

T O W N O F V U L C A N

By-Law No. 1032

A By-Law of the Town of Vulcan, in the Province of Alberta, to authorize the making of an agreement with the Kinsmen Club of Vulcan.

WHEREAS the Kinsmen Club of Vulcan is desirous of constructing and installing playground equipment in Birch Park in the Allen Subdivision, being Lot Six (6), Block Forty-Nine (49), Plan Vulcan 7710842.

NOW THEREFORE pursuant to Section 115, Municipal Government Act, being Chapter M-26 R.S.A.1980 and amendments thereto, the Council of the Town of Vulcan, duly assembled enacts, as follows:

THAT:

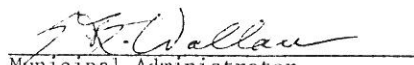
1. The Town of Vulcan enter into an Agreement with the Kinsmen Club of Vulcan for the construction and installation of playground equipment in Birch Park in accordance with Schedule "A" attached hereto and forming a part hereof.
2. The Mayor and Municipal Administrator be authorized to execute the Agreement on behalf of the Town of Vulcan.
3. This By-Law shall have effect from the date of final passing thereof.

READ a first time this 26th day of August A.D., 1985.

READ a second time this 26th day of August A.D., 1985.

READ a third time, by unanimous consent of the Councillors present, and finally passed this 26th day of August A.D., 1985.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Administrator

A G R E E M E N T

THIS AGREEMENT MADE in DUPLICATE this 26th day of August A.D. 1985.  
BETWEEN:

THE TOWN OF VULCAN in the Province of Alberta, a  
Municipal Corporation;

PARTY OF THE FIRST PART  
Hereinafter referred to as the TOWN

- and -

THE KINSMEN CLUB OF VULCAN, a Body Corporate, under  
the Provisions of the Societies Act of the Province  
of Alberta.

PARTY OF THE SECOND PART  
Hereinafter referred to as the  
KINSMEN.

WHEREAS the TOWN is the owner of the following described lands, that  
is to say:

Lot Six (6)  
Block Forty Nine (49)  
Plan Vulcan 7710842  
Hereinafter referred to as the SAID LANDS.

AND WHEREAS the TOWN has declared the SAID LANDS to be Public Land for  
recreational use for the residents of the Town of Vulcan.

AND WHEREAS the TOWN has created lasting improvements upon the SAID LANDS,  
namely the planting of trees and grass to create a park for the use and  
enjoyment of the residents of the Town of Vulcan.

AND WHEREAS the KINSMEN are desirous of creating additional lasting  
improvements upon the SAID LANDS, namely the construction and installation  
of playground equipment to provide recreational facilities for the  
residents of the Town of Vulcan.

AND WHEREAS the TOWN agrees to provide assistance through the Community  
Recreation/Cultural Grant Program of the Province of Alberta to construct  
and install the said additional lasting improvements.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the TOWN and the KINSMEN  
agree as follows:

1. The KINSMEN agree that the said additional lasting improve-  
ments shall be fully accessible, without charge, for use by  
the residents of the Town of Vulcan.

2. The TOWN agrees to maintain the said additional lasting improvements in good repair.
3. The KINSMEN agree to reimburse the TOWN for all material maintenance costs of the said additional lasting improvements.
4. The KINSMEN shall remain the owners of the said additional lasting improvements made upon the SAID LANDS.
5. The KINSMEN shall indemnify and save harmless the TOWN from and against all claims, demands, actions, suits, and judgments arising out of the use of the said additional lasting improvements.
6. The TOWN shall endorse its Property and Liability Insurance policies to include the said additional lasting improvements, and
7. The KINSMEN agree to reimburse the TOWN for the cost of such insurance endorsement.
8. The KINSMEN undertake that in the event that the Kinsmen Club of Vulcan is wound-up or dissolved it shall surrender, transfer and deliver to the TOWN ownership of the said additional lasting improvements upon the DEMISED LANDS.

IN WITNESS WHEREOF the PARTIES hereto have affixed their names and Corporate seals by their proper officers in that behalf, the day and year first above written.

THE TOWN OF VULCAN

J.D. Mitchell  
Mayor

Seal

J.R. Wallan  
Municipal Administrator

THE KINSMEN CLUB OF VULCAN

[Signature]  
Project Chairman

[Signature]  
Secretary

Seal  
Attached to and forming a part of  
By-Law No. 1032

J.D. Mitchell  
Mayor

J.R. Wallan  
Municipal Administrator

