

CSF PEMBERTON REZONING ENCUMBRANCE BYLAW, 2022

WHEREAS Conseil scolaire francophone de la Colombie-Britannique (the “**CSF**”) is a francophone education authority continued under the British Columbia School Act and under the authority of Sections 166.29(1) and 96(3) of that statute may acquire and dispose of land or improvements it owns or administers, subject to the Orders of the British Columbia Minister of Education (the “**Minister**”);

AND WHEREAS Section 166.21(4) of the School Act requires a francophone education authority to exercise a power with respect to the acquisition or disposal of property only by bylaw and the granting of a statutory right-of-way or covenant is a disposal of an interest in land;

AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the “**Order**”) requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board, but the Order does not require the Minister’s approval of a right-of-way or a covenant;

AND WHEREAS:

A. The CSF owns property on Highway 99 in Pemberton, British Columbia (the “**Property**”), where the CSF proposes to build and operate École La Vallée (the “**School**”);

B. The legal description of the Property is:

Parcel Identifier: 009-378-740

Lot 3 District Lot 203 Plan 12807

Except that Part which lies to the East of the East Boundary of Plan Crown Grant 253;

C. To build and operate the School on the Property, the CSF requires from the Village of Pemberton (the “**Village**”) amendments to the Village’s Official Community Plan and the zoning that currently applies to the Property, and as a condition of approving those amendments, the Village requires the CSF to satisfy certain conditions, including construction of certain improvements on and around the Property (the “**Works**”) pursuant to:

1. a Services Agreement Covenant (the “**Services Agreement Covenant**”) to be registered against title to the Property in favour of the Village that prohibits development of the Property until the CSF has entered into a Services Agreement with the Village in respect of the Works;
2. a Statutory Right-of-Way for a community garden on the Property (the “**Garden SRW**”) to be registered against the Property in favour of the Village;
3. a Statutory Right-of-Way for emergency access across the Property to the neighbouring Tiyata development (the “**Emergency Access SRW**”) to be registered against the Property in favour of the Village;
4. a Statutory Right-of-Way for public pedestrian and cycling trails on the Property (the “**Pedestrian and Cycling SRW**”) to be registered against the Property in favour of the Village;

5. a Statutory Right-of-Way for a road turnaround on the Property connecting to the neighbouring Tiyata development (the “**Turnaround SRW**”) to be registered against the Property in favour of the Village; and
 6. a Covenant to reserve 10 meters of the Property fronting on Highway 99 for potential future highway improvements (the “**Highway Covenant**”) to be registered against the Property in favour of Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure;
- D. The CSF is satisfied that entering into and completing its obligations under the Services Agreement Covenant, the Garden SRW, the Emergency Access SRW, the Pedestrian and Cycling SRW, the Turnaround SRW and the Highway Covenant (collectively, the “**Rezoning Encumbrances**”) are in the best interests of the CSF and will not interfere with the use by the CSF of the Property for educational purposes;

NOW THEREFORE be it enacted as a Bylaw of the CSF that the CSF enter into and complete its obligations under the Rezoning Encumbrances.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized on behalf of the CSF to execute and deliver the Rezoning Encumbrances, and all such amendments thereto and all related and ancillary documents as the Secretary-Treasurer may, in his discretion, consider advisable.

This Bylaw may be cited as “Conseil Scolaire Francophone de la Colombie-Britannique Pemberton Rezoning Encumbrance Bylaw, 2022”.

Read a first time this 9th day of April 2022.

Read a second time this 9th day of April 2022.

Upon unanimous agreement of the Regional Trustees of the CSF in attendance, this Bylaw was read a third time on 9th of April 2022 and finally passed and enacted this 9th day of April 2022.

Corporate Seal

Président

Secrétaire-Trésorier

I HEREBY CERTIFY this to be a true original of the Conseil Scolaire Francophone de la Colombie-Britannique Pemberton Rezoning Encumbrance Bylaw, 2022, enacted the 9th day of April 2022.

Secrétaire-Trésorier