

**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

**002082536**

**ORDER NUMBER: 53826554**

**ADVISORY**

This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.

Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

19  
19  
19  
19  
19  
19  
19  
19  
19  
19

**LACOMBE COUNTY**

**- and -**

**JUDY CARLETON**

**- and -**

**J. T. SETTERS & SONS CONSTRUCTION LTD.**

---

**DEVELOPMENT AGREEMENT**  
**Gravel Pit**

---

**AN AGREEMENT** made on the *FIFTH* day of *OCTOBER*, 1999  
**BETWEEN:**

**LACOMBE COUNTY**  
of 5432 - 56 Avenue, Lacombe AB T4L 1E9  
(hereinafter called the "County")

*OF THE FIRST PART*

- and -

**JUDY CARLETON**  
of Box 248, Blackfalds AB T0M 0J0  
(hereinafter called the "Owner")

*OF THE SECOND PART*

- and -

**J. T. SETTERS & SONS CONSTRUCTION LTD.**  
of 8025 - 49 Avenue, Red Deer AB T4P 2V5  
(hereinafter called the "Operator")

*OF THE THIRD PART*

WHEREAS the County received an application for permission to remove gravel from the lands legally described as follows:

Meridian 4 Range 27 Township 39  
Section 21  
Legal Subdivision 7

All that portion which lies north of a line drawn parallel with and distant perpendicularly 115.5 feet northerly from the centre line of the Calgary and Edmonton Railway as shown on Railway Plan C & B No. 1 and east of Road Plan 2058LZ, containing 4.78 hectares (11.82 acres) more or less

*(Certificate of Title No. 922 034 799)*

Meridian 4 Range 27 Township 39  
Section 21

All that portion of Legal Subdivision 8 which lies north of a line drawn parallel with and distant perpendicularly 115.5 feet northerly from the centre line of the Calgary and Edmonton Railway as shown on Railway Plan C & B No. 1, containing 4.82 hectares (11.9 acres) more or less

*(Certificate of Title No. 852 096 658)*

(hereinafter called the "said lands");

AND WHEREAS the application was approved by the County's Municipal Planning Commission on August 18, 1999, subject to conditions, and attached hereto as Schedule A is a copy of that decision;

AND WHEREAS a condition of the said approval requires the Owner and Operator to enter into a Development Agreement with the County before a Development Permit is issued;

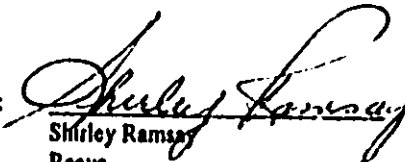
NOW THEREFORE in consideration of the terms and conditions hereinafter set forth, the parties hereby agree as follows:

1. It shall be the responsibility of the Operator to obtain all permits or other licenses that may be required by Alberta Environment and Alberta Infrastructure for the development approved by the County.
2. The Operator shall salvage and store separately all topsoil and other overburden material from all areas disturbed by the gravel operation. No material so stripped is to be removed from the said lands but must be retained thereon for future reclamation of the area disturbed by the operation
3. All stripping and stockpiling shall be by scraper unless otherwise approved by the County.
4. The County may designate the roads to be used for the hauling of gravel and further, may require that the Operator installs weigh scales at the pit site to ensure that truck load limits are adhered to. The Operator shall not haul or permit to be hauled any gravel upon any roads not so designated for that purpose by the County. All truck traffic shall be subject to road weight laws and road ban restrictions.
5. The Operator shall be responsible for and shall make payment on demand to the County of all the costs of road repairs and maintenance which may be required by the County due to or arising out of the use of county roads for the hauling of gravel from the said lands. Without restricting the generality of the foregoing, such maintenance shall include treatment of the local road access to the said lands with calcium chloride or an equivalent material approved by the County for road dust control.
6. Before starting the development, the Operator shall supply the County with an irrevocable standby letter of credit in favour of the County in an amount and form acceptable to the County to secure the due performance of the Operator's obligations as set out in this Agreement with respect to improvements, repairs and maintenance that the County, in its discretion, deems necessary to county roads. Such letter of credit shall be maintained and kept in force by the Operator at all times for a period extending six (6) months beyond the term of the Development Permit issued by the County for the gravel pit operation. The letter of credit may not be withdrawn, cancelled or terminated until the County certifies in writing that all of the Operator's obligations hereunder have been satisfactorily performed.
7. In the event that the Operator is in default in carrying out its obligations for road improvements, repairs and maintenance and fails to rectify its default on notice from the County within the period specified on such notice, the County may immediately take any actions necessary to rectify the default and may take action under the letter of credit to be provided by the Operator pursuant to clause 6. The proceeds of such letter of credit shall be applied in payment of all cost and expense incurred by the County in performing or causing to be performed any or all work which the County, in its discretion, deems necessary to remedy or rectify any default by the Operator. Where the letter of credit has been called upon by the County, the Developer shall within 30 days supply the County with a new letter of credit equal to the full amount originally requested by the County under this Agreement.
8. It shall be the responsibility of the Operator to ensure that the gravel pit is adequately fenced, complete with a gate, and clearly visible warning signs are installed prohibiting public access into the working area. Such fencing shall be maintained in a satisfactory condition at all times.
9. Every effort shall be made by the Operator to control or avoid any nuisance arising from the gravel pit operation due to noise, dust or drainage. Such methods shall be to the satisfaction of the County.

10. Ongoing (progressive) reclamation shall be undertaken by the Operator to minimize the amount of land disturbed at any one time. Such reclamation shall be completed immediately upon the expiry of the said Development Permit with the requirement that the Operator restore the lands disturbed by the operation to an agricultural land capability equivalent or better than the land capability that existed prior to disturbance. The reclamation work shall not be considered complete until a Reclamation Certificate has been issued by Alberta Environment. A copy of such Certificate is to be provided to the County.
11. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.
12. The County shall be at liberty, pursuant to the Alberta Municipal Government Act, upon the execution of this Agreement, to file at the Land Titles Office for the North Alberta Land Registration District a caveat against the said lands for the purposes of protecting the County's interests and rights pursuant to this Agreement. Such caveat shall not be discharged until all terms and conditions of this Agreement have been met to the satisfaction of the County.

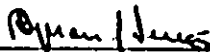
IN WITNESS THEREOF the parties have executed this Agreement as of the date set forth above.

**LACOMBE COUNTY**

Per:   
Shirley Ramsay  
Reeve

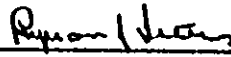
Per:   
Edwin B. Koberstein  
County Commissioner

**OWNER**

  
Witness to signature of  
Owner

  
Judy Carleton

**OPERATOR**

Per: 

Per: \_\_\_\_\_

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

## Affidavit of Execution

Canada )  
 Province of Alberta )  
 To Wit: )  
 )  
 )  
 )  
 )  
 )

I, BYRON SETTERS  
 of the CITY of RED DEER  
 in the Province of Alberta, CANADA  
 make oath and say:

1. That I was personally present and did see Judy Carleton, Box 248, Blackfalds, Alberta T0M 0J0 named in the within (or 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 BLACKFALDS in the Province of Alberta, CANADA, and that I am the subscribing witness thereto.
3. That I know the said person and he/she is in my belief of the full age of eighteen years.

Sworn before me at the CITY of )  
RED DEER in the Province of )  
 Alberta, this 5 day of OCTOBER )  
 A.D. 1999 )

Sharon J. Fairless

Sharon J. Fairless  
 A Commissioner for Oaths in and for the Province of Alberta

**SHARON J. FAIRLESS**  
 Commissioner for Oaths in and  
 for the Province of Alberta  
 My Commission expires JAN 16 1999



**Development Application No. 112/99  
NOTICE OF DECISION**

This is to advise that the Municipal Planning Commission has approved the following development:

gravel pit

*(see reverse side for conditions of approval)*

<b>Legal Description:</b>	Pt. SB 21-39-27-W4M
<b>Applicant(s):</b>	Judy Carleton
<b>Date of Decision:</b>	August 18, 1999

Any person claiming to be affected by the approval of this development can appeal the decision by submitting a written statement of concern to:

**Secretary  
Subdivision and Development Appeal Board  
Lacombe County  
5432-56 Avenue  
Lacombe AB T4L 1E9**

by no later than September 7, 1999.

For more information, contact the Planning and Development Department at (403) 782-6601.

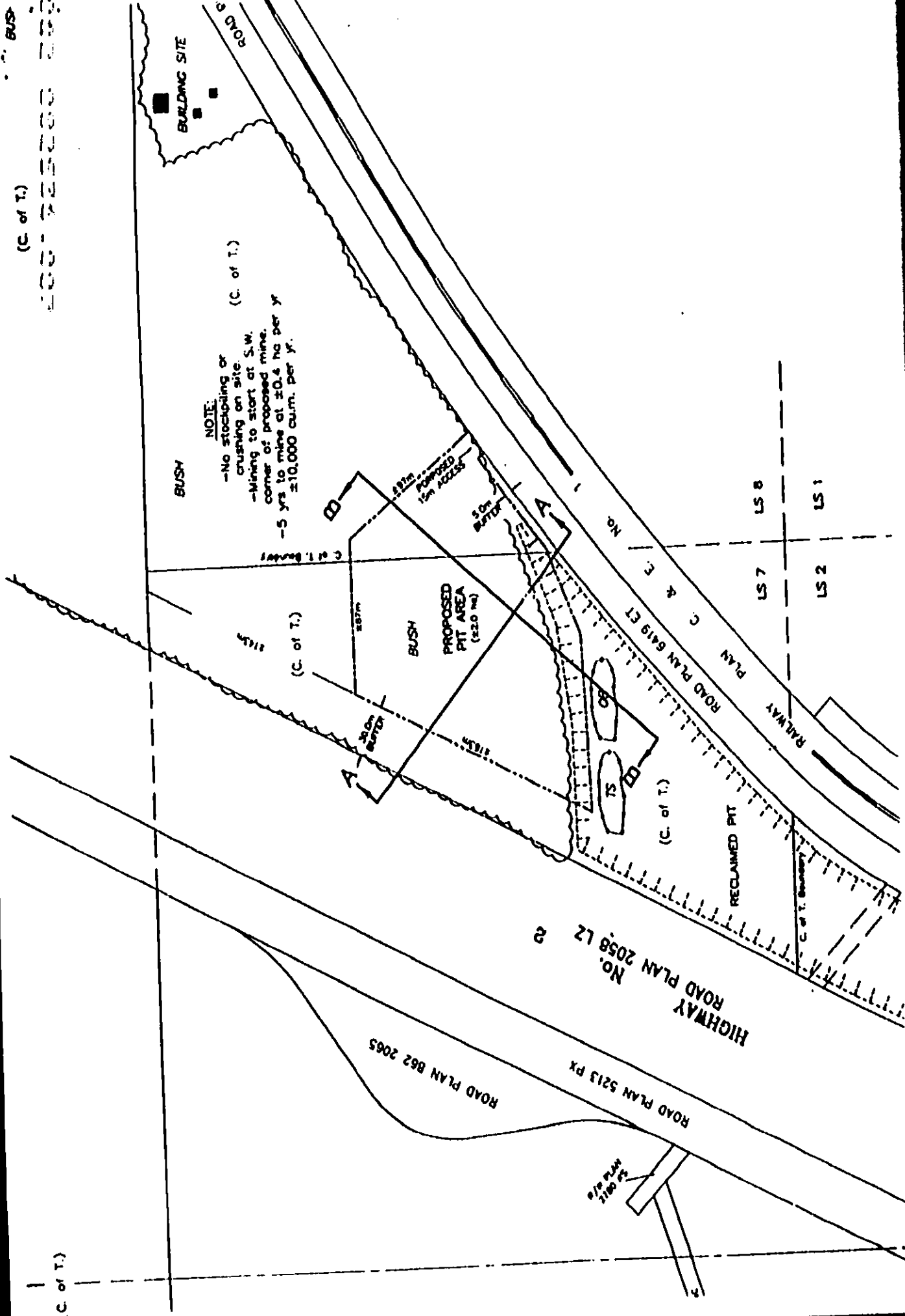
August 19, 1999  
Date of Issue

Allan Williams  
Allan Williams, ACP, MCIP  
Planner/Development Officer

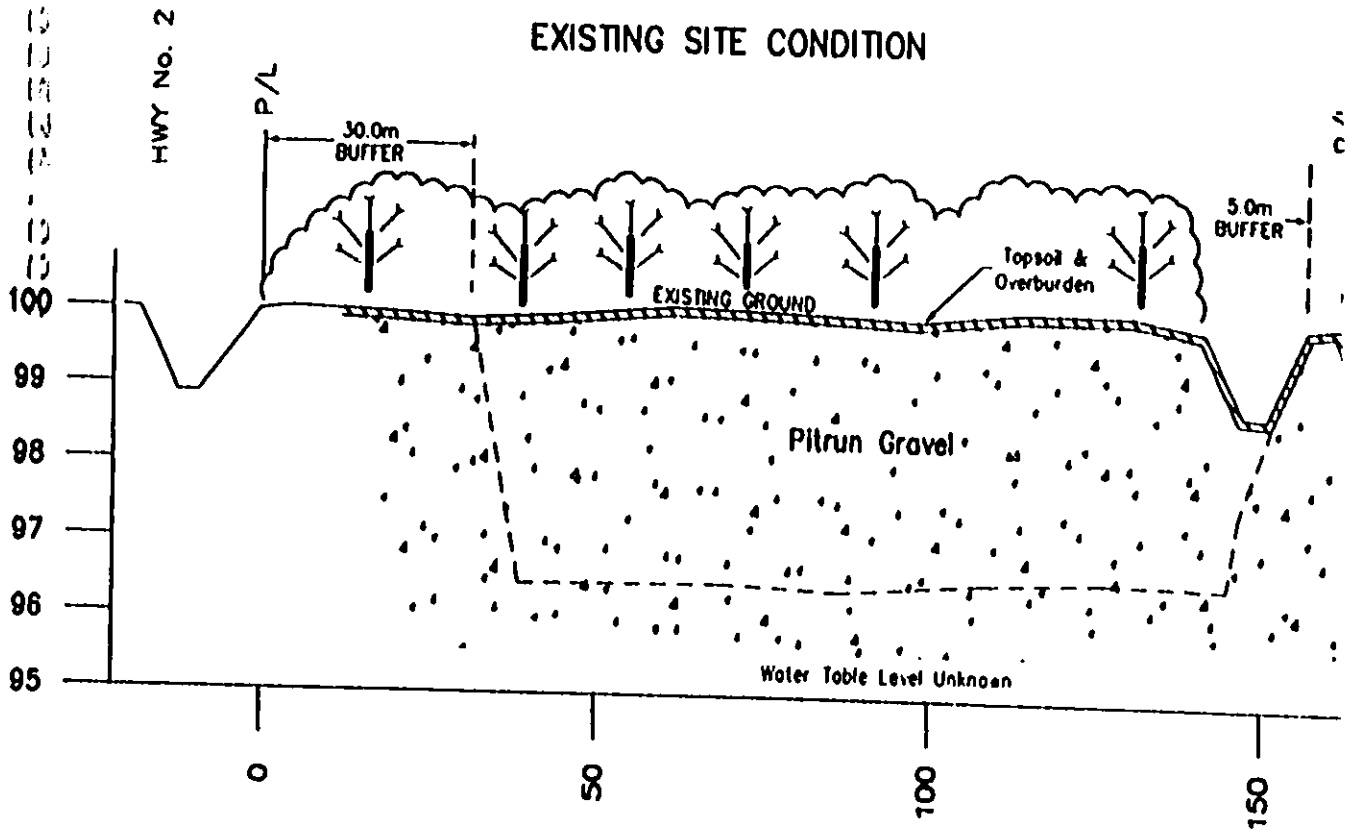
**Development Application No. 112/99  
Conditions of Approval**

1. term of development permit to be for five (5) years
2. access onto local road (Road Plan 6419 RT) to be provided to the satisfaction of the County's Public Works Department. Owner/operator must complete and return attached request form to Department. For more information, call Department at 782-6601
3. owner/operator to enter into development agreement with County respecting roadway improvements and other road use impacts, and reclamation of disturbed lands. Agreement shall be caveated against title of property
4. approval to be obtained under Alberta Environmental Protection and Enhancement Act if total area disturbed by operation 12.5 acres or greater in size (please note that total surface disturbance includes areas used for pit, roads, stockpiles and other facilities)

*because the site is next to Highway 2, a permit will be required from Alberta Infrastructure (formerly Transportation and Utilities) for the operation. An application form is enclosed. For more information, call the Department at (403) 340-5166.*



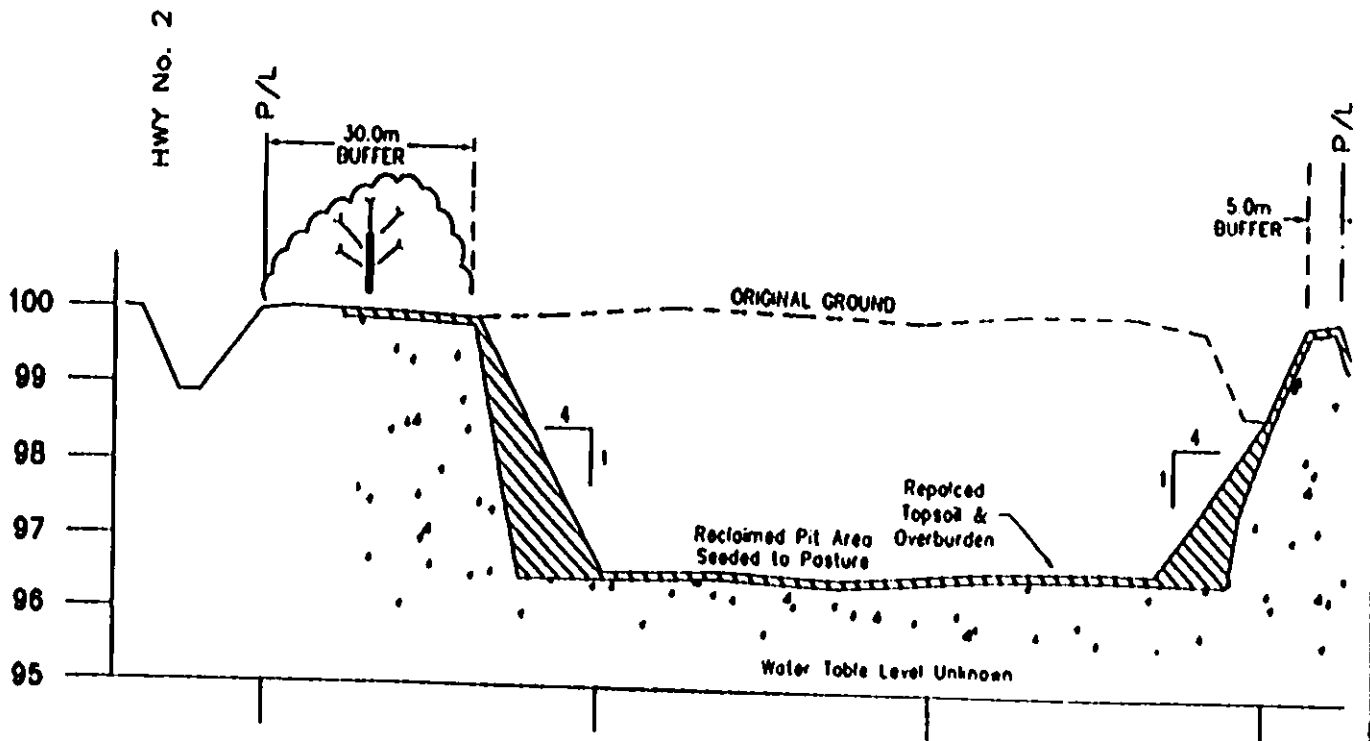
# EXISTING SITE CONDITION

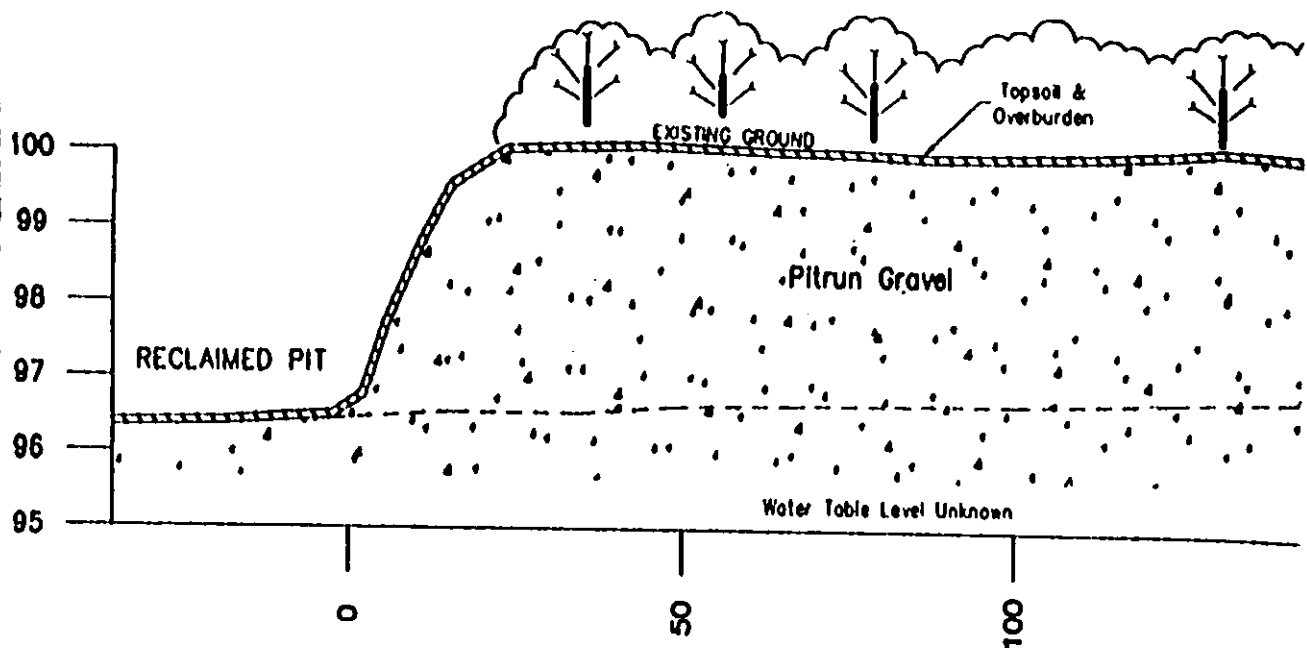


# CROSS SECTION A-A

SCALE HORZ. = 1:1000  
VERT. = 1:100

# RECLAIMED SITE CONDITION

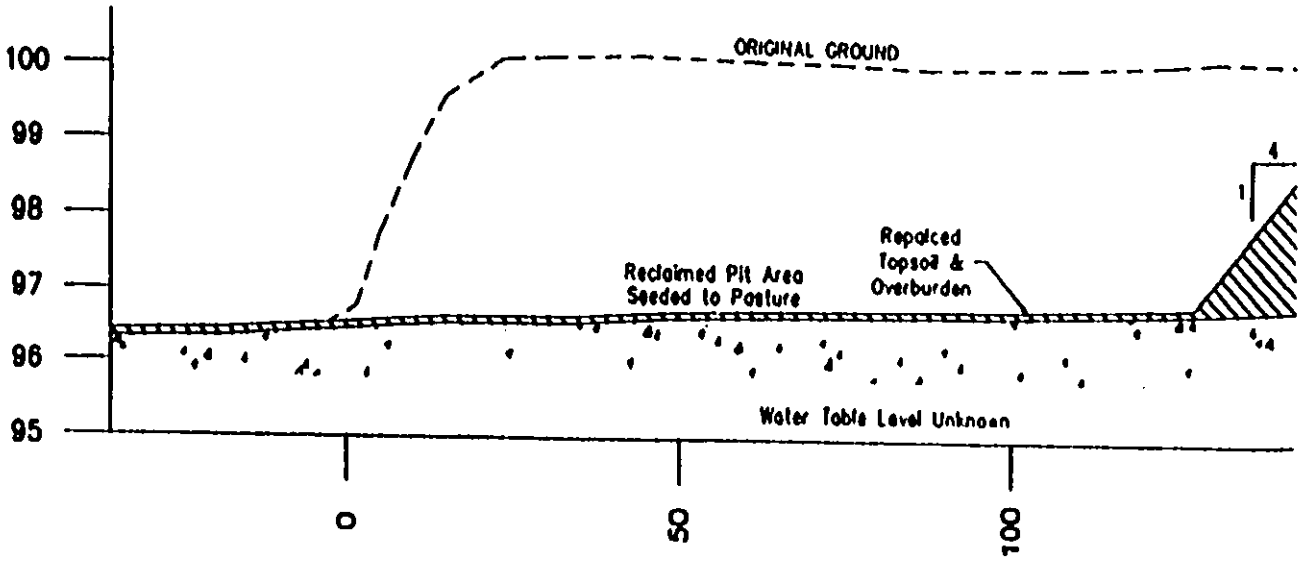




# CROSS SECTION B-B

SCALE · HORZ. = 1:1000  
VERT. = 1:100

## RECLAIMED SITE CONDITION



**CAVEAT**

TO THE REGISTRAR OF THE NORTHERN ALBERTA LAND REGISTRATION DISTRICT

TAKE NOTICE that LACOMBE COUNTY of 5432-56 Avenue, in the Town of Lacombe in the Province of Alberta, T4L 1E9 claims an interest under and by virtue of a Development Agreement dated October 5, 1999 between Lacombe County and Judy Carleton and J.T. Sotters & Sons Construction Ltd. with respect to Section 650 of the Municipal Government Act.

in

Meridian 4 Range 27 Township 39  
Section 21  
Legal Subdivision 7

All that portion which lies north of a line drawn parallel with and distant perpendicularly 115.5 feet northerly from the centre line of the Calgary and Edmonton Railway as shown on Railway Plan C & E No. 1 and east of Road Plan 20581Z, containing 4.78 hectares (11.82 acres) more or less

(Certificate of Title No. 922 034 799)

Meridian 4 Range 27 Township 39  
Section 21

All that portion of Legal Subdivision 8 which lies north of a line drawn parallel with and distant perpendicularly 115.5 feet northerly from the centre line of the Calgary and Edmonton Railway as shown on Railway Plan C & E No. 1, containing 4.82 hectares (11.9 acres) more or less

(Certificate of Title No. 852 096 658)

being a portion of the lands described in Certificates of Title No. 922 034 799 and 852 096 658, standing in the register in the name of Judy Carleton and I forbid the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject to my claim.

I APPOINT Lacombe County at 5432-56 Avenue in the Town of Lacombe in the Province of Alberta T4L 1E9, as the place at which notices and proceedings relating hereto may be served.

Dated this 10th day of March A.D., 2000.

LACOMBE COUNTY

Per:   
Signature of the Caveator or his Agent  
Terrance W. Hager

CANADA ) I  
PROVINCE OF ALBERTA ) of the of  
)  
TO WIT: ) in the Province of Alberta,

make oath and say:

1. THAT I am the within-named Caveator.
2. THAT I believe that I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the of )  
this day of in the Province of Alberta )  
A.D. 1999. )

A Commissioner for Oaths in and for the  
Province of Alberta.

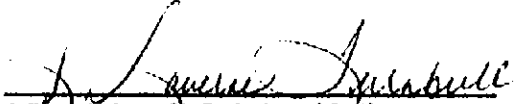
CANADA )  
PROVINCE OF ALBERTA ) I, Terrance W. Hager  
of the Town of Lacombe

TO WIT: ) in the Province of Alberta, Assistant County Commissioner,  
make oath and say:

1. THAT I am agent for the above-named Caveator.
2. THAT I believe that the said Caveator has a good and valid claim upon the said lands and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.

SWORN before me at the Town of  
Lacombe in the Province of Alberta  
this 10th day of March A.D. 2000.

  
) Terrance W. Hager

  
A Commissioner for Oaths in and for the  
Province of Alberta.

S. LAVERNE TURNBULL  
Commissioner for Oaths  
My Exp. Date: Nov 7, 2001

002082536 REGISTERED 2000 03 30  
CAVE - CAVEAT  
DOC 1 OF 1 DRR#: 5366951 ADR/RNOORANI  
LINC/S: 0022980833 0021377255

