

Moose Jaw: Authorizing expropriation of lands, etc.

being a Private Act

Chapter 46 of the *Statutes of Saskatchewan, 1908*
(effective June 12, 1908).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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1908

CHAPTER 46

An Act to authorise the City of Moose Jaw to Expropriate Lands and for other purposes

(Assented to June 12, 1908)

Preamble

WHEREAS the municipal corporation of the city of Moose Jaw has by petition represented that the said corporation has built a power house for the purpose of a waterworks and electric light system in said city and that said power house is so located in the said city that it is necessary to incur a heavy annual outlay for teaming the coal and fuel used in the operation of such power house from the point or points at which such fuel is received; and

Whereas the corporation is desirous of constructing or having constructed a spur track from the Canadian Pacific Railway Company's line of railway to such power house with the further right to construct or have constructed other spur tracks if afterwards deemed desirable by the corporation to connect with any other line of railway; and

Whereas the said corporation desires the right to expropriate the lands over which it is necessary to pass or which it is necessary to use in connection with the construction of said spur track or tracks and in erecting suitable storage facilities for fuel and supplies for use in connection with the waterworks and electric light system; and

Whereas the corporation desires the right to construct said spur track or tracks or to enter into contracts with any person or corporation for the construction, maintenance and operation thereof; and

Whereas the said corporation is desirous of permitting the construction therein of spur railway tracks for warehouse and commercial purposes and is desirous of obtaining the right to expropriate under the provisions of *The Municipal Ordinance* all lands deemed necessary for the purposes of constructing such spur tracks; and

Whereas the city has pursuant to said powers constructed a system of waterworks and has for such purpose passed over lands outside the city limits and within a radius of ten miles from the city and built a pipe line to the source of supply at Snowdy's springs; and

Whereas doubt exists as to the right of the city to expropriate the land used in connection with the construction of said waterworks system and lying outside the limits of the city of Moose Jaw; and

Whereas the corporation of the city of Moose Jaw is desirous of exercising the right of expropriation of the land necessarily used or to be used in connection with the operation of said pipe line; and

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Whereas the corporation of the said city is desirous that the city should have the right to direct and require the owners of all property occupied or not occupied in the city to connect such property by proper sewer and water connections with the said waterworks system and any extensions thereof, and in default thereof authorising the city to make such connections at the expense of such property owners affected; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Spur track to power house

1 The corporation of the city of Moose Jaw is hereby empowered to expropriate under the provisions of *The Municipal Ordinance* all lands necessary or deemed by the corporation necessary for the construction, maintenance and operation of a spur track or tracks to connect the power house in the said city with the Canadian Pacific Railway Company's line of railway or with any other railway line hereafter to be constructed in said city and with the further right to expropriate all lands necessary or deemed necessary by the corporation for the construction of any buildings, storehouses, warehouses or yardage to store fuel or other supplies used or to be used in connection with the maintenance and operation of the power plant of the said corporation:

Compensation

Provided that the said city shall make due compensation under the provisions of *The Municipal Ordinance* to the owner of any lands so taken and shall also pay damage for any land or any interest in land injuriously affected by the construction, maintenance or operation of such spur track or tracks the amount of damage to be determined by arbitration under the provisions of *The Arbitration Ordinance*.

1908, c. 46, s. 1.

Construction and maintenance of spur track

2 The said corporation shall have the right to construct, maintain and operate any spur railway track or tracks by them deemed desirable for the purposes of supplying fuel to said power house and shall have the further right to enter into any contract with any person or corporation for the construction, maintenance and operation of such spur track or tracks or for any of such purposes.

1908, c. 46, s. 2.

Expropriation in blocks 124 to 128 for spur track

3 The city of Moose Jaw shall have and authority is hereby give the said city to expropriate under the provisions of any law governing the said city in that behalf, such portions of blocks numbers 124 to 128 both inclusive as shown on the registered plan old number 96 of the said city as are necessary or deemed by the said city necessary for the construction thereon or for the use, operation and maintenance thereof of a railway spur track or tracks.

1908, c. 46, s. 3.

Compulsory sewer and water connections

4 The corporation of the city of Moose Jaw shall have the right and are hereby empowered to require the owners of all property in the city whether occupied or not to connect such property by sewer and water connections approved by the city with the city system as now constructed or as the same may at any time hereafter by extended from time to time; and in default of the owner making such connections within the time by him required by the corporation to make the connection the corporation shall have the right to install the connection and charge the same against the property owner affected and to collect the amount expended in making such connection in the same manner as is adopted by the city for the collection of the cost of installing such water connection when made at the request of the property owner or in any other manner decided upon by bylaw of the corporation:

Proviso

Provided that the provisions of this section shall apply only to property owners a portion of whose property adjoins a street or lane along which a sewer or water main, as the case may be, has been laid adjacent to such property.

1908, c. 46, s. 4.

Pipe line to Snowdy's Springs

5 The city of Moose Jaw shall have the power notwithstanding anything in *The Municipal Ordinance* or any other Act to expropriate in the manner provided in *The Municipal Ordinance* for the expropriation of lands situated within the city, any portion or portions of the lands being west half of section ten and the north half and the south-east quarter of section nine all in township 16 and range 27 west of the second meridian lying along the said pipe line constructed by the corporation connecting the waterworks system therein with Snowdy's springs aforesaid and deemed by the corporation necessary to repair, maintain and operate the pipe line aforesaid:

Provided however that the corporation shall not have the right to expropriate land for a greater distance than fifteen feet on each side of the middle line of the said pipe line.

1908, c. 46, s. 5.

