

x
BY-LAW NO. 148-A

A BY-LAW TO APPROVE AND CONFIRM THAT CERTAIN AGREEMENT MADE BETWEEN WILLIAM WIZNOWICH OF ELK POINT, IN THE PROVINCE OF ALBERTA, OF THE ONE PART, AND THE TOWN OF ELK POINT OF THE OTHER PART, AND DATED THE TWENTY*THIRD DAY OF AUGUST, 1966.

WHEREAS , the Town of Elk Point required an easement on a strip of land for a purpose of drainage ditch for the flood control in the town, and

WHEREAS, William Wiznowich in consideration of the sum of One Dollar (\$1.00) agreed to grant an easement to the Town of Elk Point for the conveyance of water from the town across his land described as follows:-

All that portion of the North East Quarter of Section Thirty-Six (36) in Township Fifty-Six (56) Range Seven (7) West of the Fourth Meridian, in the Province of Alberta, and being a strip of land Sixty Feet (60') in width from the East boundary of the said quarter section, thence leading South-Westerly to the creek, all of which a strip of land is colored BLACK and is known as Line "D" on a Survey Map or Plan of record in the Office of Department of Water Resources, File No. 2161-86, surveyed September 1962 and 1965.

NOW THEREFORE, the council of the Town of Elk Point, duly assembled enacts as follows:-

THAT that certain Memorandum of Agreement dated the Twenty-Third day of August, A.D. 1966, whereby William Wiznowich agreed to grant an easement to the Town of Elk Point, which said Memorandum of Agreement is Marked "Schedule "A" is hereby approved ratified and confirmed.

Read first and second time this 28th day of November, 1966.

Read a third time and passed this ^{28th} day of ~~November~~ 1966.

Mike Seaman

J. Petrosky

E A S E M E N T

THIS AGREEMENT MADE AND ENTERED INTO THIS 23rd day of August, A.D. 1966, by and between William Wisnowich of Elk Point, in the Province of Alberta, Farmer (hereinafter called "the Grantor")

OF THE FIRST PART

- and -

The Town of Elk Point, in the Province of Alberta, a body corporate, (hereinafter called "the Grantee")

OF THE SECOND PART

THIS AGREEMENT WITNESSETH AS FOLLOWS:-

The Grantor in consideration of the payment by the Grantee to the Grantor of the sum of One 00/100 (\$1.00) Dollars, the receipt whereof is hereby acknowledged by the Grantor, HEREBY GRANTS, CONVEYS, and TRANSFERS to the Grantee, its successors and assigns, an Easement giving full and free right to enter upon the following parcel or tract of land, namely:-

All that portion of the North East Quarter of Section Thirty-Six (36) in Township Fifty-Six (56) Range Seven (7) West of the Fourth Meridian, in the Province of Alberta, and being a ~~strip~~ strip of land Sixty Feet (60') in width from the East boundary of the said quarter section, thence leading South-Westerly to the creek, all of which a strip of land is colored BLACK and is known as Line "D" on a Survey Map or Plan of record in the Office of Department of Water Resources, File No. 2161-86, Surveyed September 1962 and 1965.,

RESERVING UNTO HER MAJESTY ALL MINES AND MINERALS.

and to excavate, construct, maintain and operate a Drainage Ditch on the said land for the conveyance of natural water flow with a free and uninterrupted right of way for ingress, egress, and regress through, under, along, above and across the said land for the maintenance, repair, upkeep, replacement, and renewal of the said drainage ditch.

The Grantee agrees that it, its servants, agents, employees, or workmen when excavating, repairing, renewing or replacing the said drainage ditch, place such lights, flags, or other warning, at the location of the work as is reasonably necessary to give warning of the existence of such work.

The Grantor further covenants and agrees that the Grantee its servants, agents, employees, or workmen, or anyone acting on behalf of the Grantee may enter in or upon the said strip of land with or without horses, wagons, vehicles, machinery or equipment, for the purposes aforesaid, and for all other purposes incidental thereto.

AND IT IS FURTHER WITNESSED and the Grantee doth hereby promise and agree with the Grantor as follows:-

- (a) That the Grantor shall have the right to use the strip of land, and have a right of ingress and egress over the same, but not so as to interfere in any manner with the use and occupation thereof by the Grantee.
- (b) That it will make compensation to the Grantor for any and all damage that may be done to any buildings, fence, growing crop belonging to the Grantor, and arising out of, or by reason of, or in the course of the construction, maintenance, repair, replacement, or renewal of the said drainage ditch, provided that the Grantee shall not be liable for any damage caused by interference by anyone other than the Grantee, its officers, agents, or employees, or person acting under the authority of the Grantee, with any ditch, or works, of the Grantee laid or constructed by the Grantee on this strip of land.
- (c) That it will not, at any time fence the strip of land.

This Easement and agreement shall enure to the benefit of and shall be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal,
and the Grantee has caused its corporate seal to be affixed, authenticated
by the signatures of its proper officers, the day and year first above
written.

SIGNED SEALED AND DELIVERED

by William Wiznowich, in the

Presence of

William Wiznowich
Bill Wiznowich

Witness

Henry [Signature]

TOWN OF ELK POINT

By Mike [Signature]
MAYOR

[Signature]
SECRETARY-TREASURER.

FORM D

CANADA
Province of Alberta
To Wit:

I, William Wiznowich, of Elk Point, in the
Province of Alberta, Farmer,
make oath and say:

1. That I am the Grantor named in the annexed instrument.
2. That I am a Widower, and that all my children are married and are all over twenty-one years of age.

SWORN before me at the
Town of Elk Point, in
the Province of Alberta,
this 23 day of
August A.D. 1966.

William Wiznowich

Bill Wiznowich

[Signature]
A Commissioner for Oath

AFFIDAVIT OF EXECUTION

CANADA
Province of Alberta
To Wit:

I, *Henry Beck*
of Elk Point, in the Province of Alberta,
make oath and say:

1. That I was personally present and did see William Wiznowich named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. That the same was executed at the Town of Elk Point, in the Province of Alberta, and that I am the subscribing witness thereto.
3. That I know the said William Wiznowich and he is in my belief of the full age of twenty-one years.

SWORN before me at Elk Point,
in the Province of Alberta,
this 23 day of
August, A.D. 1966.

Witness

Henry Beck

[Signature]
A Commissioner for Oath.