

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #634

A BYLAW TO AUTHORIZE EXPROPRIATION

WHEREAS pursuant to Section 8(1) of the *Community Charter*, S.B.C. 2003, c. 26, a municipality has the capacity, rights, powers and privileges of a natural person of full capacity, which includes the authority to acquire, hold, manage and dispose of land and any interest in land;

WHEREAS pursuant to Section 31(1) of the *Community Charter*, for the purpose of exercising or performing its powers, duties and functions, a municipality may expropriate real property or works, or an interest in them, in accordance with the *Expropriation Act*, R.S.B.C. 1996, c. 125;

WHEREAS pursuant to the *Corporation of the Village of Montrose Expropriation Regulation*, B.C. Reg. 57/2005, the Village of Montrose is expressly authorized to expropriate the land described herein, and

WHEREAS Council deems it to be in the interest of the municipality to acquire the fee simple title to the land described herein for the purpose of securing, protecting and/or flood-proofing a source of water for the water supply system operated by the municipality.

BE IT THEREFORE RESOLVED that the Council of the Village of Montrose in open meeting assembled, enact as follows:

SHORT TITLE

- 1. This Bylaw may be cited as the "WATERWORKS EXPROPRIATION BYLAW, 2005."

AUTHORIZATION

- 2. Pursuant to Section 31 of the *Community Charter*, the Council of the Village of Montrose hereby authorizes the expropriation of certain lands in fee simple for waterworks purposes being ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in a rural area within the Regional District of Kootenay Boundary, near the Village of Montrose, in the Province of British Columbia and more particularly described as:

That portion of:

Lot A, District Lot 205, Kootenay District, Plan 17360,

Shown on a sketch plan prepared by Milos Hinterberger, B.C.L.S., dated May 18, 2004 (File No. 04-3271.MIC), a copy of which is attached hereto.

SIGNATORIES

- 3. The Mayor and Clerk are authorized to sign all documents necessary and incidental to give effect to such expropriation.

ENACTMENT

- 4. (1) The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.
(2) This Bylaw shall come into full force and effect on final adoption thereof.

READ A FIRST TIME this 6th day of September, 2005
READ A SECOND TIME this 6th day of September, 2005
READ A THIRD TIME this 6th day of September, 2005
RECONSIDERED AND FINALLY ADOPTED this 19th day of September, 2005

Mayor

Clerk

Certified a true copy of Bylaw #634, as adopted

Clerk