



CHAPTER 60.

An Act to enable the City of Vancouver to acquire any lands and interests in, on or adjoining the foreshore of a certain portion of False Creek, Vancouver.

[10th February, 1904.]

WHEREAS the Corporation of the City of Vancouver has by its Preamble. petition prayed that it be enacted as hereinafter set forth and 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 the Province of British Columbia, enacts as follows:—

1. If the Council of the Corporation of the City of Vancouver, hereinafter called "The Corporation," requires for the purpose of altering, reclaiming or improving the said bed or foreshore of False Creek, the construction of streets, erection of docks, wharves, harbours therein or thereon, to purchase, take or extinguish any lands, rights, littoral, riparian interests, rights of access to the waters of False Creek, or foreshore rights in, on, or contiguous to the foreshore and waters of all that portion of False Creek described as follows : "The whole bed and foreshore of False Creek, east of Westminster Avenue bridge, as shown on a plan of the City of Vancouver signed by the Chief Commissioner of Lands and Works and Mayor of the City of Vancouver and filed in the Department of Lands and Works, Victoria, B. C, on the fourteenth day of August, 1900," the Corporation may expropriate the same, subject to the following conditions, viz. : The Council of the Corporation shall give notice thereof to all corporate bodies, and parties interested in such lands, littoral, riparian, foreshore, rights or interests, and all such notices shall demand from such parties the particulars of their estate and interest in such land, riparian, rights or

Expropriation of False Creek foreshore rights.

littoral, foreshore, access to the waters of False Creek or waters, and of the claims made by them in respect thereof; and every such notice shall state, as far as practicable, the particulars of the lands or interest so required, and that the Corporation is willing to treat for the purchase thereof, and as to the compensation to be made to all corporate bodies or parties for the loss or damage that may be sustained by them by reason of the expropriation of such lands or interests.

Notices.

2. All notices required to be served by the Corporation upon any person interested in or entitled to sell any such lands, riparian, littoral rights or interests shall be served in the same manner as a writ of summons in an action in the Supreme Court.

Compensation.

3. If, for sixty days after the service of such notice, any person shall fail to state the particulars of his claim in respect of any such land, or to treat with the Corporation in respect thereof, or if such person and the Corporation shall not agree as to the amount of the compensation to be paid for such lands or the interest in such lands, riparian, littoral or otherwise, belonging to such person, the amount of such compensation shall be settled in the manner hereinafter provided.

Arbitration.

4. If the owners of the lands or interests refuse to accept the amount offered for such land or riparian, littoral or foreshore rights, interests or rights of access, or to agree on the amount or to give particulars, as hereinbefore provided, the amount, if any, to be paid, or land, being a portion of the bed of False Creek, to be given in lieu of money by the Corporation for such riparian, littoral or foreshore rights or interests so expropriated, shall be determined by arbitration pursuant to the provisions of the Arbitration Act.

Valuation.

5. In arriving at the value of any lands, rights or interests expropriated, the arbitrators shall take the value of the lands, rights or interests at the date of the approval of the plan by the Lieutenant-Governor in Council.

Vesting.

6. Upon payment or legal tender of the amounts so awarded or agreed upon, or conveyances of portions of the bed of False Creek in lieu thereof to the person entitled to receive it, or upon payment into the Supreme Court of British Columbia of the amount of such compensation under the award or agreement the lands, rights or interests so expropriated shall vest in the Corporation, and there shall vest in the Corporation power to forthwith take possession of the lands or interests, the subject of the award or agreement, and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia may, on proof to his satisfaction, of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the Corporation in possession.

7. The Lieutenant-Governor in Council may, and he is hereby empowered, on application by the Council of the Corporation, which application shall be made by the said Council before expropriation, at any time to vary the conditions of the grant of the said bed of False Creek granted to the said Corporation pursuant to chapter 42 of the Statutes of British Columbia, 1900, by a Crown grant dated the third day of March, 1902, by granting powers to the Council of the said Corporation to make a grant in fee simple of any portion of the foreshore of False Creek lying adjacent to any lands, the riparian, littoral or foreshore rights of which may be expropriated, to the owners of such lands in lieu of, or in addition to paying money for the same in accordance with the decision of the arbitrators appointed to decide on the value of the said riparian, littoral or foreshore interests expropriated and the compensation to be paid, or lands to be granted in lieu thereof, as hereinbefore provided.

Grant by Lieut-Governor in Council.

8. Provided that the provisions of this Act shall not come into force or effect until a plan or scheme of reclamation of the said bed of False Creek has been adopted by the Council of the Corporation and approved of by the Lieutenant-Governor in Council, and a by-law has been submitted to and received the assent of the electors of the City of Vancouver entitled to vote on money by-laws, under and in accordance with the provisions of section 103 of the Vancouver Incorporation Act, 1900, which section shall apply in the same manner and to the same extent as if the same had been set forth in this Act, authorising the carrying out of the said works of reclamation according to the plan adopted by the Council, and for authorising the raising, by way of debentures, the necessary moneys, on the credit of the City of Vancouver, to pay for the same, payable by instalments spread over a number of years, and for levying rates for payment of such debts on the ratable property of the City, and for pledging or hypothecating any rents or revenue to be derived from the premises reclaimed, harbour or docks, for the payment of the debts, in addition to or in lieu of the general credit of the City.

Condition precedent to this Act coming into force.

9. The debts or obligations incurred under the provisions of any by-law passed in pursuance of the powers herein contained shall be made repayable within fifty years at furthest from the date on which the debentures are issued.

Payment of debts incurred under this Act.

10. When such by-law has received the assent of the electors as herein provided for, it shall not be altered, amended or repealed by the Council, except with the consent of the Lieutenant-Governor in Council; and every such by-law and the debentures issued hereunder shall be absolutely valid and binding upon the Corporation according to the terms thereof, and shall not be quashed or set aside on any

Amendment of by-law.

ground whatever unless upon application to some Court of competent jurisdiction made within one month after the passing of the third reading thereof.

Application of certain sections of Vancouver Incorporation Act.

11. Sections 107, 108, 109 and 110 of the Vancouver Incorporation Act, 1900, shall apply in the same manner and to the same extent as if the same had been set forth clause by clause in this Act.

Debts incurred under this Act not to be included in aggregate debt of City referred to in s. 105, Vancouver Incorporation Act.

12. Notwithstanding anything contained in the section 105 of the Vancouver Incorporation Act, 1900, any debts incurred by the City of Vancouver under the powers contained in this Act shall not be included in the aggregate debt of the City, referred to in the said section, and it shall not be calculated in arriving at the amount of indebtedness of the City, so that the Corporation can incur an indebtedness amounting to twenty per cent. of the assessed value of the real estate of the said City, exclusive of the indebtedness incurred under the provisions of this Act.

Adoption and approval of plan by Lieut.-Governor in Council.

13. The plan hereinbefore referred to shall be adopted and approved of by the Lieutenant-Governor in Council, and the by-law assented to by the electors as hereinbefore provided before the first day of January, 1907, and the by-law assented to by the electors as hereinbefore provided, and the expropriation proceedings commenced on or before the first day of January, 1908, and continued with expedition till completed.

Construction to be placed upon expropriation powers hereby granted.

14. The power of expropriation given by this Act shall, in so far as this Legislature has power to enact the same, be paramount to any powers of expropriation heretofore given to any corporation or person.

Short title.

15. This Act shall be called the "False Creek Foreshore Act, 1904."

VICTORIA, B. C.:

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