Tyee Club and TimberWest, save and except the full gross rental for each year shall be \$1.00 inclusive of GST and the term shall be equal to ten years.
9. Following expiration of the covenant and license outlined in Section 7 & 8 hereof, the Spit Lands shall be reserved for pleasure, recreation and community uses.

10. *Notwithstanding Section 9 and 10, the leases of that portion of the Tyee Spit shown outlined by heavy bold lines on the plan attached as Schedule B may continue to be leased for commercial purposes until December 31, 2031.*
11. Notwithstanding Section 9, the leases of the Spit Land may be extended until such time as the revenues derived therefrom, total the sum of the debt charges.
12. That the Mayor and Clerk are hereby authorized to do all things necessary to acquire the said lands.

Read a first time on the 18th day of April, 1994.

Read a second time on the 18th day of April, 1994.

Read a third time on the 18th day of April, 1994.

Third reading rescinded on the 16th day of May, 1994 by Resolution No. 94-778.

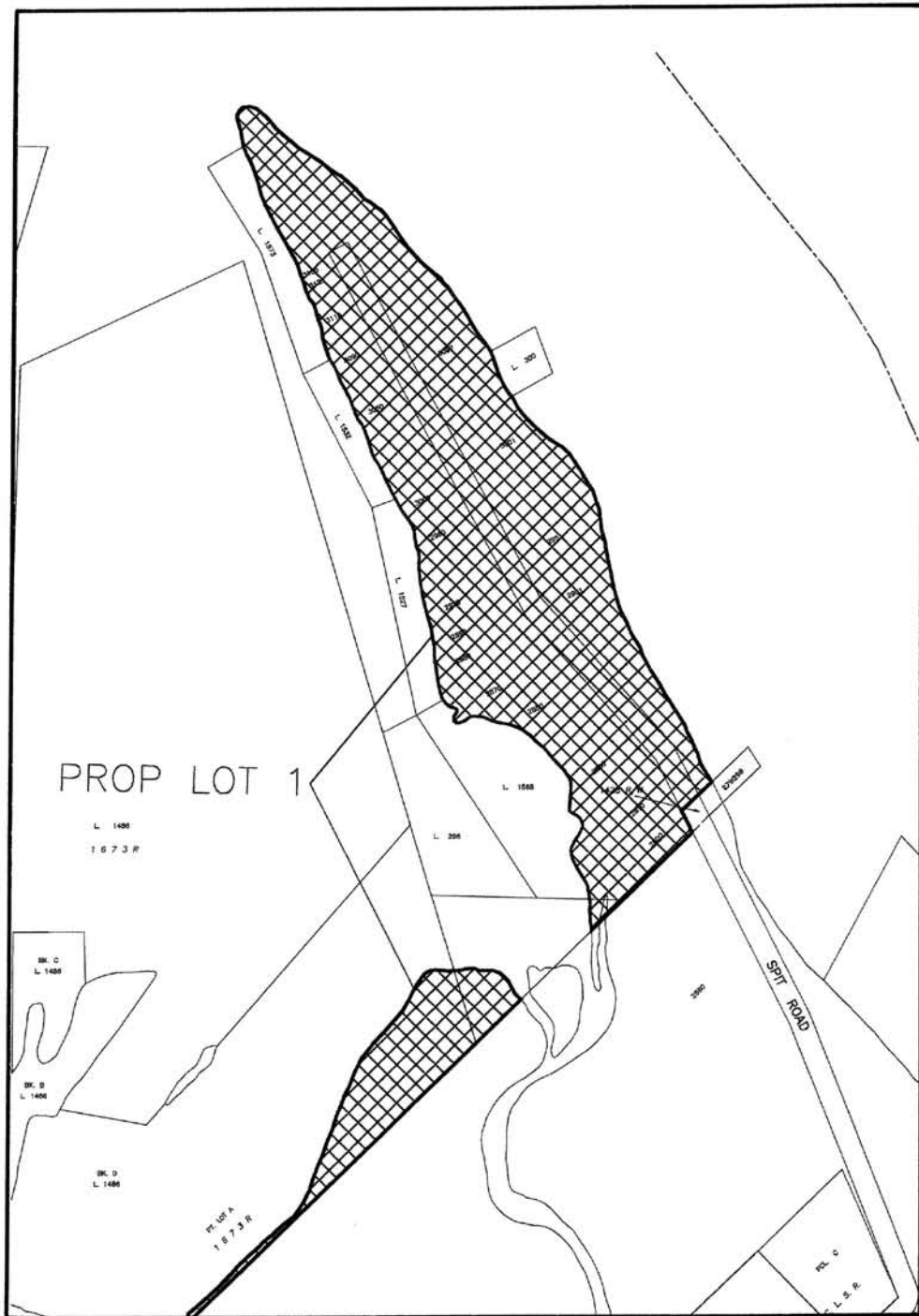
Re-Read a third time on the 16th day of May, 1994.

Adopted on the 20th day of June, 1994.

Original bylaw signed by:

J.M. Lornie
MAYOR

W.T. Halstead
CLERK



Schedule B Tye Spits Development Plan

