

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3736

A Bylaw to authorize a lease and sublease of real property to Oak Bay Marina (1992) Ltd.

WHEREAS by Agreement dated May 10, 1962, authorized by Bylaw No. 2352, The Corporation of the District of Oak Bay (hereinafter called the "Corporation") leased to Oak Bay Marina Ltd. the piece, parcel or tract of land and premises situate, lying and being in the Province of British Columbia and more particularly known as

All that part of Block "B", Section 23, Victoria District, Plan 368, lying between Two (2) parallel lines which bear North Thirty-one degrees and eleven minutes East (N31° 11' E) from points in the Southwesterly boundary of the said Block "B", which points are distant Southeasterly Four Hundred one and four tenths (401.4) feet and Four Hundred sixty-six and four tenths (466.4) feet from the most Westerly corner of the said Block "B", as the said distances are measured along the said Southwesterly boundary containing Six Hundred seventeen thousandths (0.617) of an acre more or less, all of which is outlined in red on Reference Plan No. 1752R filed at the Land Title Office, Victoria, B.C.;

(hereinafter called the "Marina Upland")

AND WHEREAS by the said Agreement the Corporation also subleased to Oak Bay Marina Ltd. the Crown Provincial foreshore situate, lying and being in the Province of British Columbia and more particularly known as

Block "A" of District Lot 114, Victoria District;

AND WHEREAS pursuant to an agreement between the Corporation and Oak Bay Marina Ltd. dated April 2, 1962, the following Crown Provincial foreshore was, over time, added to the premises demised as aforesaid:

Blocks "B" and "C" of District Lot 114, Victoria District

Block "B" of District Lot 113, Victoria District

(all of which aforesaid foreshore premises are hereinafter together called the "Aquatic Lands")

AND WHEREAS the term of the said lease with respect to the Marina Upland was for thirty (30) years from June 1, 1962;

AND WHEREAS the term of the said sublease with respect to the Aquatic Lands was for thirty (30) years, less the last day, commencing May 7, 1962;

AND WHEREAS as a temporary and transitional measure, the lease of the Marina Upland and the sublease of the Aquatic Lands were, by agreement dated May 4, 1992, with modifications, extended to December 31, 1992 and December 30, 1992, respectively;

AND WHEREAS the owner of Oak Bay Marina Ltd. has renamed an affiliated corporation (B.C. Inc. No. 326013) as Oak Bay Marina (1992) Ltd.;

AND WHEREAS the Municipal Council of the Corporation deems it desirable and expedient that a new lease and sublease of the Marina Upland and the Aquatic Lands, respectively, be granted to Oak Bay Marina (1992) Ltd. for a term of thirty (30) years less two (2) days commencing January 1, 1993 and ending December 29, 2022;

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1. That the Corporation enter into an agreement in the form hereunto annexed as Schedule "A" (with such minor modifications as may, upon the determination of the Registrar of Titles, be required to effect registration at the Land Title Office in Victoria, British Columbia, PROVIDED that they are without exception strictly limited to technical elements and do not, singly or in combination, directly or indirectly, affect the substance of the agreement in any way whatsoever as certified in writing by legal counsel for the Corporation) to lease and sublease the Marina Upland and the Aquatic Lands, respectively, to Oak Bay Marina (1992) Ltd. on the terms set out therein; said agreement being deemed to include the Servicing Agreement attached as Exhibit 5 thereto.
2. That the Corporation enter into an agreement (Sealand Phaseout Agreement) with Oak Bay Marina Ltd. and Oak Bay Marina (1992) Ltd. in the form hereunto annexed as Schedule "B".
3. The Mayor and Municipal Clerk are hereby authorized to do all acts and things required to consummate the lease and sublease authorized by this Bylaw and, without limiting generality, to execute agreements in the forms hereunto annexed as Schedule "A" and Schedule "B", respectively.
4. This Bylaw may be cited as the "OAK BAY MARINA OPERATING LEASE BYLAW, 1993".

READ a first, second and third time by the Municipal Council on December 23, 1992

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on December 30, 1992

Dianna Butler

Mayor

Martina

Municipal Clerk

Sealed with the Seal of The Corporation of
the District of Oak Bay.