



CHAPTER 126

An Act respecting an immoveable of the Commission scolaire Beauport

[Assented to 22 December 1978]

Preamble. WHEREAS, on 10 December 1881, Joseph Binet gave to the school commissioners at St-Michel de Beauport a part of lot 749 of the cadastre of the parish of Beauport situated on the Saint-Joseph range road in Beauport;

Whereas the donor stipulated that such parcel of land should “revert to the said Joseph Binet, his heirs and assigns, if the said commissioners in the deed ceased to maintain a school in the said St-Joseph concession” [Translation];

Whereas such condition of maintaining a school in that concession was met for more than eighty years and, following the reforms and restructurings which occurred in the school milieu, this school became unnecessary and redundant;

Whereas this school has now been closed for more than ten years and the Commission scolaire Beauport which is in the rights and obligations of the donee, no longer has any need, for school or other purposes, of this decrepit building, which would require useless and prohibitive outlays for repair and maintenance;

Whereas La Seigneurie polyvalent school, which has been erected in the sector neighbouring Saint-Michel parish, is able to serve all the population residing in that region;

Whereas, on the other hand, this parcel of land represents only a very small part of the whole of lot 749, the remainder of which belongs to the school board;

Whereas the school board wishes to sell an immoveable of which that contemplated in the deed forms part;

Whereas it is in the interest of the school board that the condition stipulated in the deed of gift of 1881 be suppressed,

so that the school board may obtain and convey clear and indisputable title to the immovable contemplated in such deed;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

Charges,
etc.,
abolished.

1. The charges, conditions, obligations and prohibitions which may limit the use or utilization of the immovable that was the object of the deed of gift executed 10 December 1881 between Joseph Binet and the School Corporation of Saint-Michel de Beauport before Joseph Désiré Marcoux, notary, under number 63955 of his minutes and registered under number B-137-163-63955 in the registry office of the registration division of Québec, which charges, conditions, obligations and prohibitions are mentioned in such deed, are abolished and extinguished.

Personal
claim.

2. If there is any person, firm or corporation who or which, were it not for section 1, would be entitled to claim at law any right of ownership to the whole or any part of the said immovable, that claim is converted into a personal claim against the Commission scolaire Beauport for an amount equal to such right of ownership computed as on the date of the sanction of this act. Any such claim shall be prescribed on the same day as the claim of the right of ownership it replaces would be prescribed were it not so converted and it shall not constitute a real right nor a charge or hypothec respecting the immovables or any of their parts.

Coming
into force.

3. This act shall come into force on the day of its sanction.