

1st. READING

2nd. "

3rd. "

BYLAW NO. 3195

FINALLY PASSED

July 8 - 1968

A Bylaw to authorize the crossing of the Canadian Pacific Railway over 39th Avenue, East of 99th Street in Strathcona Industrial Park, in the City of Edmonton.

WHEREAS the Canadian Pacific Railway has requested the City of Edmonton to permit a crossing of 39th Avenue, East of 99th Street, with a single track to provide service to the Strathcona Industrial Park from the C.P.R. trackage on the Leduc Subdivision, Mile 94.49; and

WHEREAS the Municipal Government Act provides as follows:

162. (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

WHEREAS Section 258 of the Railway Act being Chapter 234 of the Revised Statutes of Canada 1952 reads as follows:

258. (1) The railway of the company may, if leave therefor is first obtained from the Board as herein-after 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 in so far as such sections are applicable, and the Board shall not grant leave to any company to carry any street railway or tramway, or any railway 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 therefor by a by-law 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, in so far 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 duly assembled enacts as follows:

1. That subject to the Canadian Pacific Railway 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 across 39th Avenue, East of 99th Street, in the City of Edmonton as is shown on the C.P.R. Plan dated 19th of June, 1968 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.

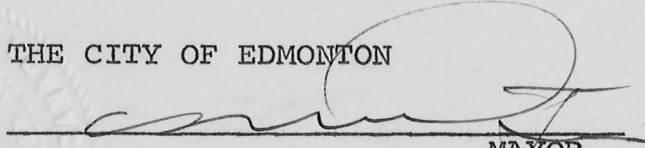
READ a first time this 5th day of July, A.D. 1968.

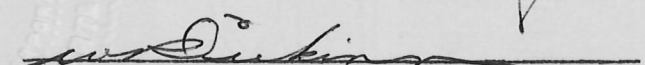
READ a second time this 8th day of July, A.D. 1968.

READ a third time and duly passed this 8th day of

July, A.D. 1968.

THE CITY OF EDMONTON


MAYOR


CITY CLERK

