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COPY

R.A. Pennington
Deputy Provincial Secretary

THE GOVERNMENT OF THE PROVINCE OF
BRITISH COLUMBIA

CERTIFIED COPY OF A MINUTE of the Honourable the Executive Council,
approved by His Honour the Lieutenant-
Governor on the 7th day of October, A.D.
1952.

TO HIS HONOUR
THE LIEUTENANT-GOVERNOR IN COUNCIL:

The Undersigned has the honour to

Report:

That Her Majesty in right of Canada has represented to Her Majesty in right of the Province of British Columbia that the Government of the United States has applied to Her Majesty in right of Canada for a right-of-way and easement over the Crown lands situate in British Columbia and hereinafter described for the purposes hereinafter set out:

AND THAT in order to enable Her Majesty in right of Canada to comply with the request of the United States, Canada requires a right-of-way and easement over the Crown lands situate in the Province of British Columbia for the laying down, construction, operation, maintenance, inspection, alteration, removal, replacement, reconstruction and repair of one or more pipelines, together with all works necessary for its undertaking herein referred to as "installations", including all such pumping and other stations, structures, communication systems, including pole-lines, drips, valves, fittings, motors, as may be necessary or convenient in connection therewith, for the carriage, storage, and handling of oil and any by-product thereof, and including the telephone lines to be used in connection therewith, together with the right of ingress and egress to and from the same for all purposes necessary or incidental to its undertaking, over, on, or under the Crown land described as follows:

ALL those certain parcels or tracts of land situate in that part of Cassiar Land District lying between the Yukon and Alaska boundaries and more particularly described as:

(1) A strip of land consisting of a right-of-way extending twenty-five feet on each side of the centre line of the proposed pipeline as indicated in red on the attached plan.

(2) All that land described within the following boundary:
From Mile Post 48, Haines Cut-Off Highway S 37°-06' E, a distance of 270', to a point of beginning; thence N 32°-54' E, a distance of 800' to a point; thence N 87°-06' W, a distance of 1500' to a point; thence S 32°-54' W to the East Bank of the Klaskan River; thence S.E. along said bank a distance of 1500' more or less to a point formed by the intersection of a line S 32°-54' W from the point of beginning and the N.E. Bank of the Klaskan River; thence N 32°-54' E to the point of beginning; EXCEPTING therefrom all that portion within the Right-of-Way for the Haines Cut-Off Highway.

such costs to be determined by the Minister of Public Works.

15. Her Majesty in right of the Province of British Columbia, as represented by the Minister of Public Works, may at any time direct and require Canada to permit construction upon, along, in or across the pipeline, of any highway, private road, railway, irrigation ditch, drain, telegraph, telephone or electric power line or any pipeline.
16. The Minister of Lands and Forests for the Province of British Columbia, or any person authorized by him, may at all reasonable times during the continuance of this easement enter upon the said lands to determine that the provisions and conditions of this easement are being fully complied with.

AND TO FURTHER RECOMMEND THAT a certified copy of this Minute, if approved, be forwarded to the Registrar, Land Registry Office, B.C., and to Her Majesty in right of Canada as represented by the Minister of Resources and Development.

DATED this day of , A.D. 1952.

MINISTER OF LANDS AND FORESTS.

APPROVED this day of , A.D. 1952.

PRESIDING MEMBER OF THE EXECUTIVE COUNCIL.

6. That the term of this easement shall cover only the period during which the right-of-way is in use by Canada for the purposes set forth, and a period of two years thereafter, and shall terminate on the cessation of the last mentioned period.
7. That in case Canada should cease to use the said lands, or to operate the pipeline thereupon for the purposes aforesaid, Canada, within two years, may thereupon remove the pipe and all other installations from the right-of-way, restoring the premises to their original condition as far as practicable in the opinion of the Minister of Lands and Forests. Any pipeline or other installation not so removed at the termination of the said period shall become the property of Her Majesty in right of the Province of British Columbia.
8. That Canada, performing and observing the conditions and provisions hereof shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted without hindrance, molestation or interruption on the part of Her Majesty in right of the Province of British Columbia, subject, however, to all terms, conditions and provisos herein contained.
9. Nothing herein contained shall be deemed to vest in Canada any title to timber, minerals, ores, metals, coal, slate, oil, gas or gaseous or other minerals in, on or under the lands comprising the said right-of-way except only the parts thereof that are necessary to be dug, carried away or used in the construction of the works of Canada.
10. Crown timber on the said right-of-way used or destroyed by Canada shall be paid for at a stumpage rate to be fixed by the Minister of Lands and Forests: Provided, however, that notwithstanding the foregoing Her Majesty in right of the Province of British Columbia may dispose of timber on the said right-of-way under the provisions of the "Forest Act".
11. That this easement is and shall be of the same force and effect to all intents and purposes as a covenant running with the land and these presents including all the conditions and provisions herein contained shall extend to and be binding upon and enure to the benefit of Canada and Her Majesty in right of the Province of British Columbia.
12. This easement is made and accepted subject to prior rights existing in favour of third parties, if any.
13. Her Majesty in right of the Province of British Columbia shall at all times be entitled to the use and possession of the surface of the lands mentioned herein and to dispose of same for any purpose whatsoever, subject to the rights hereby granted.
14. Her Majesty in right of the Province of British Columbia represented by the Minister of Lands and Forests at any time direct and require Canada to re-locate said pipeline to facilitate the construction or relocation of any Public work; however, the cost of labour of relocation shall be borne by Her Majesty in right of the Province of British Columbia.

32°-54' E to the point of beginning; EXCEPTING therefrom all that portion within the Right-of-Way for the Haines Cut-Off Highway.

AND THAT section 71 of the "Land Act" provides that the Lieutenant-Governor in Council may, subject to such terms and conditions as he may see fit to impose, grant to any person a right-of-way or easement over any Crown land:

AND TO RECOMMEND THAT, pursuant to section 71 of the "Land Act" an easement be granted to Her Majesty in right of Canada, hereinafter called "Canada", covering the right-of-way applied for for the purposes set out, subject to the following terms and conditions:--

1. That when and so soon as Canada shall deposit a plan of the right-of-way based upon a survey in accordance with the requirements of the "Land Registry Act" and the regulations of the Surveyor General, in the proper Land Registry Office, such plan and the survey upon which it is based defining the right-of-way hereby granted shall be substitute. For the description of the right-of-way as herein described and shall in all respects thereafter establish, govern and define the right-of-way whether or not the boundaries and lines fixed by the said survey and plan are in any way in conflict with the description of the right-of-way hereinbefore defined. Such plan shall be so deposited not later than six months from the completion of the pipeline in the Province. The Registrar is authorized to make such entries in the register as may be necessary to give effect to the preceding paragraph.
2. That Canada shall pay and discharge all taxes, rates, duties and assessments whatsoever now charged or hereafter to be charged upon or payable in respect of the said easement.
3. That the said lands and premises shall be used solely for the purposes aforesaid and for no other purpose.
4. That Canada shall, as soon as weather and soil conditions permit and insofar as it is practicable so to do bury and maintain all pipelines so as not to interfere with the drainage or ordinary cultivation of the said lands; and in no case shall the top of the pipe be less than 24 inches below the normal ground level. Provided, however, that after the pipe is in place and covered with soil, the surface of such soil shall be graded to conform to the natural contour of the ground.
5. That Canada shall at all times wholly indemnify Her Majesty in right of the Province of British Columbia from and against all loss, damage, injury and expense to which Her Majesty in right of the Province of British Columbia may be put by reason of any damage or injury to persons or property caused by any of Canada's pipes, or by any oil, or any other substance being carried in the pipes or any works herein provided for, as well as against damage or injury resulting from the imprudence, want of skill of the employees or agents of Canada in connection with the laying, maintenance, renewal of the said pipe or the use thereof, unless the cause of loss, cost, damage, injury or expense can be traced where.

Add after "Canada" ~~whenever it appears~~ the words "its assignees and licensees".

report: -

THAT Her Majesty in right of Canada has represented to Her Majesty in right of the Province of British Columbia that the Government of the United States has applied to Her Majesty in right of Canada for a right-of-way and easement over the Crown lands situate in British Columbia and hereinafter described for the purposes hereinafter set out:

AND THAT in order to enable Her Majesty in right of Canada to comply with the request of the United States, Canada requires a right-of-way and easement over the Crown lands situate in the Province of British Columbia for the laying down, construction, operation, maintenance, inspection, alteration, removal, replacement, reconstruction and repair of one or more pipelines, together with all works necessary for its undertaking herein referred to as "installations", including all such pumping and other stations, structures, communication systems, including pole-lines, drips, valves, fittings, meters, as may be necessary or convenient in connection therewith, for the carriage, storage, and handling of oil and any by-product thereof, and including the telephone lines to be used in connection therewith, together with the right of ingress and egress to and from the same for all purposes necessary or incidental to its undertaking, over, on, or under the Crown land described as follows:-

ALL those certain parcels or tracts of land situate in that part of Cassiar Land District lying between the Yukon and Alaska boundaries and more particularly described as:-

(1) A strip of land consisting of a right-of-way, extending twenty-five feet on each side of the centre line of the proposed pipeline as indicated in red on the attached plan.

(2) All that land described within the following boundary:- From Mile Post 48, Haines Cut-Off Highway S 57°-00' E, a distance of 270', to a point of beginning; thence N 32°-54' E, a distance of 800' to a point; thence N 57°-06' W, a distance of 1300' to a point; thence S 32°-54' W to the east bank of the Kichini River; thence S.E. along said bank a distance of 1300' more or less to a point formed by the intersection of a line S 32°-54' W from the point of beginning and the W. bank of the Kichini River; thence

"A.C. Bennett"

2421.

COPY OF MINUTE
APPROVED
1952 - 1952

LIEUTENANT-GOVERNOR

report: -

THAT Her Majesty in right of Canada has represented to Her Majesty in right of the Province of British Columbia that the Government of the United States has applied to Her Majesty in right of Canada for a right-of-way and easement over the Crown lands situate in British Columbia and herein-after described for the purposes hereinafter set out:

AND THAT in order to enable Her Majesty in right of Canada to comply with the request of the United States, Canada requires a right-of-way and easement over the Crown lands situate in the Province of British Columbia for the laying down, construction, operation, maintenance, inspection, alteration, removal, replacement, reconstruction and repair of one or more pipelines, together with all works necessary for its undertaking herein referred to as "installations", including all such pumping and other stations, structures, communication systems, including pole-lines, drips, valves, fittings, meters, as may be necessary or convenient in connection therewith, for the carriage, storage, and handling of oil and any by-product thereof, and including the tele- phone lines to be used in connection therewith, together with the right of ingress and egress to and from the same for all purposes necessary or incidental to its undertaking, over, on, or under the Crown land described as follows:-

All those certain parcels or tracts of land situate in that part of Cassiar Land District lying between the Yukon and Alaska boundaries and more particularly described as:-

(1) A strip of land consisting of a right-of-way extending twenty-five feet on each side of the centre line of the proposed pipeline as indicated in red on the attached plan.

(2) All that land described within the following boundaries:- from Mile Post 48, Mainline Cut-off Highway S 57°-00' E, a distance of 270', to a point of beginning; thence S 32°-54' E, a distance of 800' to a point; thence N 57°-00' W, a distance of 1300' to a point; thence S 32°-54' W to the East Bank of the Klondike River; thence S.E. along said bank a distance of 1300' more or less to a point formed by the intersection of a line S 32°-54' W from the point of beginning and the N.E. Bank of the Klondike River; thence