

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 1349

BEING a By-law to expropriate certain lands for the widening and relocating of Transfer Street.

WHEREAS by Subsection (1) of Section 513 of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, the Municipal Council of the Corporation of the Township of Esquimalt is empowered to establish, widen, alter, relocate or divert a highway or any portion of a highway;

AND WHEREAS by Subsection (3) of the said Section 513 of the said "Municipal Act" it is enacted that the said Municipal Council may by By-law enter upon, expropriate, break up, take or enter into possession of and use any real property in any way necessary or convenient for any of the purposes mentioned in the aforesaid subsection (1) of the said Section 513 without the consent of the owners of the real property but subject to the provisions of Division (4) of Part XII of the said "Municipal Act";

AND WHEREAS the said Municipal Council deems it necessary or convenient for the widening, alteration, and relocation of part of Transfer Street within the Corporation of the Township of Esquimalt and the establishment thereof as a highway to enter upon, expropriate, break up, take and enter into possession of and use the real property hereinafter described;

AND WHEREAS this By-law by Section 485 of the said "Municipal Act" shall before coming into effect be published once in the "Gazette" and in a newspaper published or circulating in the Municipality of Esquimalt and a certified copy thereof is to be filed in the Land Registry Office of the Victoria Land Registration District;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, enacts as follows:

1. That for the above recited purpose and subject to Division (4) of Part XII of the "Municipal Act" the real property lying and being within the Corporation of the Township of Esquimalt in the Province of British Columbia and being more particularly described as:

All that part of Lot 5, Block 14, Plan 2546, Section 10, Esquimalt District, described by metes and bounds with astronomic bearings derived from Plan 11426 of said Section, as follows:- Commencing at the north-east corner of said Lot 5, thence S12°47'40" W along the easterly boundary thereof for 35.73 feet to a point, thence along the arc of a circular curve having a radius of 62.0 feet and with its centre lying south-westerly from the aforesaid north-east corner, for 42.93 feet more or less to a point on the northerly boundary of said

Lot 5 distant 32.37 feet from the said north-east corner, thence N 88°56'30" E for 32.37 feet to the point of commencement; the whole containing 458 square feet.

and all the right, title and interest thereto and therein of any and all persons whomsoever, save only Her Majesty the Queen, shall be and are hereby taken and expropriated unto the sole and only use of the Corporation of the Township of Esquimalt forever which may and is hereby empowered and authorized in that behalf, to enter upon and into possession of and use the said real property for the said purpose.

2. That it shall be and it is hereby directed that such taking, entering upon and into possession and use of such real property shall take place forthwith after this By-law shall have come into effect.

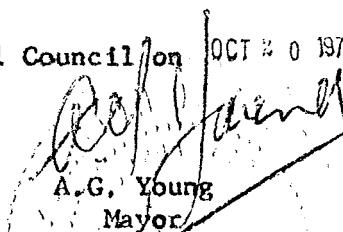
3. This By-law shall come into effect on and from the day next following the day upon which the same is published in the "Gazette" and in a newspaper as above-recited, or if it shall not be published both in the "Gazette" and in a newspaper on the same day, then on the day next following the day when it is last so published in the "Gazette" or newspaper, as the case may be.

4. This By-law may be cited as the "Transfer Street Expropriation By-law, 1971"

PASSED by the Municipal Council on OCT 18 1971

RECONSIDERED AND ADOPTED by the Municipal Council on OCT 20 1971

  
M.W.E. Allen  
Municipal Clerk

  
A.G. Young  
Mayor