



PHONE MESSAGE

John Sheppard

yes



To	Mayor - <i>Kenel</i>	Date	12/9	Time	11:45	<input type="radio"/> A.M. <input type="radio"/> P.M.	
From	Chief Lawrence Paul						URGENT
Company	902 897-9199 (w)						PHONED
Telephone	897-1380 (coop) Extension						PLEASE CALL
Fax	893-3886 (h)						RETURNED YOUR CALL
Message	Storm sewage on land in Cole Harbour. would like to meet with you in January					WILL CALL AGAIN	
						CAME TO SEE YOU	
						WANTS TO SEE YOU	
Signature	along with Eng. Dept Staff.						

A 1630-T

(Caldwell Rd)

yes

12

BLUELINE

Dec 10 -

Ruth will get back to me.

- Harry McGinray making comments - Communications

Thurs.
20
10

Outstanding
Issue
- communication

~~NO~~ ~~14~~

Dave English - Solicitor

Chris Howe - Consultant

Lloyd Johnson - Economic Dev

Alex Cope or
Barry Gilbride } (Council)

MILLBROOK BAND COUNCIL

1999
1040-40-02

P.O. Box 634, Truro, N.S.
B2N 5E5



Tel: (902) 897-9199
Fax: (902) 893-4785

FACSIMILE TRANSMITTAL SHEET

TO: Mayor Walter Fitzgerald

FROM: Chief Lawrence Paul

COMPANY: Halifax

DATE: January 10/00

FAX NUMBER: 902-490-4012

#PAGES SENT 3.

URGENT

FOR PREVIEW

PLEASE COMMENT

PLEASE REPLY

NOTES/COMMENTS

SPECIAL INSTRUCTIONS:

Indian and Northern
Affairs CanadaAffaires indiennes
et du Nord Canada

FAXED (902) 893-4785

November 23, 1999

Your file Votre référence

Our file Notre référence

Chief Lawrence Paul
Millbrook First Nation
P.O. Box 634
Truro, Nova Scotia B2N 5E5

Dear Chief Paul:

Band Council Decisions - Indian Reserves

Further to our conversations of this date and last Friday I wish to confirm in writing the results of our discussions with respect to Band Council authorities with respect to decision making, particularly as it affects Indian reserve lands.

Band councils are entities created by statute - the *Indian Act*. When determining the authority of band councils reference must be made to the *Indian Act* and those regulations made pursuant to the *Indian Act* - in the case at hand the Indian Band Council Procedure Regulations. The exercise of band council authority has been subjected to court challenge and the courts have ruled on the exercise of band council and DIAND authorities stemming from the *Indian Act* and associated regulations.

Section 2(3)(b) of the *Indian Act* sets out the general rule of law for the exercise of band council powers. It reads "a power conferred on the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councillors of the band present at a meeting of the council duly convened". There are two court cases which are cited often in relation to this matter - Leonard v. Gottfriedson, 21 B.C.L.R.326, [1982] 1 C.N.L.R. 60(S.C.) and Heron Seismic Services Ltd. v. Peepeekisis Indian Band (1990), 87 Sask. R. 66 (Q.B.), 74 D.L.R. (4th) 308.

In an obiter comment the judge, in the case of Leonard v. Gottfriedson, stated "There is no authority for a band council to exercise its power by individual consent to a resolution in writing. The use of a Department of Indian Affairs form headed "Band Council Resolution" as if it were a written resolution, simply signed by members of a council without reference to any meeting, neglects the requirements set out in this section and may invalidate the declaration made". In the case of Heron Seismic Services the judge ruled that contracts must be approved or authorized by a duly passed resolution of the band council before a band can be contractually bound.

.../2

Canada

Printed on recycled paper - Imprimé sur papier recyclé

- 2 -

November 23, 1999
Chief Lawrence Paul

In the case of council decisions affecting Indian reserve lands the council initiates a band council resolution and forwards it to our offices for action (ie permits, leases or issuances of certificates of possessions etc.) as required by the Indian Act.


Of particular interest in this matter is section 28(1) and (2) of the *Indian Act* which read "Subject to subsection (2), any deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which a band or member of a band purports to permit a person other than a band member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void" and "The Minister may by permit in writing authorize any person for a period not exceeding one year, or with the consent of the council of the band for a longer period, to occupy or use a reserve or to reside or otherwise exercise rights on a reserve" respectively.

I have reviewed the Chronicle Herald article of 99/11/19 and have noted various comments regarding municipal zoning and regulations not applying to reserves by virtue of the application of the *Indian Act*. This is in fact correct and the Millbrook First Nation zoning by-laws are certainly the operative zoning legislation to be adhered in this matter. The reference to the Marshall decision's application to this matter is not understood and may be an overstatement of the effect of the decision given that the issue at hand is not a treaty rights issue and the *Indian Act* already provides for a regulatory regime for Indian reserve land use.

I trust that this letter sets out clearly the content of our discussions and should you wish to have a meeting with the parties involved we would be pleased to attend to explain the legislative regime for Indian reserve land administration and band council decisions. Please feel free to contact me directly in this regard.

Should you have any additional questions or require additional information please do not hesitate to contact me at (902) 661-6241 or at the address below.

Sincerely,



Brian Dorey, Director
Lands and Trust Services
Indian and Inuit Affairs
P.O. Box 160
Anherst, Nova Scotia B4H 3Z3

Millbrook Land - Wesley

- Chief + Ben Conant -

C.B.C.L. - Chief Paul

India Band
Mullbrook Band

1st Project - 1st Major Road

1st. Nations - Policy requires

Suggested by Consult. - good relations

6 day traffic - water problem

1st
Suggestion #1

Manhole - 84" sewer - 42" Manhole buried

Problem to resolve -

29" records

design for a (84" ~~or 42"~~) was a 42"

50 ← → 50

Professional → Bank
- One person -

Future
1st
CHRIS
↓
Responsible Policy
dealing with 1st
Nations

Sewer + Water \$149,000 | 1996

Suggestion by band → recover split - 50/50 loss.

3rd thing

91 Members of Understudy

Agreement

Not on poster



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

10400-40-PL

1980
agreement

1980



Atlantic Region
Régional de l'Atlantique

July 16, 1999

Your file Votre référence

Our file Notre référence

JUL 16 1999

E-5643-06058(LTS-23)

Dave English, Legal Advisor for the Millbrook First Nation
Blackburn English
287 Highway #2
ENFIELD NS B2T 1C9

**Re: Certified True Copy of Permit with the Municipality of the County of
Halifax**

Dear Dave:

Copy of permit as requested enclosed.

Should you have any questions or require any further information please contact me
at this office.

Yours sincerely,

Richard (Rick) J Costain
Lands, Environment and Natural Resources Officer
Lands and Trust Services
Indian and Inuit Affairs (Atlantic)
PO Box 160
Amherst NS B4H 3Z3

Telephone (902) 661-6251
Cellular (902) 664-8677
Fax (902) 661-6237

e-mail: costainr@inac.gc.ca

incl.



DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS

THIS AGREEMENT made in quadruplicate this *10th* day of *January*
nineteen hundred and *eighty*

BETWEEN:

HER MAJESTY THE QUEEN in right
of Canada, hereinafter called
"Her Majesty",

OF THE FIRST PART

AND:

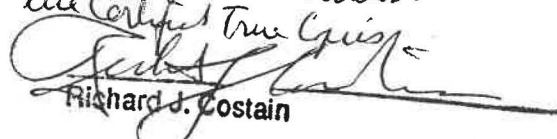
THE MUNICIPALITY OF THE COUNTY
OF HALIFAX, a body corporate,
hereinafter called "the
Permittee",

OF THE SECOND PART.

WHEREAS the Permittee has applied to use and occupy a part of Cole
Harbour Indian Reserve No. 30 in the Province of Nova Scotia for the
purpose of constructing, operating and maintaining an underground trunk
sewer line, hereinafter called "the Works";

AND WHEREAS by Resolution Number 229 dated the 14th day of January,
1975, the Truro Band Of Indians for whose use and benefit the said
Reserve has been set apart has recommended approval of the application;

NOW THEREFORE the Minister of Indian Affairs and Northern Development
hereinafter called "the Minister", on behalf of Her Majesty and by Virtue
of the authority vested in him under Section 28(2) of the Indian Act,
Chapter I-6, Revised Statutes of Canada, 1970, does hereby grant the
Permittee permission to enter upon, use and occupy: the whole of a
right-of-way in Cole Harbour Indian Reserve No. 30, according to Plan
No. 63052 in the Canada Lands Surveys Records at Ottawa, hereinafter
referred to as the "permit area".

*The 16 Pages as initialed
are Certified True Copies*

Richard J. Costain

CERTIFIED TRUE COPY


Commissioner for the Taking of Oaths
pursuant to paragraph 108 (a) of the
Indian Act

IT IS UNDERSTOOD AND AGREED by and between the parties each with the other, that this permit is granted on the following terms and conditions:

1. That this permit shall be for as long as required and used for the purpose aforesaid.
2. That the Permittee shall pay on or before the execution hereof the sum of One Hundred Dollars (\$100.00) as the fee for the use of the permit area.
3. That this permit is granted solely for the aforesaid purpose and does not create any rights of tenancy or any possessory rights of exclusive use or occupation by implication or otherwise.
4. That the rights granted by the within permit shall not be assigned or otherwise transferred.
5. That the Permittee shall conform to the regulations and standards prescribed by the Provincial Department of the Environment in the construction, operation and maintenance of the underground trunk sewer line in and under the permit area.

.../3

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6. That this Permit is subject to any right of occupation, timber permit or license, permit or lease of mining rights or other leases or grants covering the said Permit area or any portion thereof and any other prior encumbrances or interest including road rights of way whether the Permittee has notice of the same or not.

7. That members of the Truro Band of Indians will have full and free access to the Permit Area and shall be entitled to use the Permit Area for such operations as do not interfere with the Permittee's right of way in terms hereof.

8. That the Permittee shall pay and discharge all rates, taxes, duties, tolls, imposts and levies whatsoever imposed or assessed, now charged or that may hereafter be charged during the currency of this permit respecting occupancy of the permit area by the Permittee or upon the permit area, or payable in respect thereof.

9. That the Permittee shall not erect a fence around the permit area.

10. That the Permittee shall not remove any sand, gravel, clay, stone or topsoil from the land except with the prior consent of and on such terms and conditions as may be prescribed by Her Majesty's representative.

11. That subject to Clause 11 hereof all stripping, stockpiling and replacement of topsoil shall be done to the satisfaction of Her Majesty's representative.

12. That within sixty (60) days after the construction of the said underground trunk sewer line or such other reasonable time

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... /4

as may be agreed upon, the Permittee shall level the said lands and unless otherwise agreed upon, by the Minister, with the consent of the Council shall remove all debris therefrom and in all respects restore the said permit area to its former state so far as is practical.

13. That the Permittee shall not impede, interrupt, divert or in any way affect drainage and regular flow of water from, through, into or out of any drain, drainage ditch, creek or water-course of the Reserve or running through the Reserve.

14. The Permittee hereby agrees that such sewer systems as may be installed to service the whole or any portion of the Reserve, may be connected to the works.

15. That the Permittee may only charge users on the Reserve the standard connection and user costs or fees charged to all other users.

16. Her Majesty shall not be liable or responsible in any way for any loss, theft, damage or injury to any property upon the permit area howsoever caused and the Permittee shall indemnify and save harmless Her Majesty against and from and shall be responsible for all claims, demands, loss, costs, damages, actions, suits and other proceedings or as a result of the death, injury or alleged injury, of any person whomsoever howsoever caused, that are in any manner based upon, attributable to, occasioned by, or arising out of, the use and occupation of the permit area, including any adjoining sidewalks or any part thereof, or any construction, installation, demolition, alteration, work, or operation conducted on the permit area or any part thereof by the permittee, its officers, servants, employees, workmen, contractors, subcontractors or any, some or all of them whether

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such be caused by or contributed to by the negligence of the permittee, its officers, servants, employees, workmen, contractors, subcontractors or any, some or all of them or otherwise.

17. The Permittee hereby releases Her Majesty, Her Successors and Assigns from any and all liability or loss or damage caused by any of the perils against which the Permittee shall have insured, and whether or not such loss or damage may have arisen out of the negligence of Her Majesty against and from all manner of actions, causes of action, suits, damages, loss, costs, claims and demands of any nature whatsoever relating to such loss or damage and the Permittee covenants and agrees that in the event of damage to or partial destruction of the works the Permittee shall either (a) replace any part of the works destroyed with new improvements in accordance with any agreement which may be made with it or (b) repair or replace such damage or partial destruction in the absence of such agreement.

18. That the Permittee shall during the currency of this permit, at its own expense promptly observe, perform, execute and comply with all applicable laws, rules, requirements, orders, directions, ordinances and regulations of every federal, provincial or municipal authority or agency concerning the permit area and the works of the Permittee constructed therein and thereon.

19. That at the expiration or other sooner termination of the permit, the Permittee shall peaceably surrender and yield up onto Her Majesty the said permit area, and unless the Permittee is in default of any of the terms, conditions, covenants or stipulations herein contained, the Permittee will have the right to remove any works installed by it on the permit area provided that the permit area is thereby left in a condition satisfactory to Her Majesty's representative and provided further that if.

CERTIFIED TRUE COPY . . . /6
[Handwritten Signature]

the said works are not removed within thirty (30) days of the expiration of the permit or sooner termination hereof as the case may be, the said works shall revert to Her Majesty and become the property of Her Majesty without any claim for allowance or payment in lieu thereof.

20. That the Permittee shall keep the permit area in a condition satisfactory to the representative of Her Majesty who may enter the said permit area at all reasonable times during the currency of this permit to examine the condition thereof.

21. That the Permittee shall not do or suffer to be done any act or thing that may in the opinion of Her Majesty's representative annoy or disturb other persons on the said Reserve.

22. That where in the opinion of Her Majesty's representative a nuisance exists he may order the Permittee to abate the nuisance and clean up the permit area; and if the Permittee fails to do so, Her Majesty's representative may take whatever steps may be necessary to abate the nuisance.

23. That without in any way restricting the provision of the preceding section no rubbish, sewage or any other matter of an offensive nature shall be deposited anywhere on the said Indian Reserve.

24. That no waiver on behalf of Her Majesty of any breach shall take place, or be binding unless the same be expressed in writing by the Minister and any waiver so expressed shall extend only to that particular breach to which such waiver specifically relates and shall not be deemed to be a general waiver or to limit or affect the rights of Her Majesty with respect to any other breach.

... /7
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25. No remedy herein conferred upon or reserved to Her Majesty is intended to be exclusive of any other remedy herein or by-law provided, but such remedies shall be cumulative and shall be in addition to every other remedy given hereunder or now hereafter existing at law or in equity.

26. Whenever under this Permit it is required or permitted that notice or demand be given or served by any party to this Permit to or on the other, such notice or demand shall be given or served in writing and forwarded by registered mail, addressed as follows:

To the Minister-at: His Office at
Les Terrasses de la Chaudière
Hull, Quebec
K1A 0H4

To the Permittee at: Municipal Admin. Bldg.
38 Dutch Village Road
P.O. Box 300
ARMDALE, Nova Scotia
B3L 4K3

or to such other address as either or the parties may from time to time notify the other in writing in the manner hereinbefore provided.

27. That this Permit may be revoked or cancelled by the Minister if the Permittee is in default in the performance of any of the terms, conditions, and covenants of this agreement and where such default is not rectified by the Permittee within 30 days of the date of notice from the Minister to the Permittee.

28. That the term "Minister" as used herein means the Minister of Indian Affairs and Northern Development.

29. That the term "Reserve" as used herein means the Cole Harbour Indian Reserve No. 30, in the Province of Nova Scotia.

30. Unless provided herein to the contrary or notified other-

. . . /8

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wise by the Minister, the term "Her Majesty's representative" shall mean the Director General, Department of Indian and Inuit Affairs, Atlantic Region.

31. That no member of the House of Commons shall be admitted to any share or part of the within permit or to any benefit to arise therefrom.

32. Time shall be of the essence.

33. The Permittee and the Minister mutually covenant and agree that this Permit is given under Section 28(2) of the Indian Act, RSC 1970, Chapter I-6, and the rights given hereby shall be construed as a license only and shall not be deemed to grant, convey or confer on the Permittee any right in rem or any estate or interest in the title to that portion of Cole Harbour Indian Reserve No. 30 in the Province of Nova Scotia comprising the permit area. Notwithstanding anything in this permit contained, the Permittee on behalf of itself, its officers, servants, agents, tenants, licencees and invitees acknowledges and agrees that this Permit does not confer or give rise to any greater right or rights upon the Permittee, its officers, servants, agents, tenants, licencees and invitees than the Minister is authorized to confer by Sub-Section 28(2) of the Indian Act.

IT IS FURTHER AGREED that this permit shall be subject to the provisions of the Indian Act and Regulations established thereunder which may now be in force or which may hereafter be made and established from time to time in that behalf by the Governor in Council.

IN WITNESS WHEREOF ~~J. D. Beask, Director General, Reserves and Trusts,~~ F. J. Singleton, Acting Director, Lands Branch, Department of Indian Affairs and Northern Development, on behalf of Her Majesty the Queen, in right of Canada, has hereunto set

1999-2000
CERTIFIED TRUE COPY

his hand and seal and the Permittee has caused its seal to be hereunto
affixed in the presence of its duly appointed officers this 10th
day of January, 1980.

SIGNED, SEALED AND DELIVERED

in the presence of:

Barbara Saitz

F. J. Singleton

~~F. D. Leach~~, F. J. Singleton,
~~Director General~~, Acting Director,
~~Reserves and Trusts~~. Lands Branch.

THE MUNICIPALITY OF THE COUNTY
OF HALIFAX

Virginia Vincent

Gra S. Settle

Virginia Vincent

G. S. Settle


CERTIFIED TRUE COPY

[Signature]

ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY THAT, on the 27th day of November, 1979,
at Halifax, in the Province of Nova Scotia ^{Sea S. Petter}
^{and H. P. Meech} who ^{are} is personally known to me, appeared
before me and acknowledged to me that ^{they are} he ^{is} the ^{Warden and Municipal Clerk}
OF THE MUNICIPALITY OF THE COUNTY OF HALIFAX, and that ^{they} he affixed the seal
of THE MUNICIPALITY OF THE COUNTY OF HALIFAX To the Instrument; that ^{they} he
^{was} first duly authorized to subscribe his name as aforesaid, and affix
the said seal to the said Instrument, and that such corporation is
legally entitled to hold and dispose of land in the Province of Nova
Scotia.

IN TESTIMONY WHEREOF I have hereunto set my
hand and seal of office at Halifax in
the Province of Nova Scotia, this 27th day
of November, one thousand nine hundred
and seventy-eight


A Notary Public in and for the Province of
Nova Scotia or a Commissioner for taking oaths.

.....
G. J. KELLY
A Commissioner of the Supreme Court of Nova Scotia

NOTE: Where the person making the acknowledgement is personally known
to the Officer taking the same, strike out the words in brackets.

CERTIFIED TRUE COPY


CANADA) I, Barbara Saikaly of
PROVINCE OF QUEBEC) the City of Hull, in the Province of
CITY OF HULL) Quebec, public servant
TO WIT:)

make oath and say:

1. I was personally present and did see the within instrument
duly executed by F.J. Singleton
Department of Indian Affairs and Northern Development.

2. I know the said F.J. Singleton and that
he is in my belief of the full age of eighteen years.

3. I am the subscribing witness thereto.

SWORN before me in the)
City of HULL in the)
Province of QUEBEC, this 10th)
day of JANUARY 1980.)

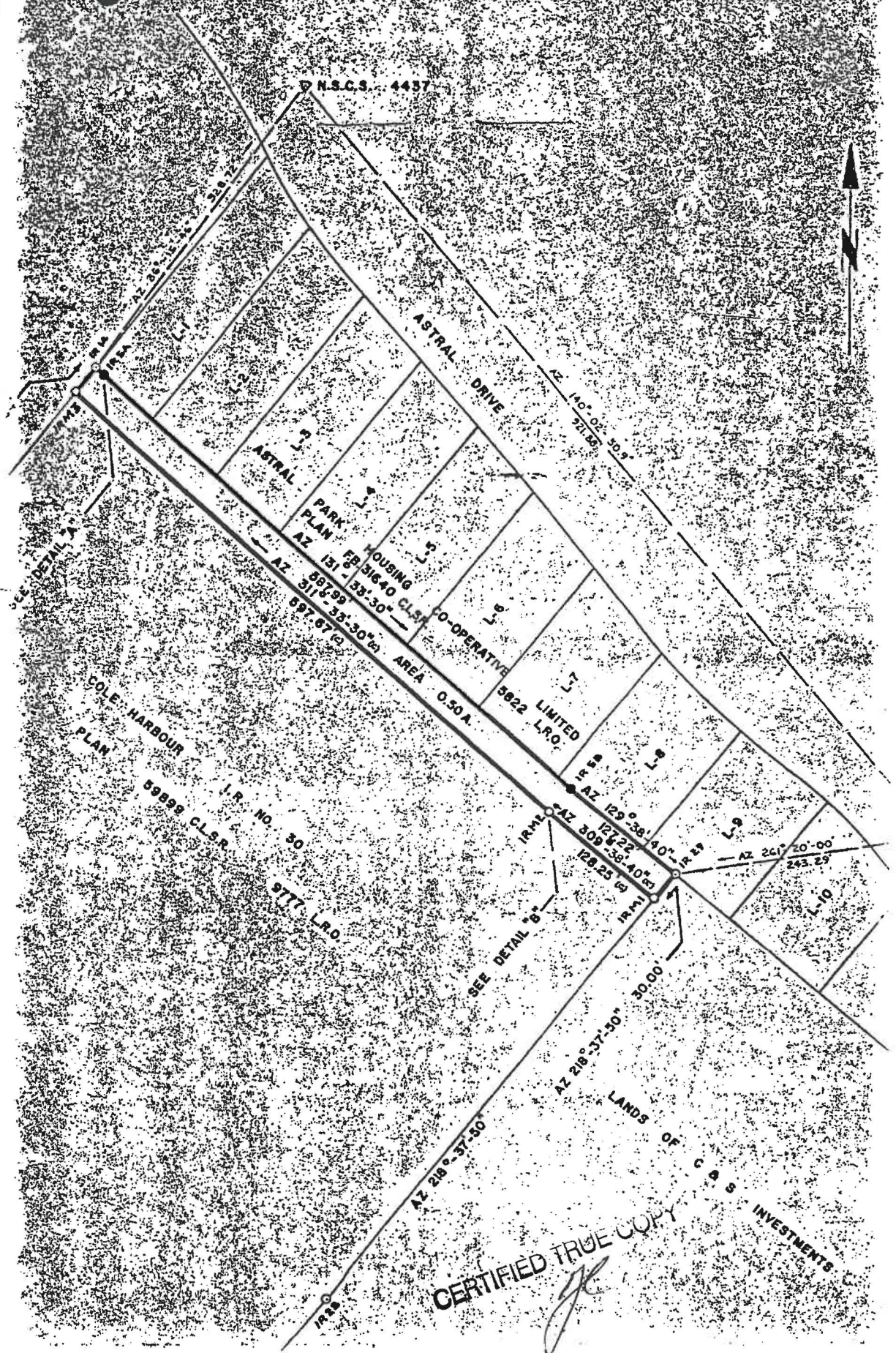
Barbara Saikaly

Ellen Margaret Christie

ELLEN MARGARET CHRISTIE,
Commissioner pursuant to Section 108 (a)
Indian Act — as of August 15, 1974.

CERTIFIED TRUE COPY
[Signature]

PART OF PLAN 63052



CERTIFIED TRUE COPY

[Signature]

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No. - Numéro consécutif

317

File Reference - N° de réf. du dossier

Q74/21-5-3-30

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Truro Band	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Nova Scotia District Office	Committed - Engagé	\$ _____
PROVINCE	Nova Scotia	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	Millbrook Indian Reserve	Committed - Engagé	\$ _____
DATE	20 Sept AD 19 76 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE;
DÉCIDE, PAR LES PRESENTES:

That paragraph 15 of the proposed Permit, for a trunk sewer line across a 30-foot wide portion of Cole Harbour Indian Reserve No. 30, to the Municipality of the County of Halifax shall not be altered as requested by the Municipality to "service those lands which are within the serviceable area and the design capacity of the sewer having regard to the anticipated development in the total area to be served by the sewerage system."

That paragraph 15 may be altered in a manner which would allow the use of the trunk sewer to serve any portion of the Reserve and that the following wording for paragraph 15 would be acceptable to the Band Council:

"The Permittee hereby agrees that such sewer systems as may be installed to service the whole or any portion of the Reserve, may be connected to the works."

A quorum for this Band
Pour cette bande le quorum est
consists of
fixé à
Council Members
Membres du Conseil

Lewis Elwood
(Councillor - conseiller)

Stephen J. Glade
(Chief - Chef)
(Councillor - conseiller)

Alexander Justice
(Councillor - conseiller)

(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR A. Capital \$	B. Revenue - Revenu \$	3. Expenditure Dépenses \$	4. Authority - Autorité Indian Act / Soc Art. de la Loi sur les Indiens
5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu			6. Recommended - Recommandable	
13 DEC 79 Date		<i>C.S. Thompson</i> Recommending Officer - Recommandé par		Approved - Approuvable F. J. Singleton, Acting Director, Lands Branch. Date 10-1-80 Approving Officer - Approuvé par

IA 135 (3-74) 7580-21-023-4662 C.S. Thompson
Director General - Atlantic
Indian & Inuit Affairs

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JAN. 31, 1975 00452

02531 JAN 16 1975

Indian and Northern Affairs Affaires indiennes et du Nord

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif

229

N/S-28

File Reference - N° de réf. du dossier

274/31-5
274/851

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Truro Band	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	Nova Scotia District Office	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Nova Scotia	Committed - Engagé	\$ _____
PLACE			
NOM DE L'ENDROIT	Millbrook Reserve		
DATE	14 January AD 19 75		
	DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

Whereas the Municipality of the County of Halifax proposes to install a trunk sewer line and has discussed their requirement for an easement across a portion of the Cole Harbour Indian Reserve Number 30.

Whereas the said Municipality has secured a public road right-of-way from the Astral Drive to the northwesterly boundary of the reserve by indenture dated August 23, 1974, from Harold Brookfield Elliot to the said Municipality;

Whereas Harold B. Elliot has indicated that he will begin development of land adjacent to the northwesterly boundary of the reserve which would include construction of the road within the mentioned right-of-way;

Whereas we understand that the proposed sewer can be used to service reserve land;

We do hereby resolve that an easement, for the installation and maintenance of a sewer line, across that portion of the Cole Harbour Indian Reserve Number 30 containing 0.5 acres more or less and shown enclosed by red lines on the plan attached hereto as Schedule "A", be issued to the Municipality of the County of Halifax with the following terms and conditions:

1. That the easement be issued in consideration of the sum of one hundred (100) dollars.
2. That the easement shall be for as long as the land is required to maintain and operate the sewer.

A quorum for this Band
Pour cette bande le quorum est
consists of
fixé à
Council Members
Membres du Conseil

Stephen H. Lade
(Chief - Chef)

Roger Cope
(Councillor - conseiller)

(Councillor - conseiller)

Alexander Justice
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
	A. Capital	B. Revenue - Revenu			
	\$	\$	\$		
6. Recommended - Recommandé			Approved - Approuvé		
13 DEC 79 Date			F. J. Singleton Acting Director, Lands Branch. Date		
C. S. Thompson Recommending Officer - Recommandé par			M. P. [Signature] Approving Officer - Approuvé par		

IA 136 (3-74) 7830-21-023-4662
C. S. Thompson
Director General - Atlantic
Indian & Inuit Affairs

CERTIFIED TRUE COPY

The undersigned hereby requests that the document, the particulars of which are set out below, be entered, pursuant to the Indian Act, either in the Reserve Land Register or in the Surrendered Lands Register as the case may be.

PARTICULARS

NAME OF PARTIES: THE MUNICIPALITY OF THE COUNTY OF HALIFAX
TYPE OF INSTRUMENT: AGREEMENT
DATE OF INSTRUMENT: JANUARY 10, 1980
LAND DESCRIPTION: Province: NOVA SCOTIA
Reserve & No: LOLE HARBOUR 30
Parcel: PLAN No: 63052 C.L.S.R.

TYPE OF INTEREST OR CHARGE: _____
SUPPORTING DOCUMENTS: Band Council Resolutions dated January 14, 1975 and September 20, 1976

January 11, 1980
DATE

McKeeley
APPLICANT AND ADDRESS

Acceptance

This application for registration has been accepted and the instrument has been entered in the appropriate Register. This instrument has been registered under number _____ on _____ 19 _____ at _____

REGISTRAR

Rejection

This application for registration has been rejected for the following reasons: _____

JAN 11 1980

CERTIFIED TRUE COPY

DATE

Jr
REGISTRAR

067357

JAN 11 1 36 PM '80
COLE HARBOUR

INDIAN RESERVE NO. 30

NOVA SCOTIA

PERMIT

NUMBER OF PIECES 16

I CERTIFY THAT THE WITHIN
INSTRUMENT IS DULY ENTERED INTO
THE REGISTER'S OF INDIAN LANDS AT
OTTAWA, IN ACCORDANCE WITH
SECTIONS 21 & 55 OF THE INDIAN
ACT.

Cecil Labitaine
REGISTRAR

CERTIFIED TRUE COPY
[Signature]