



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 225

(Private)

**An Act respecting lot 599 of the cadastre
of the parish of Saint-Polycarpe,
registration division of Vaudreuil**

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Passage in principle 19 December 2002

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Assented to 19 December 2002

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Bill 225

(Private)

AN ACT RESPECTING LOT 599 OF THE CADASTRE OF THE PARISH OF SAINT-POLYCARPE, REGISTRATION DIVISION OF VAUDREUIL

WHEREAS the Fabrique of the parish of Saint-Polycarpe possesses lot 599 of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil, containing an area of 5 arpents and 70 rods, after acquiring it by a deed of gift made by Mr John McDonald and Madam Marie-Anne McGillis on 6 November 1815 before J. Mailloux, notary, and registered at the registry office of the county of Vaudreuil on 22 October 1844 under number 673; and whereas it also erected its church in 1818 and its rectory in 1852 on that lot, and localized thereon the greater part of its cemetery;

Whereas the aforementioned gift was made in favour of the future Fabrique of the Seigneurie de la Nouvelle Longueuil thereof accepting by the appointed rector and three syndics;

Whereas the aforementioned gift being prior to the cadastre, the description of the lot of land being the subject of the gift does not enable it to be identified with lot 599;

Whereas the aforementioned gift is made subject to the resolutive condition that the given lot of land be used "...for the erection or building of a Church, Rectory, Cemetery, or for the divine service in the said Seigniori or mission. And the surplus of the said lot of land will belong to Monsieur Le Curé (Rector) and all his successors thereafter... For the enjoyment of the said lot of land by Monsieur Le Curé or Missionnaire (Missionary) for so long as the said Church and Rectory remain thereon with no other charges to the said donors... And subject only to the event that, in time, it is deemed suitable to build or move the said Church elsewhere than on the land currently given, in which case the said John McDonald, his heirs and assigns shall resume possession of the said lot of land as of right, on pain." (translation);

Whereas the Fabrique of the parish of Saint-Polycarpe cannot identify the "heirs and assigns" of the said John McDonald;

Whereas the Fabrique of the parish of Saint-Polycarpe is bound by the provisions of the deed of gift and, consequently, can begin to prescribe the ownership of lot 599 for its own benefit only upon the occurrence of the said resolutive condition;

Whereas by reason of the aforementioned, the title of the Fabrique of the parish of Saint-Polycarpe to lot 599 is questionable and will be annulled by the occurrence of the resolutive condition stipulated therein;

Whereas by reason of the aforementioned, the Fabrique of the parish of Saint-Polycarpe can neither use all or part of lot 599 for purposes other than those stipulated in the deed of gift, nor alienate lot 599 in favour of third parties;

Whereas notwithstanding the foregoing, under the terms of a deed dated 3 February 1977 published in the registration division of Soulanges (now Vaudreuil) under number 68649, the Fabrique of the parish of Saint-Polycarpe sold part of the said lot 599 containing an area of 19,225 square feet, English measure, to Municipalité de Saint-Polycarpe;

Whereas under the terms of a deed dated 13 April 1995 published in the registration division of Vaudreuil under number 305424, Municipalité de Saint-Polycarpe sold to the Fabrique of the parish of Saint-Polycarpe the whole of the part of lot 599 it had acquired under the terms of the deed published in the registration division of Soulanges (now Vaudreuil) under number 68649 and established a real servitude of right of way on the part of lot 599 described in the schedule;

Whereas by reason of the aforementioned, the validity of that servitude of right of way is questionable;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. All obligations, charges or conditions affecting the use of lot five hundred ninety-nine (No. 599) of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil, "...for the erection or building of a Church, Rectory, Cemetery, or for the divine service in the said Seigniorship or mission. And the surplus of the said lot of land will belong to Monsieur Le Curé (Rector) and all his successors thereafter...For the enjoyment of the said lot of land by Monsieur Le Curé or Missionnaire (Missionary) for so long as the said Church and Rectory remain thereon with no other charges to the said donors... And subject only to the event that, in time, it is deemed suitable to build or move the said Church elsewhere than on the land currently given, in which case the said John McDonald, his heirs and assigns shall resume possession of the said lot of land as of right, on pain." (translation), which could arise out of and from the deed of gift made by Mr John McDonald and Madam Marie-Anne McGillis before J. Mailloux, notary, on 6 November 1815 and registered at the registry office of the county of Vaudreuil on 22 October 1844 under number 673, are hereby cancelled.

2. The Fabrique of the parish of Saint-Polycarpe is hereby declared the absolute owner of lot five hundred ninety-nine (599) of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil.

- 3.** The servitude of right of way established under the terms of the deed published in the registration division of Vaudreuil under number 305424 on the part of lot five hundred ninety-nine (599) of the cadastre of the parish of Saint-Polycarpe described in the schedule is hereby declared to be good and valid.
- 4.** Registration of the rights granted by this Act shall be effected by registration of a true copy of this Act in the land register.
- 5.** This Act comes into force on 19 December 2002.

SCHEDULE

CADASTRAL DESCRIPTION

Of the servient land of the servitude of right of way established under the terms of the deed published in the registration division of Vaudreuil under number 305424.

Part of lot 599 of the cadastre of the parish of Saint-Polycarpe in the registration division of Vaudreuil, measuring 6.10 metres (20 feet) in width and bounded on the northeast by another part of the said lot 599, southeasterly by lots 603, 706 and 604 of the cadastre of the parish of Saint-Polycarpe, southwesterly by de l'Église street (shown on the original) and northwesterly by another part of lot 599, along a line parallel to the southeast boundary of the said lot and situated at a distance of 6.10 metres (20 feet) to the northwest thereof.

The eastern extremity of the part of lot 599 described above is situated at a distance of 91.757 metres (301.04 feet) from the apex of the eastern angle of the lot, the distance being measured along the southeast line of the said lot.