

FLETCHER CREEK IMPROVEMENT DISTRICT

**BYLAW NO. 4
MILNER EASEMENT AGREEMENT BYLAW**

A bylaw to authorize the execution of an Agreement.

The Trustees of Fletcher Creek Improvement District ENACT AS FOLLOWS:

1. That James McLaren, Chairman of the Trustees and Shirley Jones, Secretary of the Trustees are hereby authorized to execute on behalf of the District, an Agreement with Bruce J. & Margaret MILNER relating to an easement in the terms of the draft Agreement hereto attached.
2. That James McLaren, Chairman of the Trustees and Shirley Jones, Secretary of the Trustees are hereby authorized to execute on behalf of the District all necessary instruments to give effect to the said Agreement.
3. This bylaw may be cited as the "Milner Easement Agreement Bylaw".

INTRODUCED and given first reading by the Trustees on the 1th of May, 1981

RECONSIDERED and finally passed by the Trustees on the 1th of May, 1981

Original signed by:

James McLaren
Chairman of the Trustees

Shirley Jones
Secretary of the Trustees

I hereby certify under the seal of Fletcher Creek Improvement District that this is a true copy of Bylaw No. 4 of Fletcher Creek Improvement District passed by the Trustees on the 1th of May, 1981.

Shirley Jones
Secretary of the Trustees

continued . . .

Nature of Interest: Statutory Right of Way

Declared value: \$1.00

Applicant: Eric E. Watson
Barrister & Solicitor
Box 1049
Kaslo, BC V0G 1M0
353-7716

Eric E Watson
Signature of Applicant, Solicitor or Agent

THIS INDENTURE made the 26th day of May, 1981

BETWEEN:

BRUCE JAMES MILNER, plant ecologist and MARGARET JOYCE MILNER, nurse,
Box 945, Houston, BC, V0J 1Z0, as JOINT TENANTS

(Hereinafter called the "Grantor")

AND:

FLETCHER CREEK IMPROVEMENT DISTRICT, c/o Box 700, Kaslo,
British Columbia V0G 1M0

(Hereinafter called the "Grantee")

WHEREAS the Grantor is the owner of Lot 10, District Lot 195, Kootenay District, Plan 10497;

AND WHEREAS the Grantee is a Water Improvement District that is obtaining water from Fletcher Creek for the residents within the boundaries of the said District;

AND WHEREAS the said District requires a water pipeline from Fletcher Creek, crossing said Lot 10;

WITNESSETH that in consideration of the Grantee providing the Grantor with one water outlet valve on the said Lot 10, and providing water from the water pipeline installed on the said Lot 10, in the condition it exists in the said water pipeline, free of charge for so long as any pipeline of the Grantee exists on the said Lot 10, the Grantor doth grant unto the Grantee an easement in perpetuity over said Lot 10 herein for the purpose of installing, maintaining and renewing a water pipeline and for that purpose to permit the Grantee, their servants or workmen to enter upon, dig, install or replace pipe or pipelines for the purpose of conveying water to the said District herein and to return the property to as natural a state as possible. AND TO THE INTENT that all Easements necessary to fulfill the above-mentioned requirements be hereby created are now hereby granted;

The one pipeline installed pursuant to this Easement shall be a minimum of 6" in diameter and a minimum of 5 feet below the surface of the surrounding area. Should the pipeline be installed prior to any residence construction on the said Lot 10, the Grantee hereby agrees to

LAND TITLE ACT
Form 2
Sections 43(a) and 44(a)
AFFIDAVIT OF WITNESS

I, Carol Berry, of #5 Houston Shopping Centre in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Bruce James Milner and Margaret Joyce Milner the party(ies) to it, for the purposes named in it.
2. The instrument was executed at HOUSTON.
3. I know the party(ies) who is (are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at HOUSTON in British Columbia this 26th day of MAY, 1981

Signature: B. Lemley

A Commissionaire for Taking Affidavits for British Columbia

NOTE: This affidavit must be sworn by a witness who is not a party to the instrument.

LAND TITLE ACT
FORM 6
(Section 46)
PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the ___ day of May, 1981 at Kaslo in British Columbia, Shirley Jones & Jim McLaren, who are personally known to me, appeared before me and acknowledged to me that they are the authorized signatories of the FLETCHER CREEK IMPROVEMENT DISTRICT, and that they are the persons who subscribed their names and affixed the seal of the corporation to the instrument, that they are authorized to subscribe their names and affix the seal to it, and that the corporation existed at the date the instrument was executed by the corporation.

IN TESTIMONY of which I set my hand and seal of office, at Kaslo, British Columbia this ___ day of May, 1981.

DATED:

BETWEEN: Bruce James Milner and Margaret Joyce Milner

AND: FLETCHER CREEK IMPROVEMENT DISTRICT

EASEMENT

ERIC E. WATSON
Barrister & Solicitor
Box 1049
Kaslo, BC V0G 1M0
353-7716