E.1 Bylaws E.1

For First Reading

October 15, 1970 1st. READING October 15,1970 FINALLY PASSED Parrentes 9, 1970

BYLAW NO.

A Bylaw to authorize the railway grade crossing on proposed spur to serve George Weston Ltd. at 128th Avenue and West of 148 Street.

## WHEREAS:

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- 1. Canadian National Railways has requested the City of Edmonton to permit the level crossing at 128th Avenue West of 148th Street, with a single track to provide service to George Weston Ltd; and
- 2. The Municipal Government Act provides as follows:
  - (1) The council, subject to the provisions of any Act of the Parliament of Canada, or of the Legislature of Alberta, or throughout any order of the Canadian Transport Commission may make bylaws
    - (a) sanctioning and permitting the track of any railway, street railroad or tramway to be laid in, on or along any street, avenue or lane,

and

- 3. Section 258 of the Railway Act being Chapter 234 of the Revised Statutes of Canada 1952 reads as follows:
  - (1) The railway of the company may, if leave therefore is first obtained from the Board as hereinafter authorized, but shall not without such leave, be carried upon, along or across any existing highway; the compensation, if any, payable by the company to adjacent or abutting land owners shall be determined under the arbitration sections of this Act insofar as such sections are applicable, and the Board shall not grant leave to any company to carry any street railway or tramway, or any railroad operated or to be operated as a street railway or tramway, along any highway that is within the limits of any city or incorporated town, until the company has first obtained the consent therefore by a bylaw of the municipal authority of such city or incorporated town; and where leave is obtained to carry any railway along a highway the board may require the company to make compensation to the municipality if the Board deems proper, such compensation to be determined under the arbitration sections of this Act, insofar as such sections are applicable.

(2) The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

NOW THEREFORE the Municipal Council of The City of Edmonton enacts as follows:

- 1. That subject to the Canadian National Railways receiving approval by the Canadian Transport Commission for Canada pursuant to the provisions of the Railway Act being Chapter 234, Revised Statutes of Canada, as amended, The City of Edmonton pursuant to the provisions of the Municipal Government Act, hereby authorizes the construction of a single track industrial spur at 128th Avenue and West of 148 Street, in the City of Edmonton as shown on Canadian National Railways Plan No. R-732, and dated the 23rd day of September, 1970, and now filed with the City Clerk.
- 2. That the construction and maintenance of the proposed spur track authorized herein shall be subject to the Standard Conditions for spur tracks in the City of Edmonton as adopted by City Council on January 18, 1916.

READ	the first time this 15 day of	Octaber	A.D.	1970
READ	the second time this 15 day of	October	A.D.	1970
READ	a third time and duly passed th	nis 9 day of Powember	A.D.	1970

THE CITY OF EDMONTON

Mayor

City Clerk