



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 205

(Private)

An Act respecting Municipalité de Cacouna

Introduction

**Introduced by
Mr. Mario Dumont
Member for Rivière-du-Loup**

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Bill 205

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE CACOUNA

AS TransCanada PipeLines Limited is a joint-stock company duly constituted under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44) and having an establishment in Calgary;

As TransCanada PipeLines Limited, acting as an agent for a limited partnership to be constituted under the laws of the Province of Québec or for any other legal entity to be constituted under the laws of Canada or a province of Canada in the context of a project called Cacouna Energy, intends to build, operate and maintain a liquefied natural gas (LNG) import terminal on Île de Gros-Cacouna, in the territory of Municipalité de Cacouna;

As this project is in the public interest and it is necessary that certain powers be granted to the municipality in order for it to be carried out;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

(a) “project” means the immovable and the structures and facilities required for receiving liquefied natural gas transported by ship, for the storage and vaporization of liquefied natural gas, for the transportation of vaporized liquefied natural gas to a pipeline, and for the activities connected with the reception and regasification of liquefied natural gas, to be constructed on the immovable. It also includes two storage tanks, the vaporization system, the vapour handling system, the spill containment systems, and the other components necessary for the operation of the facilities, as well as the roadway and the loading and unloading platform that projects 350 metres over the St. Lawrence River to allow the construction and the operation of the project and the supply of ancillary services;

(b) “immovable” means the immovable situated in the territory of the municipality whose cadastral description appears in the schedule;

(c) “municipality” means Municipalité de Cacouna, as established by Order in Council 135-2006 dated 8 March 2006;

(d) “property taxes” means the aggregate of the taxes that may be imposed by a local municipality or a school board on immovables, that are payable by the owner or on behalf of the owner in respect of all the property constituting

the project or that are assessed on the basis of the property, including, without restriction, the land, the buildings and all the accessories and improvements to the buildings, and any part of the project situated on shore lots rented from the Province of Québec and all fixtures and/or property brought onto the project or fastened to the project by the project owner or occupant or by third persons; property taxes include, without restriction, municipal, school, general or special taxes, surtaxes or taxes on non-residential immovables and instalments of special taxes or local improvement taxes; any new taxes imposed by local or regional authorities, in addition to the existing property taxes, will automatically be deemed to be included in the property taxes. Property taxes also include service taxes and the compensations that may be imposed on the owner of an immovable under subparagraph 2 of the second paragraph of section 244.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1). Property taxes do not include the public utility tax provided for in Part VI.4 of the Taxation Act (R.S.Q., chapter I-3).

2. The project's taxable immovables will be entered on the assessment roll of the municipality

(a) four years after the date on which project excavation work begins on the immovable, or

(b) on the date on which all the operating permits for the project have been issued,

whichever is earlier.

3. A sum equal to the total of the following amounts is levied annually on the project's taxable immovables, as of the date on which they are entered on the roll under section 2:

(a) \$5,200,000 per year, increased annually by the percentage increase in the Consumer Price Index (Québec region) determined by Statistics Canada in relation to the Consumer Price Index applicable on 25 August 2005. The annual increase must not exceed 2%, it being understood that if the percentage increase in the Consumer Price Index for a given year exceeds 2%, the portion of that percentage that exceeds 2% will not be usable in subsequent years to adjust the amount payable under this paragraph; and

(b) \$1,300,000 per year, increased annually by the percentage increase in the school property taxes levied by Commission scolaire de Kamouraska–Rivière-du-Loup. The reference rate for school property taxes is the rate applicable on 25 August 2005. The annual increase must not exceed 5%, it being understood that if the percentage increase in the school property taxes levied by Commission scolaire de Kamouraska–Rivière-du-Loup for a given year exceeds 5%, the portion of that percentage that exceeds 5% will not be usable in subsequent years to adjust the amount payable under this paragraph.

The annual percentage increase in the Consumer Price Index is determined on the basis of the Consumer Price Index on 31 December of the year preceding that in which the amounts under this section are levied in relation to the Consumer Price Index on 31 December of the second year preceding that in which the amounts under this section are levied.

4. The beginning of project excavation work on the immovable entails the levying of \$1,500,000, payable in three equal, consecutive annual payments of \$500,000 in favour of the municipality, the first payment being due on the date the excavation work begins, and the second and third payments being due on the anniversary date of the first payment.

5. For all legal purposes, the levying of the amounts under section 3 replaces any property taxes that could be levied in respect of the project for the period concerned.

6. In every other respect, despite section 5, the amounts levied under sections 3 and 4 constitute municipal property taxes in favour of the municipality.

7. The municipality must pay the school property taxes levied by it on the project's taxable immovables to Commission scolaire de Kamouraska–Rivière-du-Loup as of the date the immovables are entered on the assessment roll under section 2.

8. The municipality is authorized to enter into an agreement with Municipalité de Notre-Dame-des-Sept-Douleurs and Municipalité régionale de comté de Rivière-du-Loup to share the amounts levied under section 3.

9. This Act ceases to have effect 25 years from the date on which the project's taxable immovables are entered on the assessment roll in accordance with section 2, unless the project owner notifies the municipality and the Minister of Municipal Affairs and Regions by certified or registered mail, at least six months before the date this Act is to cease to have effect, of the owner's intention to extend the effects of this Act in respect of the project for an additional five-year period. That extension may itself be renewed, on the same conditions, for two successive five-year periods.

10. The amounts levied under section 3 are to be adjusted for the first calendar year in which the project's taxable immovables are entered on the roll, proportionally to the number of days remaining in that calendar year.

11. This Act applies only to the project.

12. If the project excavation work on the immovable has not begun on 31 December 2010, this Act ceases to have effect.

13. This Act comes into force on *(insert the date of assent to this Act)*.

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 $215^{\circ}15'14''$ 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 $204^{\circ}21'26''$ for a distance of one hundred twenty-six metres and forty-nine hundredths (126.49 m) to point 8; thence on a bearing of $198^{\circ}25'28''$ for a distance of one hundred sixty-seven metres and sixty-four hundredths (167.64 m) to point 7; thence on a bearing of $176^{\circ}26'26''$ for a distance of one hundred three metres and sixty-three hundredths (103.63 m) to point 6; thence on a bearing of $324^{\circ}10'50''$ for a distance of one hundred thirty-one metres and twenty-one hundredths (131.21 m) to point 4008; thence on a bearing of $32^{\circ}53'49''$ 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 $214^{\circ}33'02''$ 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 $168^{\circ}11'49''$ for a distance of three hundred forty-three metres and fifty-five hundredths (343.55 m) to point 4002; thence on a bearing of $117^{\circ}48'09''$ for a distance of one hundred forty-five metres and ninety-two hundredths (145.92 m) to point 4003; thence on a bearing of $95^{\circ}11'26''$ for a distance of eighty-two metres and ninety hundredths (82.90 m) to point 4004; thence on a bearing of $158^{\circ}11'49''$ for a distance of eighty metres and ninety-eight hundredths (80.98 m) to point 4005; thence on a bearing of $131^{\circ}01'50''$ for a distance of forty-seven metres and fourteen hundredths (47.14 m) to point 4006; thence on a bearing of $189^{\circ}04'53''$ for a distance of forty-six metres (46.00 m) to

point 4007; thence on a bearing of 224°38'05" for a distance of twenty-five metres and seven hundredths (25.07 m) to point 1326; thence on a bearing of 241°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°39'24" for a distance of ninety-four metres and eighteen hundredths (94.18 m) to point 1320; thence on a bearing of 269°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°10'59" for a distance of twenty-seven metres and thirty hundredths (27.30 m) to point 1314; thence on a bearing of 179°40'28" for a distance of twelve metres and fifteen hundredths (12.15 m) to point 1313; thence on a bearing of 234°22'45" for a distance of nineteen metres and eighty-three hundredths (19.83 m) to point 1312; thence on a bearing of 260°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°08'37" for a distance of nineteen metres and thirty-one hundredths (19.31 m) to point 1310; thence on a bearing of 273°26'09" for a distance of seventeen metres and seventy-nine hundredths (17.79 m) to point 1309; thence on a bearing of 351°59'28" for a distance of twelve metres and forty-seven hundredths (12.47 m) to point 1308; thence on a bearing of 10°48'46" for a distance of seventeen metres and nineteen hundredths (17.19 m) to point 1307; thence on a bearing of 305°11'58" for a distance of nineteen metres and ten hundredths (19.10 m) to point 1304; thence on a bearing of 284°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°38'54" for a distance of fourteen metres and thirty-three hundredths (14.33 m) to point 1295; thence on a bearing of 287°19'15" for a distance of fifteen metres and twenty-six hundredths (15.26 m) to point 1302; thence on a bearing of 256°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°34'49" for a distance of fourteen metres and sixty-seven hundredths (14.67 m) to point 1249; thence on a bearing of 268°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°34'28" for a distance of eleven metres and sixty-two hundredths (11.62 m) to point 59; thence on a bearing of 30°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°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°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°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°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°26'28" for a distance of eighteen metres and one hundredth (18.01 m) to point 6; thence on a bearing of 356°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°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°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°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.