



CHAPTER 39.

An Act relating to The Corporation of the District of Kent and certain Drainage and Dyking Works within the Municipality of Kent.

[Assented to 17th October, 1953.]

Preamble.

WHEREAS certain drainage-works and dykes have been constructed in the Municipality of Kent, being those mentioned in Schedule A:

And whereas lands situate within the area described in Schedule B benefit from the said drainage-works:

And whereas by the "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949, the Council of The Corporation of the District of Kent was granted power to integrate and unify and operate the said drainage-works and to maintain, operate, and protect the said dykes:

And whereas the Fraser Valley Dyking Board constructed further dyking-works which are now operated by and are the responsibility of The Corporation of the District of Kent:

And whereas lands situate within the area described in Schedule C are protected by all the aforementioned dykes and dyking-works:

And whereas all levies under the said "Agassiz Drainage and Dyking Act" are based upon and derive their authority from engineers' reports called for by the said Act before the construction of new works:

And whereas no such engineers' reports are in existence with respect to the said dykes and dyking-works:

And whereas it is desirable and necessary that two distinct levies be authorized to defray dyking costs and drainage costs in the respective areas concerned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Agassiz Drainage and Dyking Act, 1953."

C. 1 of Statutes
of 1949 repealed.

Interpretation.

2. The "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949, is repealed.

3. (1) In this Act, unless the context otherwise requires:—

"Agassiz Drainage Area" or "Drainage Area" means the area described in Schedule B:

"Agassiz Dyking Area" or "Dyking Area" means the area described in Schedule C:

"Corporation" means The Corporation of the District of Kent:

"Council" means the Municipal Council of The Corporation of the District of Kent:

"Drainage-works" includes every drain, ditch, culvert, and water-course and all sluice-gates, screens, and structures connected with or pertaining to any drainage system within the Drainage Area:

"Dyke" includes all main dykes and toe dykes protecting the Dyking Area, and all works, real property, easements, and rights-of-way pertaining thereto or connected therewith:

"Municipality" means the Municipality of Kent.

(2) In defining any word or expression used in this Act, not by this Act expressly defined, reference may be had to the provisions of the "Municipal Act."

"Drainage, Dyking,
and Development
Act" and "Ditches
and Watercourses
Act" do not apply.

4. The "Drainage, Dyking, and Development Act" and the "Ditches and Watercourses Act" shall not apply in the Agassiz Drainage Area or in the Agassiz Dyking Area.

Powers conferred
on Council.

5. (1) The Council shall have and may exercise the following rights and powers:—

(a) To operate, maintain, protect, or repair, or to cause to be operated, maintained, protected, or repaired, all drainage-works, dykes, pumps, and pumping machinery now constructed or hereafter to be constructed in or in connection with the Agassiz Drainage Area or the Agassiz Dyking Area:

(b) Subject to the provisions of section 6, to construct, or cause to be constructed or installed, any new drainage-work, dyke, pump, or pumping machinery within or in connection with the Agassiz Drainage Area or the Agassiz Dyking Area which the Council may deem necessary or advisable:

(c) To reconstruct, relocate, improve, enlarge, or extend all or any part of the said drainage-works or dykes, and to replace any pumps or pumping machinery:

(d) To enter upon any real property within the Drainage Area or Dyking Area with all necessary personnel and with all necessary equipment and machinery for the purpose of exercising any of the powers referred to in clause (a) without the consent of the owners concerned and without compensation, and to enter upon, take, or expropriate any real property which may

be necessary or desirable for the exercise of any of the other powers granted by this Act, including the power to expropriate all lands used by or required for or in connection with the present Agassiz Dyke, subject to the provisions of Part XIV of the "Municipal Act":

- (e) To advance moneys out of the general funds of the Corporation to meet the costs and expenses of and incidental to or occasioned by the exercise of any of the powers granted by this Act in anticipation of the collection of the special rates hereinafter mentioned: Provided that the moneys so advanced shall be recouped to the general funds of the Corporation as and when the said special rates are received:
- (f) To determine each year what proportion of the cost of pumping shall be deemed to be a drainage cost and what proportion shall be deemed to be a dyking cost, and to charge such costs accordingly:
- (g) To pass by-laws each and every year imposing and levying on all real property in the Agassiz Dyking Area and upon the owners thereof as shown by the last revised assessment roll, with respect to dyking costs, and on all real property in the Agassiz Drainage Area and upon the owners thereof as shown by the last revised assessment roll, with respect to drainage costs, special rates to pay the said costs and expenses, including such amounts (if any) as may be necessary to meet the annual payments on account of principal and interest arising out of any debt incurred under this Act or under the "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949.

(2) Should the Council decide that the cost of any new drainage-work or dyke, pumps or pumping machinery, or the reconstruction, relocation, or extension of any drainage-work or dyke, or the replacement of any pump or pumping machinery, or the cost of expropriating any lands under clause (d) of subsection (1), is too great to be levied in a single year, the Council may by by-law, subject to the consent of the Inspector of Municipalities, borrow the necessary money on the credit of the Corporation, and may by the same by-law authorize the issuance of debentures to secure repayment of all moneys so borrowed and provide for the annual payments of principal and interest thereon, and shall assess and levy, annually until the loan is repaid, upon all the real property and owners thereof within the Drainage Area or the Dyking Area, as the case may be, as a portion of the special rate hereinbefore mentioned, an amount sufficient for the repayment of principal and interest of the said loan within a period not to exceed five years, and such by-law shall not require the assent of the electors.

(3) The special rate to pay drainage costs mentioned in clause (g) of subsection (1) shall be levied against each parcel of land within the

Drainage Area in the ratio of its acreage: Provided that the minimum rate levied to pay drainage costs shall be not less than twenty-five cents per acre and not less than one dollar on any parcel of land, and shall not exceed one dollar and fifty cents per acre.

(4) The special rate to pay dyking costs mentioned in clause (g) of subsection (1) shall be levied on the basis of the assessed value of the taxable land and such percentage of the assessed value of the taxable improvements concerned as are taxed for the general purposes of the municipality in the year of the levy.

Engineer's report
required.

6. (1) Before any of the construction or installation referred to in clause (b) of subsection (1) of section 5 is commenced, the Council shall procure a report in writing, to be made by an engineer or practising land surveyor, showing plans of the proposed construction or installation, stating his estimate of the cost and his opinion as to the advisability thereof.

(2) (a) Should any proposed new drainage-work, pump, or pumping machinery have the effect of benefiting lands not previously benefited, the engineer's or surveyor's report referred to in subsection (1) shall list all parcels of such land, and shall indicate the relative benefit to be derived by each such parcel in terms of acreage.

(b) When the report of the engineer or surveyor has been filed with the Council, the Clerk of The Corporation of the District of Kent shall forthwith mail by prepaid registered mail to the owner of each parcel of land referred to in clause (a) a copy of the report and a notice that the Council proposes, at a time not less than one month from the date of the mailing of the notice and at a place within the District of Kent, to hold a meeting for the consideration of all objections to the proposed works.

(c) At any time after the holding of such meeting, or after procuring the report of the engineer or surveyor should no such meeting be required, the Council may by by-law authorize the proposed works. The acreage set forth in the report of the engineer or surveyor indicating benefit to be derived by each parcel of land shall thereupon be deemed to be the acreage of that parcel for purposes of subsection (3) of section 5, and each such parcel shall be deemed thereafter to be within the Agassiz Drainage Area.

Time prescribed for
passage of by law

7. The by-laws for levying the special rate or rates imposed under this Act shall be passed each year not later than the date of the general taxation by-law for the year, and such special rates shall be owing and payable to the Corporation, and shall be collected at the same time as the general levy; and all the provisions of the "Municipal Act" as to collection and recovery of rates shall apply thereto.

Separate account for
all rates imposed
under this Act

8. The Council shall keep, or cause to be kept, in its books a separate account for and of all rates imposed under any by-law passed under this Act, and shall distinguish on its books between the rates levied in respect of:—

- (a) The Agassiz Drainage Area:
- (b) The Agassiz Dyking Area.

9. Subdivision (c) of Division (4) of Part II of the "Municipal Act" shall not apply within the Agassiz Drainage Area and the Agassiz Dyking Area.

Moneys required to be raised under "Agassiz Drainage and Dyking Act" to be raised under this Act.

10. All moneys which require to be raised to meet obligations already assumed under the "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949, shall hereafter be raised according to the provisions of this Act, and shall be levied in the same manner as any debt incurred under subsection (2) of section 5 of this Act.

Existing rates and taxes to continue to be a debt.

11. Any rates or taxes owing to the Corporation levied under the "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949, shall continue to be a debt owing to the Corporation, and all the provisions of the said Act as to the recovery of such rates or taxes shall remain in effect until such rates or taxes have been paid.

All costs and expenses after January 1st to be raised under this Act.

12. All costs, expenses, and charges incurred by the Council in connection with the drainage-works and dykes of the Agassiz Drainage Area and the Agassiz Dyking Area from and after the first day of January, 1953, and all debt charges incurred under this Act or the "Agassiz Drainage and Dyking Act," being chapter 1 of the Statutes of 1949, which fall due from and after the first day of January, 1953, shall be levied under the provisions of this Act.

SCHEDULES.

SCHEDULE A.

The Agassiz Ditch, the Clark Ditch, the Hogg Ditch, the McCallum Ditch, the Harrison Hot Springs Road Ditch, and the Hammersley Prairie Dyking Scheme constructed pursuant to By-law No. 67.

SCHEDULE B.

All that land in the Municipality of Kent within the following described boundaries: Commencing at the intersection of the south boundary of Section 28, Township 3, Range 29, west of the 6th meridian, with the dyke constructed by the Fraser Valley Dyking Board; thence easterly and following the said dyke to the foot of the Hopyard Mountain in Section 14, Township 3, Range 29, west of the 6th meridian; thence following the said foot of the mountain in a north-easterly direction to the intersection with the westerly boundary of District Lot 10, Group 1, New Westminster District (formerly Yale Division of Yale District), produced south-westerly in a straight line, the said intersection being 350 feet from the south-west corner of the said District Lot 10; thence south-easterly to the south-east corner of Lot 1, Block 3, Plan 3581, of the said District Lot 10; thence

north-easterly in a straight line through the said District Lot 10 and District Lot 19, Group 1, New Westminster District (formerly Yale Division of Yale District), to the south-east corner of Block 3, Plan 3199, of the said District Lot 19; thence following the easterly boundary of the said Block 3 and the easterly boundaries of Blocks 7 and 6 of said District Lot 19 to the north-east corner of the said Block 6 in the said District Lot 19; thence north-easterly to the corner of a 7.16-acre portion according to Sketch 811 of the said District Lot 19, and continuing in a straight line north-easterly to the foot of Bear Mountain in District Lot 36, Group 1, New Westminster District (formerly Yale Division of Yale District); thence along the foot of said Bear Mountain continuously in a north-westerly direction to its intersection with the north boundary of the Municipality of Kent, which is also the south boundary of the Harrison Hot Springs Townsite; thence west along the said common boundary to the foot of the Harrison Mountain, which is the south boundary of Section 12, Township 4, Range 29, west of the 6th meridian; thence in a south-westerly direction and following the said foot of the mountain continuously to the point of commencement, save and except therefrom all mountain land in Sections 22, 23, 26, and 27, Township 3, Range 29, west of the 6th meridian, known as "Cemetery Mountain" and contained within the above-described area. The above-described lands contain 5,510 acres, more or less.

SCHEDULE C.

All that land in the Municipality of Kent within the following described boundaries: Commencing at the intersection of the south boundary of Section 28, Township 3, Range 29, west of the 6th meridian, with the dyke constructed by the Fraser Valley Dyking Board; thence south-easterly and following the said dyke to the foot of the Hopyard Mountain in Section 14, Township 3, Range 29, west of the 6th meridian; thence along the foot of the said mountain in a north-easterly direction, and following the same continuously to its intersection with the said dyke in the said Section 14, Township 3, Range 29, west of the 6th meridian; thence along the said dyke in an easterly direction through Section 14 and Lot 35, Group 1, Range 29, west of the 6th meridian, to the foot of Little Mountain; thence north-easterly along the foot of Little Mountain continuously to the intersection with the said dyke; thence easterly along the said dyke through Section 13, Township 3, Range 29, and Lot 34, Group 1, to the north-west corner of the Cheam Indian Reserve No. 2; thence following the said dyke along the north boundary of Cheam Indian Reserve No. 2; thence through Lot 38, Group 1, and Section 20, Township 3, Range 28, west of the 6th meridian, and continuing along the said dyke in a northerly direction through Section 29, Township 3, Range 28, west of the 6th meridian, to the foot of Bear Mountain; thence along the foot of said Bear Mountain continuously in a north-westerly direction to its intersection with the north boundary of the Municipality of Kent, which is also the south boundary of the Harrison Hot Springs Townsite; thence west along the said common boundary to the foot of the Harrison Mountain, which is the south boundary of Section 12, Township 4, Range 29, west of the 6th meridian; thence in a south-westerly direction and following the said foot of the mountain continuously to the point of commencement, save and except therefrom all mountain land in Sections 22, 23, 26, and 27, Township 3, Range 29, west of the 6th meridian, known as "Cemetery Mountain" and contained within the above-described area. The above-described lands contain 6,540 acres, more or less.

VICTORIA, B.C.

Printed by DON McDIARMID, Printer to the Queen's Most Excellent Majesty.
1953