

NATIONAL ASSEMBLY

SECOND SESSION

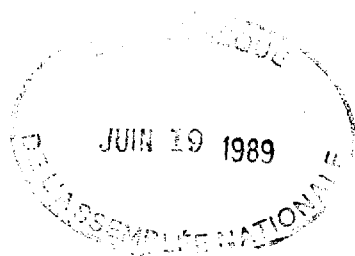
THIRTY-THIRD LEGISLATURE

Bill 281
(Private)

**An Act respecting certain
immovables situated in the
industrial park of
Saint-Augustin-de-Desmaures**

Introduction

Introduced by
Mr Lawrence Cannon
Member for La Peltre



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Bill 281

(Private)

An Act respecting certain immovables situated in the industrial park of Saint-Augustin-de-Desmaures

WHEREAS, on 17 May 1971, notices of expropriation were registered by the Communauté urbaine de Québec against a certain number of immovables forming part of the cadastre for the parish of Saint-Augustin-de-Desmaures, within the registration division of Portneuf, which were to form the territory of its industrial park;

Whereas, on 1 October 1971, the Communauté urbaine de Québec effected the cadastral subdivision of parts of certain immovables which were the subject of the expropriation proceedings, for street purposes, and whereas the subdivision was made in accordance with the provisions of article 2175 of the Civil Code;

Whereas, on 18 February 1972, the Communauté urbaine de Québec cancelled the parts of the lots in the process of being expropriated that were situated between the streets previously subdivided, and new original lots bearing numbers 544 to 556 were included in the plan and book of reference of the cadastre for the parish of Saint-Augustin-de-Desmaures, and whereas this cadastral operation was carried out in accordance with the provisions of article 2174a of the Civil Code;

Whereas, following the above-mentioned cadastral operations, but before the acquisition by the Communauté urbaine de Québec of the immovables in respect of which it had commenced expropriation proceedings, other minor cadastral amendments were made in accordance with the provisions of article 2175 of the Civil Code;

Whereas, during the period extending from 31 May 1972 to 20 December 1973, the Communauté urbaine de Québec became the

owner of the immovables forming the territory of its industrial park by virtue of the deeds of sale entered into by the expropriated owners;

Whereas the immovables acquired by the Communauté urbaine de Québec by virtue of the deeds of sale hereinabove referred to were described in those deeds in the same manner as in the notices of expropriation registered on 17 May 1971 at the registry office of the registration division of Portneuf, Cap-Santé, and, therefore, without taking into account the cadastral operations carried out after that date;

Whereas the deeds of sale hereinabove referred to were registered, at the time of their execution, at the registry office of the registration division of Portneuf, but whereas neither the lots included by reason of the above-mentioned cadastral operations nor the new subdivision lots resulting from such operations could be affected by such registration;

Whereas certain successors in title of the Communauté urbaine de Québec to the immovables so acquired indicated to the Communauté urbaine de Québec that the designation of the immovables acquired by virtue of the deeds of sale hereinabove referred to was irregular since earlier cadastral operations had not been taken into account, and demanded that it make the necessary corrections;

Whereas corrections to the designation of certain immovables so acquired by the Communauté urbaine de Québec were made by way of agreements entered into by the Communauté urbaine de Québec and its predecessors in title to take into account the above-mentioned cadastral operations;

Whereas, by way of notarial memorials executed on 22 March 1989 and registered on 28 March 1989 at the registry office of the registration division of Portneuf under numbers 319777, 319778, 319779, 319780, 319781, 319782, 319783, 319784, 319785, 319786, 319787, 319788, 319789 and 319790, and by way of notarial memorials executed on 19 April 1989 and registered on 24 April 1989 at the same registry office under numbers 320434, 320435, 320436, 320437, 320438 and 320439, the Communauté urbaine de Québec registered its titles of conveyance with respect to the immovables acquired during the period extending from 31 May 1972 to 20 December 1973, the designation of which had not been corrected by agreement;

Whereas the said notarial memorials, as prescribed in the last paragraph of article 2139 of the Civil Code, contained the official

designation of the immovables acquired by the Communauté urbaine de Québec as it stood at the time of their acquisition, although that designation did not appear in the deeds of sale;

Whereas the notarial memorials, to be equivalent to cadastral notices, also mentioned the cadastral operations carried out with regard to certain immovables following their acquisition by the Communauté urbaine de Québec;

Whereas the registration by way of notarial memorials may therefore affect the immovables acquired by the Communauté urbaine de Québec during the period extending from 31 May 1972 to 20 December 1973, the designation of which had not been corrected by agreement, and may, consequently, render the deeds of sale in favour of the Communauté urbaine de Québec to which the memorials relate enforceable in accordance with article 2098 of the Civil Code;

Whereas it is in the public interest to set aside any doubt as to the validity of the title of the Communauté urbaine de Québec to the immovables which may arise from the fact that, in the deeds of sale in favour of the Communauté urbaine de Québec hereinabove referred to, the immovables sold are described without taking into account the cadastral operations carried out before the date on which the deeds were signed;

Whereas it is in the public interest to set aside any doubt as to the validity of the registration, by way of notarial memorials, of certain titles of conveyance of the Communauté urbaine de Québec and, consequently, as to the enforceability of the deeds of sale to which the memorials relate;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The deeds of sale executed from 31 May 1972 to 20 December 1973 in favour of the Communauté urbaine de Québec, established by the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), and listed in Schedule A are hereby confirmed to the extent that they could be contested on the grounds that the description of the immovables sold appearing in the deeds of sale did not take into account the cadastral operations carried out before the date on which the deeds were signed.

2. The registration, by way of the notarial memorials also mentioned in Schedule A, of the same deeds of sale at the registry

office of the registration division of Portneuf, Cap-Santé, is valid and renders those deeds of sale enforceable in accordance with article 2098 of the Civil Code.

3. Registration of a true copy of this Act shall be made by deposit.

Such registration shall be entered in the index of immovables with regard to the lots listed in Schedule B, notwithstanding the fact that, in some cases, this Act affects only parts of those lots and notwithstanding the third paragraph of article 2168 of the Civil Code.

4. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE A

LIST OF CERTAIN DEEDS OF SALE TO THE COMMUNAUTÉ URBAINE DE QUÉBEC, EXECUTED DURING THE PERIOD EXTENDING FROM 31 MAY 1972 TO 20 DECEMBER 1973 AND AFFECTING IMMOVABLES FORMING PART OF THE INDUSTRIAL PARK OF SAINT-AUGUSTIN-DE-DESMARES, WITH, IN EACH CASE, A PARTICULAR OF BOTH THEIR REGISTRATION BY DEPOSIT AT THE TIME OF THEIR EXECUTION AND THEIR REGISTRATION BY NOTARIAL MEMORIAL IN 1989

I. A notarial deed of sale by Pierrette Blouin executed on 21 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197871, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319777;

II. A notarial deed of sale by Émile Delisle, Marie-Thérèse Delisle, Emilia Delisle and Marguerite Delisle executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197859, as amended by a notarial deed executed on 23 August 1973 by the same parties, and registered by deposit on 4 September 1973 at the same registry office under number 204268; both deeds were also registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319778;

III. A notarial deed of sale by Georges-Albert Gingras executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197860, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319779;

IV. A notarial deed of sale by Dominique Couture executed on 20 June 1972, registered on 4 July 1972 at the registry office of the

registration division of Portneuf under number 197867, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319780;

v. A notarial deed of sale by Alphonse Juneau executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197861, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319781;

VI. A notarial deed of sale by Jean-Marie Paradis executed on 21 November 1972, registered on 4 December 1972 at the registry office of the registration division of Portneuf under number 200390, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319782;

VII. A notarial deed of sale by Roland Paradis executed on 21 November 1972, registered on 29 November 1972 at the registry office of the registration division of Portneuf under number 200333, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319783;

VIII. A notarial deed of sale by Hector Delisle executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197870, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319784;

IX. A notarial deed of sale by Ovide Dancause executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197868, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319785;

X. A notarial deed of sale by Adolphe Ratté executed on 21 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197872, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319786;

XI. A notarial deed of sale by Fred Devito Inc. executed on 20 December 1973, registered on 8 January 1974 at the registry office

of the registration division of Portneuf under number 206195, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319787;

XII. A notarial deed of sale by Paul-Henri Trudel executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197859, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319788;

XIII. A notarial deed of sale by Paul-Émile Juneau executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197862, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319789;

XIV. A notarial deed of sale by Jean-René Bélanger executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197865, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319790;

XV. A notarial deed of sale by Joseph Moraldo executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197864, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320434;

XVI. A notarial deed of sale by Adrien Mainguy executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197863, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320435;

XVII. A notarial deed of sale by Henri Juneau executed on 20 June 1972, registered on 18 July 1972 at the registry office of the registration division of Portneuf under number 198100, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320436;

XVIII. A notarial deed of sale by Dominique Dorval executed on 6 July 1972, registered on 18 July 1972 at the registry office of the

registration division of Portneuf under number 198101, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320437;

XIX. A notarial deed of sale by Adrien Dussault executed on 25 January 1973, registered on 29 January 1973 at the registry office of the registration division of Portneuf under number 200915, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320438;

XX. A notarial deed of sale by Jean-Louis Petitclerc executed on 31 May 1972, registered on 7 June 1972 at the registry office of the registration division of Portneuf under number 197377, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320439.

SCHEDULE B

LIST OF THE LOTS OF THE OFFICIAL CADASTRE FOR THE PARISH OF SAINT-AUGUSTIN-DE-DESMAURES, WITHIN THE REGISTRATION DIVISION OF PORTNEUF, AFFECTED BY THE REGISTRATION OF THIS ACT

Lots 278-1, 279, 279-1, 281, 281-5, 281-6, 281-7, 281-8, 281-9, 281-10, 282, 282-1, 282-2, 282-3, 282-4, 283, 283-1, 283-2, 284, 284-2, 284-3, 284-4, 284-5, 285, 285-2, 285-3, 286, 286-2, 286-3, 286-4, 286-5, 286-6, 286-7, 286-8, 287, 287-1, 287-2, 287-3, 287-4, 288, 288-1, 288-2, 288-3, 288-4, 288-5, 288-A-1, 289, 289-1, 289-2, 289-3, 289-4, 289-5, 290, 290-1, 290-2, 290-3, 290-4, 290-5, 291, 291-1, 291-2, 291-3, 291-4, 292-1, 293-1, 294, 294-1, 294-2, 294-3, 294-4, 295-1, 296-1, 297, 297-1, 297-2, 297-3, 297-4, 297-5, 297-6, 297-8, 297-9, 299-1, 299-2, 299-4, 300, 300-1, 300-2, 300-3, 300-7, 303, 303-3, 303-4, 303-5, 303-6, 544, 544-1, 544-2, 544-3-1, 544-3-2-1, 544-3-2-2, 544-4, 544-5, 544-6-1, 544-6-1-1, 544-6-2, 544-6-2-1, 544-7, 544-8, 544-9, 544-10, 544-11, 544-12, 545, 545-1, 545-3, 545-4, 545-5, 545-6, 546, 546-1-1, 546-1-2, 546-2, 546-3, 547, 547-1-1, 547-1-2, 547-2, 547-3, 547-4, 548, 549, 549-1, 549-1-1, 549-2, 549-3, 550, 550-1, 550-2, 550-3, 550-3-1, 550-4, 550-4-1, 550-5, 550-6, 550-7, 550-8, 550-9, 551, 552, 553, 554, 555, 555-1, 555-2, 555-3, 555-4, 556, 556-1, 556-1-1, 556-1-2, 556-2.