

# 1937

approved Aug 6/55

report:

THAT by Order-in-Council No. 879 approved the 18th day of April, 1953, a grant, as therein provided, of an easement, was made to the Trans Mountain Oil Pipe Line Company.

THAT certain revisions of the boundaries of said easement are now necessary.

AND TO RECOMMEND THAT such revisions be effected by amending said Order-in-Council No. 879 by striking out of the first clause (by way of recital) on page one thereof all the words and figures in said clause after the word "on" in the nineteenth line of said clause and substituting the following:-

1. Plan 8, Tube 414, (C.G. 230).
2. Plan 9, Tube 414, (C.G. 226).
3. Plan 1, Tube 417, (C.G. 231).
- 4.(a)"Revision of right-of-way" Plan 3, Tube 434, (C.G. 238).  
(b)Plan 6, Tube 414, (C.G. 227) except that part of said Crown land lying between the termini of the lands shown on Plan 3, Tube 434.
- 5.(a)"Revision of right-of-way" Plan 4, Tube 434, (C.G. 241).  
(b)Plan 7, Tube 414, (C.G. 228) except that part of said Crown land lying between the termini of the lands shown on Plan 4, Tube 434.
- 6.(a)"Revision of right-of-way" Plan 5, Tube 434, (C.G. 236).  
(b)Plan 2, Tube 417, (C.G. 229) except that part of said Crown land lying between the termini of the lands shown on Plan 5, Tube 434.



ALL OF said Plans being on file in the Department of Lands and Forests and on deposit in the Land Registry Office at Kamloops, British Columbia.

AND TO RECOMMEND THAT the Registrar of the Kamloops Land Registration District be authorized to make, in his records, whatever entries that may be necessary as a result of the foregoing amendment.

AND TO RECOMMEND FURTHER THAT a certified copy of this Minute, if approved, be forwarded to the Registrar, Land Registry Office, Kamloops, B.C., and to the Trans Mountain Oil Pipe Line Company, c/o Canadian Bechtel Limited, 425 Howe Street, Vancouver, B.C.

DATED this

day of

A.D. 1955

.....  
Minister of Lands and Forests.

APPROVED this

day of

A.D. 1955

.....  
Presiding Member of the Executive Council.

GDH/sm  
File No. 0190017

April 25, 1953.

Canadian Bechtel Limited,  
Agent for Trans Mountain Oil Pipe Line Co.,  
425, Howe Street,  
VANCOUVER 1, B.C.


Attention: Mr. E. L. Guard.

Dear Sirs: Please refer to our File: 0190017-3.  
Attn: Asst. Superintendent of Lands.

Herewith I am enclosing an informal copy of  
Order-in-Council No. 879, approved 18th April 1953,  
with respect to the pipe line easement of the Trans  
Mountain Oil Pipe Line Company over Crown land between  
Kamloops and Kingsvale.

It is understood that a certified copy of the  
Order-in-Council above referred to has already been  
forwarded to you.

Yours truly,

  
R. E. BURNS,  
Superintendent of Lands.

ENC:

RT/PMB.



APPROVED  
APR 18 1953 18  
879

Easement  
# 148

report:

THAT the Trans-Mountain Oil Pipe Line Company, a Company incorporated by Special Act of the Parliament of Canada, has applied for a right-of-way and easement over Crown lands in the Province of British Columbia for the laying down, construction, operation, maintenance, inspection, alteration, removal, replacement, reconstruction, and/or repair of one or more pipe lines, together with all the works of the Trans-Mountain Oil Pipe Line Company necessary for its undertaking, herein referred to as installations, including but without limiting the generality of the foregoing all such pumping and other stations, structures, communication systems, including pole lines, drips, valves, fittings, meters and other equipment and appurtenances as may be necessary or convenient in connection therewith for the carriage, conveyance, transportation, storage and/or handling of oil and/or any by-product or by-products thereof together with the right of ingress and egress to and from the same for its servants, agents, contractors and subcontractors with vehicles, supplies and equipment for all purposes necessary or incidental to its undertaking over, on, under and/or through certain Crown Lands lying between Kamloops and Kingsvale, shown outlined in red on Plans 6, Tube 414, 7 Tube 414, 8 Tube 414, 9 Tube 414, 1 Tube 417 and 2 Tube 417, on file in the Department of Lands and Forests and on deposit in the Land Registry Office at Kamloops.

AND TO RECOMMEND THAT, under authority contained in Section 71 of the "Land Act", Chapter 175, Revised Statutes of British Columbia, 1948, and all other powers thereunto enabling an easement be granted the said Trans-Mountain Oil Pipe Line Company herein called the Grantee, covering the right-of-way applied for, for the purposes set out subject to the following terms and conditions:-

1. That the Grantee shall pay to Her Majesty in the right of the Province for the easement the sum of four thousand, four hundred and twenty five dollars (\$4425.00) receipt of which is hereby acknowledged.
2. That the Grantee, its successors or assigns, 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 the Grantee, its successors or assigns, shall, as soon as weather and soil conditions permit and insofar as it is practicable so to do bury and maintain all pipe lines 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, the excavation shall be carefully back-filled and any part of the surface of the right-of-way used by the grantee, its successors or assigns, in the laying down, construction, alteration, removal, replacement, reconstruction and/or repair of the pipe line shall be graded and all surplus material removed and the right-of-way restored to a condition satisfactory to the Grantor.
5. That the Grantee, its successors or assigns shall at all times wholly indemnify Her Majesty in the right of the Province from and against all loss, damage, injury and expense to which Her Majesty may be put by reason of any damage or injury to persons or property caused by any of the said Grantee's pipes, or by any oil, or any other substance being carried in the said pipes, or any works herein provided for, as well as against any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the Grantee in connection with the laying, maintenance, renewal or repair of the said pipe or the use thereof, unless the cause of such loss, cost, damage, injury or expense can be traced elsewhere.
6. That the term of this easement shall cover only the period during which the right-of-way is in use by the Grantee, its successors or assigns, for the purposes herein set forth, and a period of two years thereafter, and shall terminate on the cessation of the last mentioned period.
7. That in case the Grantee or its successors or assigns should cease to use the said land, or to operate the pipe line thereupon for the purposes aforesaid, the Grantee 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 pipe line or other installation not so removed at the termination of the said period shall become the property of Her Majesty in the right of the Province.
8. That notwithstanding any rule of law or equity the pipe and other installations brought onto, laid or erected upon or buried in or under the right-of-way by the Grantee, its successors or assigns, shall at all times remain the property of the said Grantee during the existence of this easement, notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the said Grantee during the existence of this easement.



9. That the Grantee, its successors or assigns, 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 the right of the Province, subject, however, to all terms, conditions and provisos herein contained.
10. That this grant shall not nor shall anything herein contained affect or prejudice the statutory rights of the Grantee, its successors or assigns, to acquire the said land or any other portion or portions of the lands of Her Majesty in the right of the Province under the provisions of the Pipe Lines Act (Canada) or any other laws.
11. Nothing herein contained shall be deemed to vest in the Grantee, its successors or assigns, any title to timber, minerals, ores, metals, coal, slate, oil, gas or gasses 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 the Grantee.
12. Crown timber on the said right-of-way used or destroyed by the Grantee shall be paid for at a stumpage rate to be fixed by the Minister of Lands and Forests: Provided, however, that notwithstanding the foregoing the Crown may dispose of timber on the said right-of-way under the provisions of the "Forest Act".
13. 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 the Grantee, its successors or assigns, and Her Majesty in the right of the Province.
14. This easement is made and accepted subject to prior rights existing in favour of third parties, if any.
15. Her Majesty 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.
16. All highways, within the meaning of the Highway Act, existing over or through the said lands at the date hereof shall be exempted from this easement.
17. The pipe line shall be completed on or before the thirty-first day of October, 1954, or within such extended time as may be granted by the Board of Transport Commissioners for the construction of the pipe line.

18. That it shall be lawful for the Minister of Lands and Forests or for any person thereunto authorized by him at all reasonable times during the continuance of this easement to 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, Kamloops, B.C. and to the Trans-Mountain Oil Pipe Line Company, care of Canadian Bechtel Limited, 425 Howe Street, Vancouver, B.C.

DATED this 17... day of April..... A.D.1953.

.....  
Minister of Lands and Forests.

APPROVED this 17... day of April..... A.D.1953.

.....  
Presiding Member of the Executive Council.

RT/PMB.  
14-4-53.