

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 1534

BEING a by-law to expropriate certain lands lying between DeCosta Place and Selkirk Waters.

WHEREAS it is enacted by Section 622 of the "Municipal Act", R.S.B.C. 1960, Chap. 255, that the Council may, by by-law, expropriate, subject to Division (4) of Part XII of the said Act, any real property for pleasure, recreation or community uses of the public;

AND WHEREAS it is enacted by Sub-section (4) of Section 531 of the said "Municipal Act" that, subject as aforesaid, the Council may, by by-law, expropriate, break up, take or enter into possession of and use any real or personal property within or without the Municipality in any way necessary or convenient for the operation, maintenance, improvement, extension or alteration of any existing sewerage system.

AND WHEREAS the Corporation did by the leave and licence of the owners of the lands hereinafter described construct in, under and across the same a pipe or pipes for the collection, conveyance and disposal of sewage but does not hold or enjoy any formal easement or right-of-way in that behalf and it is deemed expedient to acquire the said lands and the said pipe or pipes therein and thereunder for the purpose of operating and maintaining the existing sewerage system of which the said pipe or pipes comprise a part;

AND WHEREAS it is deemed expedient to acquire the said lands for pleasure and recreational uses of the public as well as for the purpose last recited.

NOW THEREFORE the MUNICIPAL COUNCIL of the CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

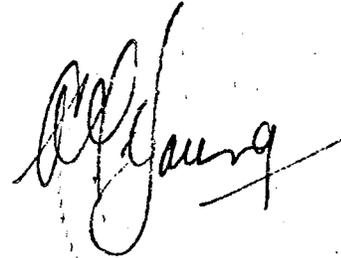
1. That for the above recited purposes and subject to Division (4) of Part XII of the "Municipal Act" the real property described in the Schedule hereto and any and all pipes therein or thereunder for the passage or conveyance of sewage under and across the same and all the right, title and interest 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.
2. That the said Corporation may and is hereby empowered and authorized by its officers, servants and agents forthwith to enter upon and into possession of any use the said real property and pipe or pipes for the said purposes.
3. This By-law may be cited as the "DeCOSTA PLACE EXPROPRIATION BY-LAW 1976".
4. This By-law shall come into force and take effect on and from the day next following the day upon which it shall have been published in the "Gazette" and in a newspaper circulating in the Municipality, whichever shall last occur, and a certified copy thereof shall be filed in the Land Registry Office of the Victoria Land Registry District.

PASSED by the Municipal Council on 5th April, 1976

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council
on 28th April, 1976



G. MERZ
MUNICIPAL CLERK



A. G. YOUNG
MAYOR

S C H E D U L E

to the "DeCosta Place Expropriation
By-Law 1976"

All and singular those certain pieces or parcels
of land or land and premises lying, being or situate in the
Municipality of the Township of Esquimalt and more particularly
known and described as Lots 5 and 6, Section 10, Esquimalt
District Plan 28829.

