

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 628

BEING a by-law to expropriate certain lands
on Colville Road for corporate purposes.

WHEREAS by By-law No. 606 being a By-law of the Corporation of the Township of Esquimalt (hereinafter referred to as "the Corporation") cited as "Colville Road Concrete Sidewalk Local Improvement By-law, (No. 4), 1954", it was enacted that a certain sidewalk in the said By-law more particularly 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 subsections (196) and (197) of Section 58 of the "Municipal Act" being Chapter 232 of the said Revised Statutes and other powers and authorities thereunto enabling, the Corporation is empowered to make By-laws for expropriating lands and real property and for taking, entering upon, holding and using the same in any way necessary or convenient for corporate purposes and for expropriating any estate, right, title or interest in such lands or real property and for directing such taking or entering upon immediately after the passing of any such by-law;

AND WHEREAS in order to construct the sidewalk aforesaid and to maintain the same it is expedient to expropriate and take the lands hereinafter described and to enter upon and to hold the said lands as 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 lands and all the estate, right, title and interest 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 forever, that is to say,

firstly:

All that portion of Lots 1 to 16, both inclusive, Section 10, Esquimalt District, Plan 7328 lying to the north of a straight line drawn from a point on the westerly boundary of the said Lot 1, five (5) feet distant in a southerly direction from the northwesterly corner of the said Lot 1 to a point on the easterly boundary of the said Lot 16, five (5) feet distant in a southerly direction from the northeasterly corner of the said Lot 16.

secondly:

All that portion of Lots 17 to 19, both inclusive, of the Section, District and Plan aforesaid, lying to the north of a straight line drawn from the aforesaid point on the easterly boundary of the aforesaid Lot 16 to a point on the easterly boundary of the said Lot 19, five (5) feet distant from the northeasterly corner of the said Lot 19.

2. That the aforesaid portion of the said Lots 1 to 16, both inclusive, and of the said Lots 17 to 19, both inclusive, shall be used for the construction and maintenance thereon of the above recited sidewalk and as well in any other way that may be necessary or convenient for corporate purposes.
3. It is hereby directed that the said lands shall be taken and entered upon immediately after the passing of this By-law subject to the restrictions in the above recited "Municipal Act" contained.
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 part of the cost of the work of local improvement first above recited.
5. Any real property which may be injuriously affected by the exercise of the corporate powers hereby exercised may be entered upon for the purpose of executing and to 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 "COLVILLE ROAD EXPROPRIATION BY-LAW, 1955".

PASSED by the Municipal Council on the 14th day of March, A.D. 1955.

RECONSIDERED, ADOPTED and FINALLY PASSED as aforesaid by the Municipal Council on the 28th day of March, A.D. 1955.

"J. W. Allan"
Clerk

"A. C. Wurtele"
Reeve