

Municipal Affairs

Gouvernement du Québec

O.C. 167-99, 3 March 1999

An Act respecting municipal territorial organization
(R.S.Q. c. O-9)

Amalgamation of the Ville de Danville and the
Municipalité de Shipton

WHEREAS each of the municipal councils of the Ville de Danville and the Municipalité de Shipton adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitutes a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS objections were sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, amended by section 133 of section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of the Ville de Danville and the Municipalité de Shipton be constituted, under the following conditions:

1. The name of the new town is “Ville de Danville”.
2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 1 December 1998; that description is attached as a Schedule to this Order in Council.
3. The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town will be part of the municipalité régionale de comté d’Asbestos.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate as mayor of the provisional council each month. The mayor of the former Municipalité de Shipton shall serve first as mayor of the new town for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote per vacant seat shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayors of the former municipalities shall continue to sit on the council of the municipalité régionale de comté d’Asbestos until the first general election and shall have the same number of votes as before the coming into force of this Order in Council.

Throughout the term of the provisional council and until the council decides otherwise, the elected municipal officers shall receive the same remuneration as the remuneration that was in force for the former Municipalité de Shipton under By-law 380.

6. The first sitting of the provisional council shall be held at the town hall located on the territory of the former Municipalité de Shipton, at 150, rue Water.

The council elected at the first general election shall determine the place where the sittings of the council will be held. To that end, it shall not hold consultations at the expenses of the new town by giving an independent firm or a committee a mandate to make recommendations.

7. The first general election shall be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If the fourth month is January, February or April, the first general election shall be postponed to the first Sunday of May. The second general election shall be held in 2002.

8. The council of the new town shall be composed of seven members, that is, a mayor and six councillors.

From the first general election, the councillors' seats shall be numbered from 1 to 6.

9. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Municipalité de Shipton, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Ville de Danville shall be eligible for seats 2, 4 and 6.

10. Mr. Michel Lecours will act as the first clerk and director general of the new town. Mr. René Allard will act as the director general and treasurer of the new town.

11. If the former municipalities adopted a budget for the fiscal year during which this Order in Council comes into force, that budget shall continue to be applied by the council of the new town and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992 amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of those former municipalities for the fiscal year preceding the year during which this Order in Council comes into force.

12. The terms and conditions for the allocation of expenditures for shared services provided for in intermunicipal; agreements in force before the coming into force of the Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

(a) \$100 000 shall be deducted from the surplus accumulated on behalf of each of the former municipalities and shall be paid into the general fund of the new town; if the surplus accumulated on behalf of a former municipality is less than \$100 000, the amount to be deducted from the surplus accumulated on behalf of each of the former municipalities shall correspond to the lesser of the two accumulated surpluses;

(b) any balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of ratepayers in the sector made up of the territory of the former municipality on whose behalf it was accumulated. It may be used to carry out capital projects in that sector or to reduce taxes applicable to all the taxable immovables in it.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which it adopted a separate budget shall remain charged to all the taxable immovables of the sector made up of the territory of that former municipality.

15. At the end of the last fiscal year for which the new town applies separate budgets, the repayment in capital and interest of the loans made under the following by-laws of the former Municipalité de Shipton shall become charged to all the taxable immovables of the new town, as follows:

— 100 % of by-laws 455 and 471;

— 35.52 % of by-law 433.

— 64.48 % of the money borrowed under By-law 433 shall remain charged to the taxable immovables which, upon the coming into force of this Order in Council, was affected by the taxation clauses in that by-law.

The taxation clauses in those by-laws shall be amended accordingly.

16. Subject to section 15, repayment in capital and interest of all the loans made under by-laws adopted by a former municipality shall remain charged to the taxable immovables which, upon the coming into force of this Order in Council, was affected by the taxation clauses in those by-laws.

17. Amounts owing to the new town by Ville d'Asbestos under by-law 1066 adopted by the latter to attach to its territory a part of the territory of the former Municipalité de Shipton, shall be used to make capital expenses on the roads of the sector made up of the territory of the former Municipalité de Shipton.

18. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the working funds of the former Ville de Danville and of the former Municipalité de Shipton become the working fund of the new town.

19. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Danville".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Danville, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new Ville de Danville as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau shall be the members of the municipal housing bureau of the former Ville de Danville.

20. Upon the date of coming into force of this Order in Council, the values entered on the assessment rolls of the former municipalities shall be adjusted in accordance with law. However, notwithstanding the fifth paragraph of section 119 of the Act respecting municipal territorial organization, the first roll of the new town shall be drawn up for the fiscal years 2001, 2002 and 2003.

21. Notwithstanding section 14.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the roll of rental value of the former Ville de Danville shall become the roll of rental value of the new town and it shall remain in force until 31 December 2000.

The places of business of the former Municipalité de Shipton shall be registered by amending the roll of rental value of the former Ville de Danville. The provisions of sections 174.2 to 184 of the Act respecting municipal taxation apply, adapted as required, to those amendments and the effective date of those amendments is the date of the coming into force of this Order in Council.

22. The new town succeed to the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

23. All the movable and immovable property belonging to each of the former municipalities shall become the property of the town.

24. Any debt or gain that may result from legal proceedings in respect of an act performed by a former municipality shall remain charged to or used for the benefit of all the taxable immovables in the sector made up of the territory of that former municipality.

25. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de la Ville d'Asbestos, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de la Ville d'Asbestos will have jurisdiction over the territory of the new town.

26. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the town, provided that such a by-law comes into force within two years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE DANVILLE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ASBESTOS

The current territory of the Municipalité de Shipton and of the Ville de Danville, in the Municipalité régionale de comté d'Asbestos, comprising in reference to the cadastres of the Canton de Shipton and the Village de Danville, the lots or parts thereof and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole included between the two perimeters described hereinafter, namely:

OUTSIDE PERIMETER

Starting from the apex of the eastern angle of lot 1B of Rang 1 of the cadastre of the Canton de Shipton; thence, successively, the following lines and demarcations: in reference to that cadastre, southwesterly, part of the dividing line between the cadastres of the townships of Shipton and Wotton to the northeastern line of the cadastre of the Canton de Windsor, that line crossing

Chemin du 2^e Rang that it meets; successively northwesterly and southwesterly, part of the broken line between the cadastre of the Canton de Shipton and the cadastre of the Canton de Windsor to the southwest side of the right-of-way of Chemin Mayette (shown in the original) limiting to the northeast lot 1 of Rang 7, that line extended across Route 249 and the Chemin du 5^e Rang that it meets and being in part the centre line of Chemin Provencher and Chemin Paradis in front of lots 2B and 2A of Rang 4; northwesterly, successively, the southwestern side of the right-of-way of the said Chemin Mayette and part of the line between ranges 6 and 7 to the southeastern line of lot 5B of Rang 7; southwesterly, successively, the southeast line of lot 5B of the said range, that line crossing Chemin Marcotte that it meets, then the southeastern line of lot 5A of the said range; northwesterly, part of the dividing line between ranges 7 and 8 to the southeastern line of lot 7C of Rang 8, that line extended across Chemin Lacroix that it meets; southwesterly, the southeastern line of lot 7C, 7B and 7A of Rang 8, that latter line extended to the dividing line between the townships of Shipton and Cleveland; northwesterly, part of the said dividing line between the townships to the southeastern line of the cadastre of the Canton de Kingsey, that line crossing Chemin du Pinnacle and Chemin Barr, the right-of-way of a railway (lot 29 of the cadastre of the Canton de Shipton), Chemin de la Vallée, route 116, lac Denison and other public roads that it meets; northeasterly, the dividing line between the cadastres of the townships of Shipton and Kingsey, that line crossing Chemin McLaughlin, Chemin du 6^e Rang, Ruisseau Francoeur, Route du Mont-Proulx, route 225, Ruisseau Francoeur again, Rivière Nicolet Sud-Ouest, Chemin Tardif, (boulevard Kingsey) and route 116 that it meets; finally, southeasterly, successively, a part of the dividing line between the cadastres of the townships of Shipton and Tingwick, that line crossing the right-of-way of a railway (lot 30 of the cadastre of the Canton de Shipton) that it meets, the southwest side of the public road bordering to the northeast lots 19C, 18H, 18G, 17C0000, 17B, 16D, 16B, 16A, 15E, 15D and 15C of Rang 1 of the cadastre of the Canton de Shipton, the said dividing line between the cadastres again, that line crossing Chemin du Lac and Rivière Nicolet Sud-Ouest that it meets, then a part of the dividing line between the cadastres of the townships of Shipton and Wotton to the starting point.

INSIDE PERIMETER

Starting from a point located on the dividing line between lots 9C and 9F of Rang 1 of the cadastre of the Canton de Shipton 304.18 metres (1000 feet) from the apex of the western angle of lot 9C of the said range measured along the said line between the lots; thence, successively, the following lines and demarcations: in

reference to the said cadastre, southeasterly, a straight line across lots 9C and 8C of Rang 1 to the intersection of the southeastern line of lot 8C of the said range with the northeast side of the right-of-way of a road separating lots 7A and 6A from lots 7B and 6B of the said range; southeasterly, the northeast side of the right-of-way of the said road to the northern side of the right-of-way of another road (shown in the original) crossing lot 6B of Rang 1; in a general southerly direction, the north side of the right-of-way of the said road to the northern extension, across the said road, of the eastern line of lot 5B-17 of Rang 1; southerly, successively, the said extension and the eastern line of lots 5B-17, 5B-3 and 5B-4 of Rang 1; successively easterly and southwesterly, the northern and southeastern lines of lot 5B-4 of Rang 1 to the northeast side of the right-of-way of a road separating lots 5A and 5B from Rang 1; successively southeasterly, southerly and southwesterly, the northeast side, the east side and the southeast side of the right-of-way of the said road, crossing lot 4B of Rang 1 in its second segment and separating lots 4B and 4A from lot 3A of Rang 1 in its third segment to the dividing line between ranges 1 and 2; northwesterly, part of the said line dividing the ranges to the southeastern line of lot 4B of Rang 2; southwesterly, successively, the southeastern line of lots 4B and 4A of Rang 2, a straight line across a public road joining the apex of the southern angle of lot 4A of Rang 2 to the apex of the eastern angle of lot 4C of Rang 3, then the southeastern line of lots 4C and 4B of Rang 3; northwesterly, the southwestern line of lots 4B and 5B of the said range, that line crossing route 249 that it meets; southwesterly, successively, part of the southeastern line of lot 6C and the southeastern line of lot 6B of the said range; northwesterly, the northeastern line of lots 6A and 7A of the said range; southwesterly, the southeastern line of lot 8A of Rang 3 and part of the southeastern line of lot 8B of Rang 4 to the northwest side of the new right-of-way of Chemin Saint-Georges Nord; southwesterly, the northwest side of the said right-of-way, in lot 8B of Rang 4, to the east side of the right-of-way of a public road (chemin Saint-Georges, Danville); northerly, the east side of the said right-of-way along a bearing of 0° 42' 50" over a distance of 28.37 metres; westerly, crossing the said road and in lot 8B of the said range, a straight line along a bearing of 276° 07' 46" and measuring 32.48 metres; southerly, a straight line along a bearing of 190° 03' 39" and measuring 41.56 metres then southeasterly, a straight line along a bearing of 153° 42' 08" and measuring 36.31 metres to the centre line of an old public road (without cadastral designation) separating lot 8B from lots 7B, 7F, 7C and 7D of Rang 4; southwesterly, the centre line of the said road along a bearing of 216° 55' 48" over a distance of 423.45 metres; southeasterly, crossing the right-of-way of the said road and across lot 7D of Rang 4, a straight line along a bearing of 126° 55' 48" to the west side of

the right-of-way of Chemin Saint-Claude; successively southerly and southwesterly, the west and northwest sides of the former and of the new right-of-way of the said road, passing in lots 7D and 7E of Rang 4 and 7B of Rang 5 to the meeting point of the said right-of-way with the dividing line between lots 7B and 6E of Rang 5; southwesterly, the dividing line between lots 7B and 6E of the said range, crossing Rivière Danville that it meets; northwesterly, part of the dividing line between lots 7B and 7A of Rang 5 to the centre line of Rivière Danville; in a general northwestern direction, the centre line of the said river downstream, passing to the left of the island located in lot 12B of Rang 5, to the southwest extension of the southeastern line of lot 14D of Rang 5; successively, northeasterly, northerly and northwesterly, the said extension and the southeastern, eastern and northeastern lines of lot 14D of Rang 5; northeasterly, successively the northwestern line of lot 14F of the said range, crossing chemin Haslette (without cadastral designation) that it meets, the northwestern line of lot 14G of the said range and part of the northwestern line of lot 14H of the said range to a point located 262.65 metres to the southwest from the dividing line between ranges 5 and 4 measured along the northwestern line of lot 14H of the said range; northeasterly, a straight line along a bearing of 40° 01' 58" and measuring 262.59 metres in lot 14H of Rang 5 and 126.60 metres in lot 14 of Rang 4; northeasterly, in lot 14 of Rang 4, successively, the following straight lines: along a bearing of 66° 27' 51" and measuring 213.19 metres, northeasterly, along a bearing of 27° 56' 59" and measuring 266.37 metres, northerly along a bearing of 358° 22' 27" and measuring 120.68 metres, northeasterly, along a bearing of 37° 21' 08" and measuring 80.83 metres to the northwestern line of lot 14 of Rang 4; northeasterly, part of the northwestern line of lot 14 of Rang 4 along a bearing of 37° 59' and 39" over a distance of 148.21 metres; southeasterly, a straight line along a bearing of 127° 21' 22", crossing lots 14 and 13B of Rang 4, to the dividing line between lots 13B and 12^E of the said range; northeasterly, part of the dividing line between lots 12E and 13B of the said range to the west side of the right-of-way of Chemin Haslett (without cadastral designation) bordering on the east lot 13B of the said range; successively northerly and northeasterly, the west and northwest sides of the right-of-way of the said road bordering to the east and southeast lot 13B of Rang 4 to the southwest side of the right-of-way of Chemin Taylor (without cadastral designation); southeasterly, a straight line crossing Chemin Haslett (without cadastral designation) to the apex of the western angle of lot 12E-1 of Rang 4; southeasterly, the southwestern line of lot 12E-1 of the said range; northeasterly, successively, the southeastern line of lots 12E-1 of Rang 4 and 12A-18 of Rang 3 and part of the southeastern line of lot 12A-17 of Rang 3 to the southeastern extension of the southwestern line of lot 12A-8 of Rang 3; southeasterly, in lot 12A of

Rang 3, the said extension to its meeting point with the southwestern extension of the southeastern line of lot 12A-19 of Rang 3; northeasterly, successively, the said extension and the southeastern line of lots 12A-19 and 12A-20 of Rang 3; northwesterly, part of the northeastern line of lot 12A-20 over a distance of 3.05 metres; northeasterly, a straight line in lot 12A of Rang 3, parallel to the southeast side of the right-of-way of Chemin Haslett (without cadastral designation) to the dividing line between lots 12A and 12C-1 of Rang 3; northwesterly, part of the said dividing line between the lots to the northwestern line of lot 12C-1 of Rang 3; northeasterly, the northwestern line of the said lot; northwesterly, a straight line along a bearing of 331° 33' 50" to the northwest side of the right-of-way of route 255, that latter line crossing Chemin Haslett (without cadastral designation), part of lot 13A of Rang 3, lots 13A-3 and 13A-7 of the said range and ending in lot 13A-6 of the said range; northeasterly, the northwest side of the right-of-way of route 255 to the northern extension of the western line of lot 12G-97 of Rang 3; northerly, a straight line in lot 12G to its meeting point with the western extension of the northern line of lot 12G-89 of the said range, 91.44 metres (300 feet) from the apex of the northwestern angle of the said lot measured following the said extension; easterly, successively, the said extension over a distance of 91.44 metres (300 feet), the northern line of lot 12G-89 in declining order to 12G-71 of Rang 3, that line crossing route 255 that it meets, then a straight line in lot 12G-95, parallel to the northern line of lot 12G-61 and 36.58 metres (120 feet) from that dividing line until it meets the dividing line between lots 11D and 12G, corresponding to the apex of the northwestern angle of lot 11D-164 of Rang 3; northeasterly, part of the southeastern line of lot 12G of Rang 3 to the dividing line between ranges 2 and 3, that line crossing the right-of-way of a railroad (lot 31 of the cadastre of the Canton de Shipton) and route 255 that it meets; northwesterly, part of the said dividing line between the ranges to the northwestern line of lot 12A of Rang 3; northeasterly, the northwestern line of lots 12A and 12E of Rang 2, that line extended to the centre line of Rivière Nicolet Sud-Ouest; in a general easterly direction, the centre line of the said river upstream to the northeastern extension of the dividing line between lots 10A and 11C of Rang 2; southwesterly, the said extension to the left bank of the said river; in a general easterly direction, the left bank of the said river to the centre line of ranges 1 and 2; northwesterly, the extension of the said dividing line between the ranges to the centre line of Rivière Nicolet Sud-Ouest; successively northeasterly, easterly and northwesterly, the centre line of the present bed of the said river upstream to the dividing line between lots 9C and 9F of Rang 1; finally, northwesterly, part of the said dividing line between the lots to the starting point; the said limits define the territory of the new Ville de Danville.

In this description, the bearings refer to the SCOPQ coordinates (Zone 7) NAD 83 and the distances are given in metres (SI).

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 1 December 1998

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

D-130/1

2703

Gouvernement du Québec

O.C. 168-99, 3 March 1999

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Rectification of the territorial boundaries of Ville de Maple Grove and validation of acts performed by Ville de Beauharnois

WHEREAS the territorial boundaries of Ville de Maple Grove are bordered by water;

WHEREAS that municipality wants to extend its territorial boundaries in the water in order to include Îles-de-la-Paix, located in Lac Saint-Louis;

WHEREAS Ville de Beauharnois has acted without jurisdiction in that territory;

WHEREAS in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Minister of Municipal Affairs transmitted to both municipalities a notice containing the proposed rectification and the validation of acts he intended to submit to the Government;

WHEREAS Ville de Maple Grove informed the Minister of Municipal Affairs that it agreed on the proposition;

WHEREAS Ville de Beauharnois informed the Minister of Municipal Affairs that it disagreed on the proposition;

WHEREAS in accordance with section 181, the Minister of Municipal Affairs asked both municipalities to publish the proposed rectification;

WHEREAS the proposed rectification was published in the territory of both municipalities and the Minister received objections;

WHEREAS in accordance with section 184 of the Act respecting municipal territorial organization, the Minister of Municipal Affairs requested that the Commission municipale du Québec hold a public hearing on the proposed rectification;

WHEREAS on 15 June 1998, the Commission municipale du Québec transmitted its report to the Minister of Municipal Affairs recommending him to carry on the procedure of rectification of territorial boundaries;

WHEREAS under sections 178 and 192 of the Act respecting municipal territorial organization, the Government may rectify the territorial boundaries of the municipalities to clarify them and validate the acts performed without right by a municipality in respect of a territory not subject to its jurisdiction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

To rectify the territorial boundaries of Ville de Maple Grove and to validate the acts performed by Ville de Beauharnois, as follows:

1. The description of the territorial boundaries of Ville de Maple Grove comprises the territory described by the Minister of Energy and Resources on 24 August 1993; the description appears as Schedule A to this Order in Council.

2. The rectification has effect from 1 June 1918.

3. No allegation of illegality may be raised against acts performed by Ville de Beauharnois on the ground that it had no jurisdiction over the territory described in Schedule A.

4. Ville de Beauharnois must, from the date of coming into force of this Order in Council, cease to administer the territory described in Schedule A.

5. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif
