

CITY OF CASTLEGAR

BY-LAW NO. 291

A BY-LAW OF THE CITY OF CASTLEGAR ENACTED PURSUANT TO SECTION 322 OF THE MUNICIPAL ACT TO AUTHORIZE THE EXECUTING OF AN I.D.S.A. AGREEMENT.

WHEREAS the City of Castlegar may, pursuant to the provisions of Section 530 of the Municipal Act acquire and develop property for an Industrial Area;

AND WHEREAS the City of Castlegar may, pursuant to Section 322(1)(b) of the Municipal Act, enter into an Agreement with the Crown in right of Canada or the Province, a statutory authority of either of them, A Crown corporation or agency or a board of School trustees; for the purposes of acquiring and developing property;

NOW THEREFORE, the Council of the City of Castlegar in open meeting assembled, enacts as follows:

1. The City of Castlegar is hereby authorized to enter into an Agreement to be known as "Castlegar Industrial Park - I.D.S.A. Agreement" substantially in accordance with the draft attached hereto and forming part of this By-Law as Schedule "A".
2. The Mayor and Clerk are hereby authorized to sign and seal the necessary documents to give effect to the actions provided for in this By-Law.
3. This By-Law shall come into force and effect upon the date of its final passage and adoption.
4. Prior to its adoption this By-Law shall receive the approval of the Inspector of Municipalities pursuant to the provisions of Section 322(2) of the Municipal Act.
5. This By-Law may be cited for all purposes as "I.D.S.A. Agreement By-Law No. 291, 1980".

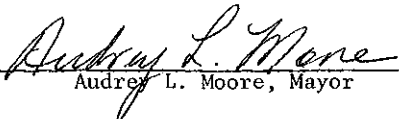
READ A FIRST TIME THIS 25th DAY OF November, 1980.

READ A SECOND TIME THIS 25th DAY OF November, 1980.

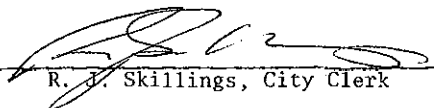
READ A THIRD TIME THIS 25th DAY OF November, 1980.

RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES ON THE 5th DAY OF January, 1980

RECONSIDERED AND ADOPTED, SIGNED BY THE MAYOR AND CLERK AND SEALED WITH THE CORPORATE SEAL ON THE 16th DAY OF December, 1980.



Audrey L. Moore, Mayor



R. J. Skillings, City Clerk

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READ A FIRST TIME THIS 25th DAY OF November, 1980.

READ A SECOND TIME THIS 25th DAY OF November, 1980.

READ A THIRD TIME THIS 25th DAY OF November, 1980.

RECEIVED THE APPROVAL OF THE INSPECTOR OF MUNICIPALITIES ON THE DAY OF, 1980

RECONSIDERED AND ADOPTED, SIGNED BY THE MAYOR AND CLERK AND SEALED WITH THE CORPORATE SEAL ON THE DAY OF, 1980.

Audrey L. Moore, Mayor

R. J. Skillings, City Clerk

I hereby certify that this is a true and correct copy of City of Castlegar I.D.S.A. agreement By-Law No. 291 as adopted by the Castlegar City Council on the 25 day of November 1980 Signed this 18 day of December 1980 [Signature] City Clerk

Approved pursuant to the provisions of section 332 of the "Municipal Act" this 5 day of January 1981.

[Signature] Deputy Inspector of Municipalities



May 7, 1980

CODING 13-7-1
COPIES TO _____
AGENDA ACTION _____
AGENDA INFORM. _____
READING FILE _____
ACTION _____

Mayor A.L. Moore
City of Castlegar
City Hall
460 Columbia Avenue
Castlegar, British Columbia
V1N 1G7

INTERIM APPROVAL LETTER

Dear Mayor Moore:

I am pleased to confirm that the Industrial Development Committee (hereinafter called the "Committee"), at its April 21, 1980 meeting has approved, in principle, the City of Castlegar's application for assistance under the Industrial Park Program of the Canada-British Columbia Industrial Development Subsidiary Agreement.

This approval in principle for a loan in the amount of \$926,000, will be funded jointly by the Governments of Canada and British Columbia through the Department of Regional Economic Expansion and the Ministry of Industry and Small Business Development (hereinafter called the "Province"), respectively, and is subject to the following terms and conditions.

Estimated Project Expenditures

The funds shall be allocated to the following eligible project expenditures for the development of the Castlegar Industrial Park (hereinafter called the "Project"):

On-Site		
Water Connections	\$ 12,400	
Storm Drainage	144,000	
Sanitary Sewer	63,000	
Road	106,000	
Power	<u>20,000</u>	
	\$ 345,400	\$ 345,400
Off-Site		
Storm Drainage	\$ 110,000	
Sanitary Sewer	<u>310,000</u>	
	\$ 420,000	<u>420,000</u>
		\$ 765,400
Contingency 10%		<u>76,540</u>
		\$ 841,940
Engineering 10%		<u>84,060</u>
TOTAL IDSA LOAN		\$ 926,000
Ineligible Cost		
Land		335,000
Servicing (5-year)		<u>149,000</u>
TOTAL PROJECT COST		<u><u>\$1,410,200</u></u>

No portion of the Castlegar Water System for which IDSA assistance is already being provided shall be included in the eligible costs of this Project. NO MATERIAL CHANGE SHOULD BE MADE IN THE ESTIMATED PROJECT EXPENDITURES WITHOUT THE PROVINCE'S PRIOR WRITTEN APPROVAL.

Final Approval

Prior to commencing construction of the Project, the City of Castlegar (hereinafter called the "City") shall have a professional engineer prepare an estimate of the Project's costs together with the plans and specifications necessary for tender (hereinafter called the "Final Budget"). The Committee shall promptly review the Final Budget and in its absolute discretion approve a maximum amount for the loan to be provided, the allocation of the loan proceeds and the calling of tenders by the City. Subject to the concurrence of the City and the Committee that the tenders received are acceptable, the Committee shall grant "Final Approval" to commence construction of the Project.

Disbursement of Funds

The funds will be disbursed after the Committee has granted Final Approval. In addition, the City must:

- (1) have entered into a long term agreement with the Province;
- (2) have satisfied the Conditions Precedent; and
- (3) have provided confirmation of the Project's costs.

Payment is also conditional on all funds being disbursed within two years after the date of the first construction advance, this date to be known as the Lapsing Date.

Conditions Precedent

Prior to the Final Approval the City shall submit:

1. Evidence, satisfactory to the Province, that the City has received all required approvals for the Project from the Ministry of Municipal Affairs.
2. Evidence, satisfactory to the Province, that the City owns or controls the subject property.

Repayment

Commencing in the third year after the first disbursement, simple interest will be payable on the principal amount of the loan outstanding.

Commencing not later than the 6th year after the first disbursement provided herein, or such earlier period when 90% of the available land in the Industrial Park has been sold or leased, and annually thereafter, the principal amount of the loan plus accrued interest will be paid, forthwith, from accumulated net sale proceeds and net lease proceeds, provided, however, that all other term debt initially obtained for the Project has been retired.

Interest will be calculated at one half of the average of Canada's five largest Chartered Banks' prime lending rate and will be fixed 14 days prior to the first

disbursement provided herein. After receipt of each subsequent annual audited financial statement, the interest rate for the ensuing year will be adjusted in accordance with this calculation, but only if this rate is lower than the preceding year's.

For purposes of this letter, net sale and net lease proceeds shall be defined as gross sale and gross lease proceeds less:

- (i) funds required to retire all other term debt initially obtained for the Project, as approved by the Committee;
- (ii) all direct operating expenditures allocated to the Project, including brokerage commissions and audit expenditures, as approved by the Committee;
- (iii) all direct construction costs.

For the purposes of this letter, gross lease proceeds shall be defined as the gross rent payable and paid to the City by each and every person to whom the City has leased any part of the Project land without any adjustment or deduction whatsoever.

The remaining principal amount of the loan plus accrued interest thereon will become due and payable if there is a change in the purpose of the Project, which is to provide serviced land for industrial development.

Payment of Costs for the Final Budget

Subject to Final Approval, the costs of all engineering studies required for the preparation of the Final Budget will be eligible for the funding provided herein, however, if the Committee does not grant Final Approval, the Committee shall consider reimbursing the City for costs incurred in the form of a cash grant up to a maximum of \$42,000.

Sale of Industrial Park

The City shall establish fair and reasonable selling or leasing prices for the properties developed hereunder based on the actual servicing costs incurred and the potential impact of such prices on other privately held industrial land within its community.

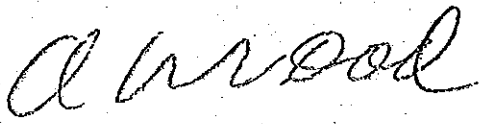
Expiry of Commitment

This Interim Approval will expire if the City has not commenced construction and requested its first construction advance within six months after the date the Interim Approval Letter is accepted by the City.

Acceptance

By duly executing and returning one copy of this letter to the Assistant Deputy Minister, the City agrees to the terms and conditions of this Interim Approval Letter. This letter is open for acceptance until June 7, 1980, provided that the City has adopted a resolution of Council authorizing the signing of this letter, and if accepted will be subject to the terms and conditions of the attached Schedule A which forms a part of this letter.

SIGNED ON BEHALF OF HER
MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF BRITISH
COLUMBIA BY THE ASSISTANT
DEPUTY MINISTER OF INDUSTRY
AND SMALL BUSINESS DEVELOPMENT
REPRESENTING THE MINISTER OF
INDUSTRY AND SMALL BUSINESS
DEVELOPMENT in the presence
of:



Assistant Deputy Minister of
Industry and Small Business
Development.

SIGNING PURSUANT TO MINISTRY
OF ECONOMIC DEVELOPMENT ACT
SECTION 3 (4)

Caroline Inouye
Witness

Hereunder duly executed by the
City of Castlegar
this 27 day of May 1980.

B. L. Mone
Mayor

[Signature]
Clerk

SCHEDULE A

To Interim Approval letter of May 7, 1980, made by the Assistant Deputy Minister of Industry and Small Business Development, Province of British Columbia to the City of Castlegar.

1. The City warrants that all information furnished to date is true.
2. The City shall advise the Province forthwith of any or all future grants or subsidies received pursuant to the Project's development.
3. The Province, at its discretion, may extend the Lapsing Date.
4. The City shall advise the Province immediately of any perceived overruns in Project costs.
5. The City shall provide the Province, during the term of the loan, with an annual report of the Project's activities which shall include the following:
 - (a) the amount of net land serviced
 - (b) the amount of net land sold or leased
 - (c) the names of the occupants
 - (d) the amount of unserviced land still available
 - (e) the expected timing for servicing and disposition of the unserviced land
 - (f) a statement of revenues and expenditures relating to the construction, development and operation of the Park
 - (g) a statement of all term debt procured for the development and construction of the Park, including the assistance provided herein.
6. The Government of Canada and the Province, or their duly authorized representatives, shall have the exclusive right to announce this Interim Approval Letter and its details to the public.