



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 205

(Private)

An Act respecting Municipalité de Cacouna

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Bill 205

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE CACOUNA

AS TransCanada PipeLines Limited, a duly incorporated corporation acting as an agent for a legal entity to be constituted, intends to build, operate and maintain a liquefied natural gas import terminal in the territory of Municipalité de Cacouna in the context of a project called Cacouna Energy;

As, under section 31.5 of the Environment Quality Act (R.S.Q., chapter Q-2), the realization of the project is contingent on its being authorized by the Government;

As, to the extent that such authorization is obtained, it is necessary, in order to ensure the realization of the project, that Municipalité de Cacouna be granted certain powers to guarantee payment of municipal and school taxes out of the amounts paid by the project owner;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act, unless the context indicates otherwise,

(1) “project” means the liquefied natural gas import terminal situated in the territory of Municipalité de Cacouna; the project consists of the structures and facilities required for the reception of gas transported by ship, for the storage and vaporization of the gas and its transportation to a pipeline, and for the activities connected with its reception and regasification, any other structure or facility required for the operation of the project and the supply of ancillary services, including two storage tanks, the vaporization system, the vapour handling system, the spill containment systems, the other components necessary for the operation of the facilities, the roadway and the unloading platform extending some 350 metres into the St. Lawrence River, as well as the immovable on which those facilities are situated, described in Schedule A; and

(2) “property taxes” means the total amount of the municipal and school taxes payable by the project owner, including any tariff under sections 244.1 and following of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and any new municipal or school tax; however, the public utility tax provided for in Part VI.4 of the Taxation Act (R.S.Q., chapter I-3) is excluded.

2. Despite section 32 of the Act respecting municipal taxation, the project’s immovables are to be entered on the assessment roll of the municipality four years after the date on which excavation work begins.

3. As of the beginning of the excavation work, the project owner pays to the municipality an amount of \$1,500,000 in three equal and consecutive annual instalments of \$500,000. The first instalment is payable on the date on which excavation work begins, and each subsequent instalment, on the anniversary date of the first payment.

4. As of the date on which the project's immovables are entered on the roll, the project owner pays annually to the municipality a sum equal to the total of

(1) \$5,050,000 per year, increased annually by the percentage increase in the Consumer Price Index, the reference date being 25 August 2005; however, the annual increase must not exceed 2%; and

(2) \$1,300,000 per year, increased annually by the average percentage increase in the school property taxes levied by Commission scolaire de Kamouraska-Rivière-du-Loup and the Central Quebec School Board, the reference date being 25 August 2005; however, the annual increase must not exceed 5%.

The annual percentage increase in the Consumer Price Index referred to in subparagraph 1 of the first paragraph is determined on the basis of the variation in the Consumer Price Index for Québec as determined by Statistics Canada for the preceding year, over that Consumer Price Index for the 12 months immediately preceding that year.

The amounts paid under this section are adjusted for the first year in which the project's immovables are entered on the roll, proportionally to the number of days remaining in that year.

The amounts paid under this section are payable, for the year in which the project's immovables are entered on the roll, within 60 days of that entry on the roll, and for subsequent years, on 1 March.

5. Any arrears on an amount owed by the project owner bear interest at the legal rate.

6. The amounts paid under this Act are to be used first to pay all property taxes relating to the project. The project owner may not be required to pay any other amount as property tax for the project.

7. The municipality pays the amounts received under subparagraph 1 of the first paragraph of section 4 into a specific account. The municipality may withdraw from that account

(1) the amounts it is owed for payment of municipal taxes;

(2) the amounts required to fulfil its obligations under an agreement entered into under section 11; and

(3) any other amount, after obtaining the authorization of the Minister of Municipal Affairs and Regions.

8. The municipality pays the amounts received under subparagraph 2 of the first paragraph of section 4 into a specific account. The municipality may withdraw from that account

(1) the amounts required for payment of school taxes by the municipality; and

(2) any other amount, after obtaining the authorization of the Minister of Municipal Affairs and Regions.

9. When this Act ceases to have effect, any balance remaining in a specific account is paid into the municipality's general fund.

10. The Minister of Municipal Affairs and Regions may determine the manner in which the specific accounts referred to in sections 7 and 8 are to be managed, in particular the manner in which the amounts received are to be used.

11. The municipality may, with the authorization of the Minister of Municipal Affairs and Regions, enter into an agreement with Paroisse de Notre-Dame-des-Sept-Douleurs and Municipalité régionale de comté de Rivière-du-Loup to share the amounts referred to in subparagraph 1 of the first paragraph of section 4.

12. This Act ceases to have effect 25 years after the date on which the project's immovables are entered on the assessment roll.

However, it continues to have effect for an additional five-year period if, on the date determined under the first paragraph, the project is in operation or temporarily closed because of superior force or because work is being carried out, and after that for two additional, successive five-year periods, on the same conditions.

13. Despite section 12, this Act ceases to have effect on 31 December 2010 if the project excavation work has not begun on that date.

14. This Act comes into force on the date to be set by the Government.

SCHEDULE

Two (2) parcels of land that are known and designated as part of the original lots Block 1 and Block 2 of the official cadastre of Paroisse de Cacouna, registration division of Témiscouata, province of Québec and that may more specifically be described as follows:

Parcel 1 – Part of lot Block 1

Starting from point 16 on plan A-6219, being the intersection of the dividing line between lots Block 1 and Block 2 with the St. Lawrence River; thence on a bearing of 215°15'14" for a distance of one thousand seventy-one metres and seventeen hundredths (1,071.17 m) to point 9, being the starting point.

From the starting point so determined, in a southwesterly direction on a bearing of 204°21'26" for a distance of one hundred twenty-six metres and forty-nine hundredths (126.49 m) to point 8; thence on a bearing of 198°25'28" for a distance of one hundred sixty-seven metres and sixty-four hundredths (167.64 m) to point 7; thence on a bearing of 176°26'26" for a distance of one hundred three metres and sixty-three hundredths (103.63 m) to point 6; thence on a bearing of 324°10'50" for a distance of one hundred thirty-one metres and twenty-one hundredths (131.21 m) to point 4008; thence on a bearing of 32°53'49" for a distance of three hundred twenty-three metres and thirteen hundredths (323.13 m) to the starting point.

The said parcel of land of irregular shape is bounded to the southwest and northwest by part of lot Block 1 and to the southeast by lot Block 2.

The parcel of land so described contains twelve thousand three hundred thirty-six square metres and six tenths (12,336.6 m²) or 1.23 hectares.

Parcel 2 – Part of lot Block 2

Starting from point 16 on plan A-6219, being the intersection of the dividing line between lots Block 1 and Block 2 with the St. Lawrence River; thence on a bearing of 214°33'02" for a distance of nine hundred forty-six metres and sixty-seven hundredths (946.67 m) to point 4001, being the starting point.

From the starting point so determined, on a bearing of 168°11'49" for a distance of three hundred forty-three metres and fifty-five hundredths (343.55 m) to point 4002; thence on a bearing of 117°48'09" for a distance of one hundred forty-five metres and ninety-two hundredths (145.92 m) to point 4003; thence on a bearing of 95°11'26" for a distance of eighty-two metres and ninety hundredths (82.90 m) to point 4004; thence on a bearing of 158°11'49" for a distance of eighty metres and ninety-eight hundredths (80.98 m) to point 4005; thence on a bearing of 131°01'50" for a distance of forty-seven metres and fourteen hundredths (47.14 m) to point 4006; thence on a bearing of 189°04'53" for a distance of forty-six metres (46.00 m) to point 4007; thence

on a bearing of $224^{\circ}38'05''$ for a distance of twenty-five metres and seven hundredths (25.07 m) to point 1326; thence on a bearing of $241^{\circ}24'10''$ for a distance of fifty-seven metres and forty-seven hundredths (57.47 m) to point 1321; thence on a bearing of $262^{\circ}39'24''$ for a distance of ninety-four metres and eighteen hundredths (94.18 m) to point 1320; thence on a bearing of $269^{\circ}20'37''$ for a distance of forty-eight metres and twenty-five hundredths (48.25 m) to point 1315; thence on a bearing of $251^{\circ}10'59''$ for a distance of twenty-seven metres and thirty hundredths (27.30 m) to point 1314; thence on a bearing of $179^{\circ}40'28''$ for a distance of twelve metres and fifteen hundredths (12.15 m) to point 1313; thence on a bearing of $234^{\circ}22'45''$ for a distance of nineteen metres and eighty-three hundredths (19.83 m) to point 1312; thence on a bearing of $260^{\circ}58'01''$ for a distance of twenty-five metres and twenty-one hundredths (25.21 m) to point 1311; thence on a bearing of $204^{\circ}08'37''$ for a distance of nineteen metres and thirty-one hundredths (19.31 m) to point 1310; thence on a bearing of $273^{\circ}26'09''$ for a distance of seventeen metres and seventy-nine hundredths (17.79 m) to point 1309; thence on a bearing of $351^{\circ}59'28''$ for a distance of twelve metres and forty-seven hundredths (12.47 m) to point 1308; thence on a bearing of $10^{\circ}48'46''$ for a distance of seventeen metres and nineteen hundredths (17.19 m) to point 1307; thence on a bearing of $305^{\circ}11'58''$ for a distance of nineteen metres and ten hundredths (19.10 m) to point 1304; thence on a bearing of $284^{\circ}54'56''$ for a distance of twenty-eight metres and twenty-three hundredths (28.23 m) to point 1294; thence on a bearing of $313^{\circ}38'54''$ for a distance of fourteen metres and thirty-three hundredths (14.33 m) to point 1295; thence on a bearing of $287^{\circ}19'15''$ for a distance of fifteen metres and twenty-six hundredths (15.26 m) to point 1302; thence on a bearing of $256^{\circ}09'35''$ for a distance of thirty-one metres and seventy-one hundredths (31.71 m) to point 1301; thence on a bearing of $282^{\circ}34'49''$ for a distance of fourteen metres and sixty-seven hundredths (14.67 m) to point 1249; thence on a bearing of $268^{\circ}42'06''$ for a distance of fifty-three metres and sixty-two hundredths (53.62 m) to point 58; thence on a bearing of $330^{\circ}34'28''$ for a distance of eleven metres and sixty-two hundredths (11.62 m) to point 59; thence on a bearing of $30^{\circ}04'51''$ for a distance of forty-one metres and eighty-six hundredths (41.86 m) to point 1247; thence on a bearing of $20^{\circ}51'56''$ for a distance of twenty-five metres and twenty-four hundredths (25.24 m) to point 1245; thence on a bearing of $338^{\circ}06'47''$ for a distance of twenty-three metres and twenty-eight hundredths (23.28 m) to point 1244; thence on a bearing of $282^{\circ}58'43''$ for a distance of forty-three metres and ninety-eight hundredths (43.98 m) to point 1243; thence on a bearing of $322^{\circ}32'55''$ for a distance of thirty-three metres and sixty-seven hundredths (33.67 m) to point 56; thence on a bearing of $342^{\circ}26'28''$ for a distance of eighteen metres and one hundredth (18.01 m) to point 6; thence on a bearing of $356^{\circ}26'26''$ for a distance of one hundred three metres and sixty-three hundredths (103.63 m) to point 7; thence on a bearing of $18^{\circ}25'28''$ for a distance of one hundred sixty-seven metres and sixty-four hundredths (167.64 m) to point 8; thence on a bearing of $24^{\circ}21'26''$ for a distance of one hundred twenty-six metres and forty-nine hundredths (126.49 m) to point 9; thence on a bearing of $40^{\circ}34'58''$ for a distance of one hundred twenty-five metres and eleven hundredths (125.11 m) to the starting point.

The said parcel of land of irregular shape is bounded to the northwest by parts of lot Block 2 and by lot Block 1, and to the northeast, southeast and southwest by part of lot Block 2.

The parcel of land so described contains one hundred seventy thousand nine hundred eighty-six square metres and three tenths (170,986.3 m²) or 17.09 hectares.

The parcels of land described in this schedule are shown on plan A-6219, prepared at Rivière-du-Loup by Michel Côté, land surveyor, on 27 February 2006 and registered under number 6068 of his minutes.

All bearings and coordinates shown on plan A-6219 and given in this technical description are in reference to the official plane coordinate system of Québec (SCOPQ), NAD 83, central meridian 70°30' west, Zone 7. All measures are expressed in SI (International System) units.