

CITY OF SURREY

BY-LAW NO.12969

A By-law to enter into financial obligations to fund certain real property acquisitions.

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WHEREAS the Corporation of the City of Surrey (the "City") has purchased or intends to purchase certain property for City purposes at a specific sum, including, but not limited to the following, all in the City of Surrey, Province of British Columbia:

(a) Surrey Bend Properties outlined as per Schedules A, B, C, D, E and F of Surrey Bend Contribution Agreement, Corporate Report S714.

(b) Gateway/City Centre Land: 10747 - 134th Street
13310 - 108 Avenue
10363-135th Street

(the above described Lands are herein referred to as the "Lands")

AND WHEREAS the properties herein are required for the purposes of the City;

AND WHEREAS Section 322 (1)(a) of the Municipal Act authorizes Council to enter into mortgages and or other obligations to secure amounts owing with respect to the purchase of real property;

NOW, THEREFORE, the City Council of the Corporation of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. The City is hereby authorized to enter into an agreement or agreements binding on the City in order to finance the purchase of the Lands and without limiting the generality of the foregoing may enter into a mortgage, promissory note, agreement or any other financial obligation or financial instrument upon the following terms and conditions:

(a) The total principal amount secured with respect to all of the Lands herein shall be no greater than Four Million Five Hundred Thousand Dollars (\$4,500,000.00) but may be for a lesser amount and may vary from time to time.

(b) Interest shall be paid but shall be no greater than the prime rate plus two (2) percent as set by the Canadian Imperial Bank of Commerce from time to time. The interest rate paid may be for a lesser rate and may vary from time to time.

(c) The term of the mortgage, promissory note, agreement or any other financial obligation or financial

instrument herein shall not be greater than ten (10) years but may be for a lesser time and may vary from time to time. Refinancing of the outstanding obligation with different financial instruments may be done from time to time within the ten (10) year term.

(d) Repayment shall be made, including principal and interest from time to time so as to ensure the liquidation and repayment of the principal amount and any interest thereon within the term of the loan which said term shall be not greater than ten (10) years.

(e) Any mortgage, promissory note, agreement or any other financial obligation or financial instrument herein may be paid in part or in full at any time without notice, penalty or bonus of any kind provided that the lender agrees to this condition.

2. The Mayor and Clerk of the City are hereby authorized to execute on behalf of the City any mortgage, promissory note, agreement or any other financial obligation or financial instrument herein to give effect to this By-law.

3. This By-law may be cited for all purposes as "Financing By-law, 1996, No. 12969."

PASSED THREE READINGS by the City Council on the 25th day of November, 1996.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 16th day of December, 1996.

_____MAYOR

_____CLERK

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