

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 599

A By-Law of the Corporation of the Township of Esquimalt to expropriate an easement for a sewer in, under and across Lot 13, Block 1, Section 2, Esquimalt District, Plan 5066 and to authorize the entry upon and use of the said lands for the purpose of constructing and maintaining the said sewer.

WHEREAS by By-Law No. 593, being a By-Law of the Corporation of the Township of Esquimalt (hereinafter referred to as "the Corporation") cited as the "Northwest Craigflower Road Local Improvement By-Law, 1954" it was enacted that a certain sewer in the said By-Law described should be constructed as a work of local improvement under the provisions of the "Local Improvement Act", being Chapter 237 of the Revised Statutes of British Columbia, 1948;

AND WHEREAS by Sub-sections (196), (197), (229), and (230), of Section 58 of the "Municipal Act" being Chapter 232 of the said Revised Statutes of British Columbia, and other powers and authorities thereunto enabling, the Corporation is empowered to make by-laws for expropriating lands and real property and for taking, enter upon, holding and using the same in any way necessary or convenient for Corporate purposes and for expropriating easements for sewers and any right in, over, under or upon lands and real property which may be expropriated as aforesaid;

AND WHEREAS in order to construct the sewer aforesaid and to maintain and from time to time repair the same it is expedient to expropriate and take the easement or right-of-way hereinafter described and to enter upon and use the lands hereinafter described in the manner hereinafter set forth;

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

1. That the following described easement or right-of-way shall be and is hereby taken and expropriated, that is to say, ALL THAT FREE, RIGHT, LIBERTY AND AUTHORITY on the part of the Corporation by its servants, agents and workmen, with or without vehicles, machinery and equipment forthwith to construct, maintain in, under, over and across ALL AND SINGULAR that certain piece, parcel or tract of land and premises situate, lying and being in the Municipality of Esquimalt in the Province aforesaid, and more particularly described as all that part of Lot Thirteen (13), Block One (1), Section Two (2), Esquimalt District, Plan 5066 lying and being five (5') feet on either side of a straight line drawn from a point on the westerly boundary of the said Lot Thirteen (13) distant twenty and eight-tenths (20 8/10ths) feet northerly from the most southerly corner of the said Lot Thirteen (13) to a point on the south easterly boundary of the said Lot Thirteen (13), distant twenty-nine and two-tenths (29 2/10ths) feet north easterly from the

said most southerly corner of the said Lot Thirteen (13) which part contains 250 square feet be the same more or less;

AND FOREVER HEREAFTER from time to time to repair and replace the said sewer and to use the said sewer for the passage of sewage and water in, under, over and across the lands and for the purposes aforesaid forthwith and at all such times hereafter and in such manner as may be reasonable in that behalf and convenient or necessary for Corporate purposes to enter upon the said Lot Thirteen (13), making good nevertheless at the expense of the Corporation any damage or injury which may be caused to the surface of the said Lot Thirteen (13) by reason of the construction, maintenance, repair or replacement of the said sewer or by the entry of the Corporation, its servants, agents or workmen, upon the said lands as aforesaid;

2. That the aforesaid part of the said Lot Thirteen (13) shall henceforth be used for any and all of the purposes aforesaid by the Corporation, its servants, agents and workmen, with or without vehicles, machinery and equipment, and the said Lot Thirteen (13) shall be entered upon for such purposes at the times and in the manner hereinbefore provided by the said Corporation and its servants, agents and workmen, with or without vehicles, machinery and equipment, subject nevertheless to the restrictions in the above recited "Municipal Act" contained.

3. It is hereby directed that the easement or right-of-way aforesaid be expropriated and taken and the said Lot Thirteen (13) and the said part thereof entered upon for the purposes and in the manner aforesaid immediately after the passing of this By-Law.

4. Any compensation or damages payable in respect of the expropriation hereby made and the use of the said lands hereby authorized and the taking thereof or entering thereupon hereby directed or otherwise consequent upon the passing of this By-Law, shall be deemed to form and be a part of the cost of the work of local improvement first above recited.

5. Any real property which may be injuriously affected by the exercised of the Corporate powers hereby exercised may be entered upon for the purpose of executing and the execute any works of construction, maintenance, or repairs in mitigation of injury done or apprehended or in reduction of compensation.

6. This By-Law may be cited for all purposes as "Northwest Craigflower Road Local Improvement Expropriation By-Law (No. 1.), 1954".

PASSED by the Municipal Council the 18th day of October, 1954.

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council the 20th day of October, A. D. 1954.

"Alfred C. Wurtele"
Reeve

"J. W. Allen"
Clerk