

THE CITY OF EDMONTON

BYLAW 20572

**BYLAW TO DESIGNATE THE ST. FRANCIS OF ASSISI FRIARY /
ST. ANTHONY'S COLLEGE / ST. FRANCIS OF ASSISI CHURCH
AS A MUNICIPAL HISTORIC RESOURCE
AMENDMENT No. 2**

WHEREAS the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, permits the municipal council of a municipality to designate any historic resource within the municipality whose preservation it considers to be in the public interest together with any specified land in or on which it is located, as a Municipal Historic Resource; and

WHEREAS the building located at 6700-129 Avenue and 12903-68 Street known as the St. Francis of Assisi Friary / St. Anthony's College / St. Francis of Assisi Church and the land on which the building is situated were designated by Edmonton City Council on March 21, 2006 as a Municipal Historic Resource by way of Bylaw 14222; and

WHEREAS the building located at 6700-129 Avenue and 12903-68 Street known as St. Francis of Assisi Church and the land on which the building is situated was designated by Edmonton City Council on May 16, 2012 as a Municipal Historic Resource by way of Bylaw 16049 which was Amendment No. 1 to Bylaw 14222; and

WHEREAS a portion of the designated land has no historical significance and it is deemed in the public interest to repeal such land's designation as a Municipal Historic Resource; and

WHEREAS the consolidation of Bylaw 14222 by incorporating all amendments to it as set out in this Bylaw 20572 is desirable;

NOW THEREFORE Edmonton City Council, having complied with the *Historical Resources Act*, enacts:

1. Bylaw 14222, BYLAW TO DESIGNATE THE ST. FRANCIS OF ASSISI FRIARY / ST. ANTHONY'S COLLEGE AS A MUNICIPAL HISTORIC RESOURCE, is amended by this bylaw.
2. Schedule "A", Location Map, is amended by deleting the Location Map and substituting the Location Map attached hereto as Appendix 1.

3. The second paragraph of the preamble is deleted and the following is substituted:

WHEREAS it is deemed in the public interest to designate the buildings located at 6770 – 129 Avenue NW and known as the St. Francis of Assisi Friary / St. Anthony College / St. Francis of Assisi Church and the land on which the buildings are situated as a Municipal Historic Resource; and

4. Section 1 is deleted and the following is substituted:

BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

The buildings known as the St. Francis of Assisi Friary / St. Anthony's College (specifically described in Schedule "A") (the "Building"), the building known as the St. Francis of Assisi Church (specifically described in Schedule "D") (the "Church"), and the land on which the buildings are located being legally described as

Descriptive Plan 2320485
Block 19
Lot 51

Excepting Thereout All Mines and Minerals

5. Schedule "C", Rehabilitation Incentive and Maintenance Agreement, is amended by inserting the Amending Agreement attached hereto as Appendix 2 at the end of Schedule "C".
6. The amendments set out in this Bylaw are hereby incorporated into Bylaw 14222.
7. The consolidation of Bylaw 14222 created by way of incorporation of its amendments pursuant to section 8 is hereby adopted by Council as the official version of Bylaw 14222.
8. The consolidation of Bylaw 14222 comes into effect when this Bylaw comes into effect.

9. This Bylaw shall come into effect on the date on which this Bylaw is passed by Council.

READ a first time this 4th day of October 2023;

READ a second time this 4th day of October 2023;

READ a third time this 4th day of October 2023;

SIGNED AND PASSED this 4th day of October 2023.

THE CITY OF EDMONTON

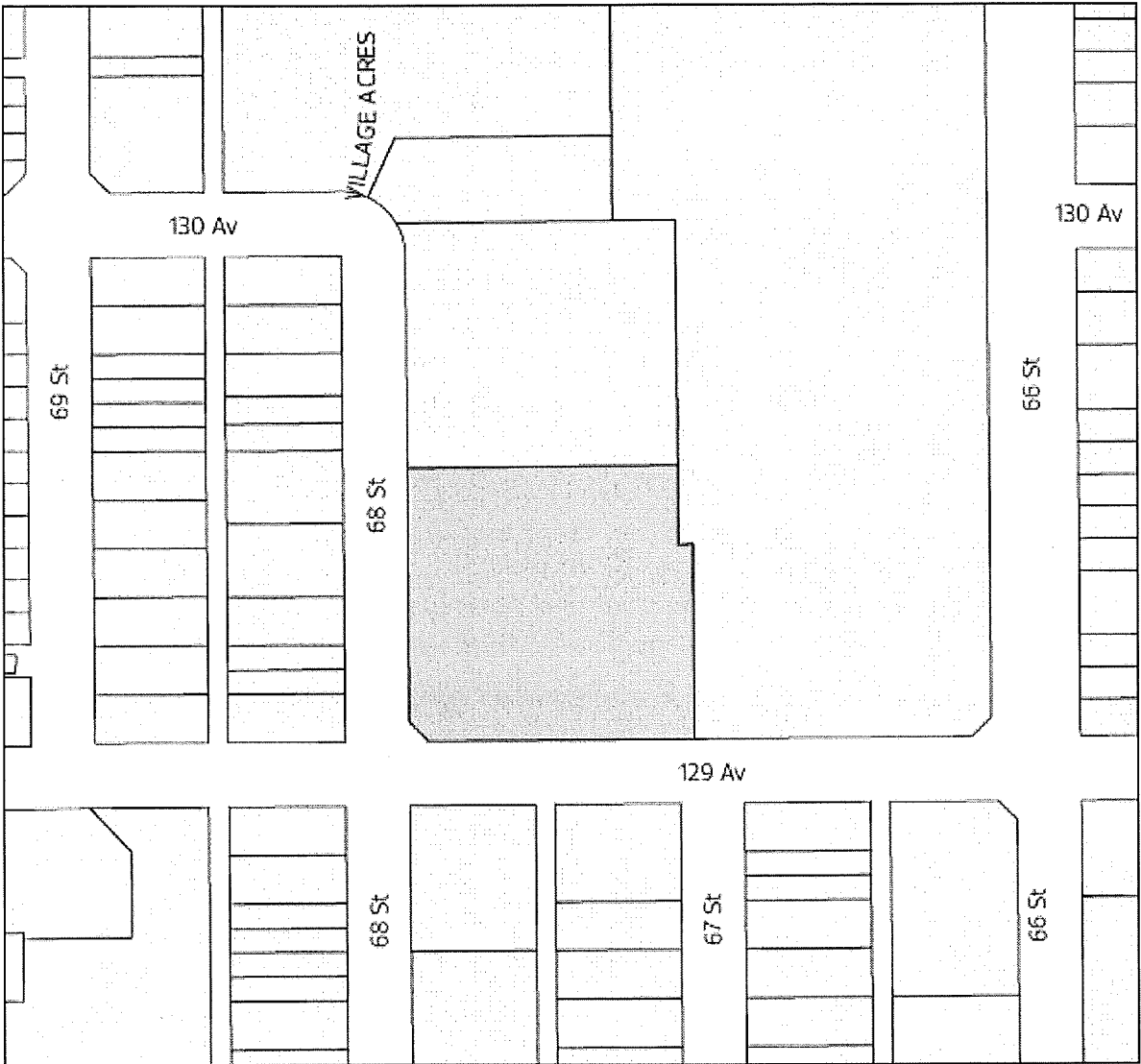
.....A. S. Shi.....

MAYOR

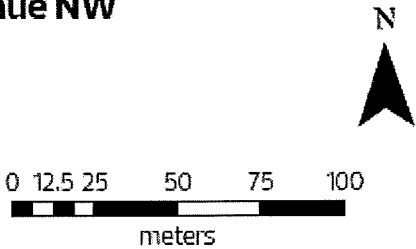
.....Aileen Giesbrecht.....

CITY CLERK

Appendix 1 Location Map



Location Map
6770 - 129 Avenue NW



THIS AMENDING AGREEMENT MADE ON THE _____
of _____, 2023

BETWEEN:

THE CITY OF EDMONTON
a municipal corporation
(the "City")

-and-

JOHN BOSCO CHILD AND FAMILY SERVICES FOUNDATION
(the "Owner")

WHEREAS:

- A. The City and the Owner entered into a Designation Bylaw and associated Rehabilitation Incentive and Maintenance Agreement, dated March 28, 2006, which was amended on May 16, 2012, where the Owner has agreed with the City to rehabilitate and maintain the St. Francis of Assisi Friary / St. Anthony's College / St. Francis of Assisi Church, in accordance with the Agreement and the associated Designating Bylaw (the "Agreement") the Land and Building, (as defined in the Agreement) and legally described as:

Descriptive Plan 2320485
Block 19
Lot 51

Excepting Thereout All Mines and Minerals

- B. The City and the Owner wish to amend the Agreement in accordance with the terms and conditions in this Amending Agreement;

NOW THEREFORE, in consideration of the sum of one Canadian dollar (\$1.00) paid to the City by the Owner, such sum being acknowledged to have been received by the City, and the mutual promises and agreements made by the City and the Owner as outlined in this Amending Agreement, the parties hereto agree as follows:

1. The following is deleted in its entirety:

The Owner is the registered owner of land municipally described as:
6770 - 129 Avenue NW
Edmonton T6A 3B1

and legally described as: Plan 932 3281, Block 19, Lot 1D Excepting thereout all mines and minerals ("the Land"), and the buildings known as the St. Francis of Assisi Church located thereon (the "Building")."

and replaced with:

"The Owner is the registered owner of land municipally described as:

6770 - 129 Avenue NW

Edmonton T5C 1V7

and legally described as: Lot 51, Block 19, Plan 2320485 excepting thereout all mines and minerals ("the Land"), and the buildings known as the St. Francis of Assisi Friary / St. Anthony's College / St. Francis of Assisi Church located thereon (the "Building")."

2. Time is of the essence.
3. All other terms and conditions of the Agreement remain in full force and effect and are only amended as expressly stated in this Amending Agreement.
4. All terms used within this Amending Agreement which are defined in the Agreement have the same definition as is found in the Agreement, except as otherwise expressly stated in this Amending Agreement.
5. This Amending Agreement may be executed by electronic signature and in any number of counterparts, and may be delivered originally, by facsimile, or by Portable Document Format ("PDF") and each such original, facsimile copy, or PDF copy, when so executed and delivered shall be deemed to be an original and all of which taken together shall constitute one and the same instrument.
6. This Amending Agreement is conditional upon Council passing Bylaw 20752 to designate the St. Francis of Assisi Friary / St. Anthony's College / St. Francis of Assisi Church as a Municipal Historic Resource - Amendment No. 2 by October 4, 2023 or such later date as the parties may agree to in writing. If the Amending Bylaw is not passed by October 4, 2023 and the parties have not agreed to extend the time for satisfaction of the condition precedent, this Amending Agreement shall be of no force and effect.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have signed this Amending Agreement on the day and year first above written.

A P P R O V E D

As to Form:
Employee and Legal Services Division
Legal Services

Per: _____
Veronika Ferenc-Berry

As to Content:
Branch Manager
Planning and Environment Services

Per: _____
Kent Snyder

Witness: _____
Name:

The City of Edmonton
as represented by the Deputy City
Manager, Urban Planning and Economy

Per: _____
Kim Petrin, Acting

The Owner

Per: _____
**JOHN BOSCO CHILD AND
FAMILY SERVICES FOUNDATION**
Name:

AFFIDAVIT OF EXECUTION

CANADA
PROVINCE OF ALBERTA
TO WIT

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)

I, _____
of the City of Edmonton,
in the Province of Alberta
MAKE OATH AND SAY:

1. I was personally present and did see _____ who is known to me to be the person named in the within (or annexed) instrument, duly sign the instrument;

OR

I was personally present and did see _____ who, on the basis of the identification provided to me, I believe to be the person named in the within (or annexed) instrument, duly sign the instrument;

2. The instrument was signed at _____, in the Province of Alberta and I am the subscribing witness thereto;
3. I believe the person whose signature I witnessed is at least eighteen (18) years of age.

SWORN BEFORE ME at the City of _____)
Edmonton in the Province of Alberta)
this _____ day of _____, 2023.)

A Commissioner for Oaths in and for the Province of Alberta
Commission expires

SIGNATURE OF WITNESS

**AFFIDAVIT VERIFYING
CORPORATE SIGNING AUTHORITY**

CANADA
PROVINCE OF ALBERTA
TO WIT

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I, _____
of the City of Edmonton,
in the Province of Alberta
MAKE OATH AND SAY:

1. I am an officer of the named **John Bosco Child and Family Services Foundation** in the within instrument.
2. I am authorized by the corporation to execute this instrument without affixing a corporate seal.

SWORN BEFORE ME at the City of)
Edmonton in the Province of Alberta)
this _____ day of _____, 2023.)
)

A Commissioner for Oaths in and for the Province of Alberta
Commission expires:

SIGNATURE OF OFFICER