

Yorkton: Respecting certain bylaws and certain expenditures

being a Private Act

Chapter 91 of the *Statutes of Saskatchewan, 1933*
(effective March 27, 1933).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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1933

CHAPTER 91

**An Act respecting Certain Bylaws and Certain Expenditures of the
City of Yorkton**

(Assented to March 27, 1933)

Preamble

Whereas it appears by the minutes of the council of the City of Yorkton that the council, acting on a petition due presented, passed, on the twentieth day of August, 1928, bylaw No. 635, authorizing the construction of sewer and water mains along a portion of Gladstone Avenue and on Haultain Avenue in the said city; and

Whereas the council constructed sewer and water mains accordingly at a cost of \$6,366.21 for the sewers and \$3,068.62 for the water mains as follows:

SEWER.

LOCATION	FROM	TO	SIZE	COST
Gladstone	Broadway	Smith	8"	\$2,507.16
Haultain	Independent	Broadway	8"	<u>\$3,859.15</u>
				\$6,366.31

WATER.

LOCATION	FROM	TO	SIZE	COST
Gladstone	Broadway	Smith	6"	\$ 758.73
Haultain	Independent	Broadway	6"	<u>\$2,309.86</u>
				\$3,068.59

; and

Whereas special assessments have been made and taxes levied under the said bylaw upon the land abutting upon the work, but neither the original nor any certified copy of the bylaw can be found; and

Whereas, under and by virtue of an agreement between the City of Yorkton and Mid-West Utilities, Limited, ratified by chapter 89 of the Statutes of Saskatchewan for 1928-29, the sum of \$75,000 was paid to the city, and out of the moneys so paid the council expended \$74,880.83 for the purposes set forth in schedule A; and

Whereas doubts have arisen as to the legality of such expenditures; and

Whereas it appears by the said minutes that bylaw No. 650, authorizing the issue of debentures to the amount of \$48,000 for the purpose of constructing a sewage disposal plant and connecting sewer thereto, having been submitted to the burgesses, was duly approved by them on the twenty-second day of May, 1930, and was read a third time and passed on the sixteenth day of June, 1930; and

Whereas the work for which the money was to be raised has been completed but no original or certified copy of the bylaw can be found; and

Whereas it appears by the said minutes that bylaw No. 658, authorizing the issue of debentures to the amount of \$63,000 for the purpose of paying for the city's portion of the cost of improving the water works system by the construction of a well, reservoir, tank, pumps, machinery and other incidentals in connection therewith, and by the extension of pipe lines to the system, having been submitted to the burgesses, was duly approved by them on the twenty-eighth day of November, 1930, and was read a third time and passed on the fifteenth day of December, 1930; and

Whereas the work for which the money was to be raised has been completed but no original or certified copy of the bylaw can be found; and

Whereas temporary advances have been made in anticipation of the issue and sale of debentures under the said bylaws numbered 650 and 658 respectively, and taxes have been levied for raising the amounts required by said bylaws; and

Whereas out of the moneys made available under an agreement between the City of Yorkton and the Government of Saskatchewan, dated the twenty-fourth day of October, 1931, in presumed compliance with an Act of the Parliament of Canada entitled the *Unemployment and Farm Relief Act, 1931*, the council constructed concrete sidewalks on certain streets and avenues as set forth in schedule B, but special assessments have been made and rates levied therefor although no bylaw was passed authorizing such assessments and rates; and

Whereas the City of Yorkton has presented a petition praying that the council of the said city be authorized to pass new bylaws replacing bylaws numbered 635, 650 and 658, that such bylaws when enacted be made retroactive and that any acts done or steps taken or purported to have been done or taken under the authority of or in compliance with the missing bylaws be ratified; that the council be authorized to pass bylaws for assessing and levying special frontage rates on the land abutting upon the streets and avenues or portions thereof where the sidewalks mentioned in schedule A have been constructed, in order to pay for the owners' portion of the cost of the work; and be also authorized to assess and levy special frontage rates on the lands abutting upon the sewer and water mains constructed under bylaws numbered 650 and 658; and that the expenditures set forth in schedule B be ratified; and

Whereas it is expedient to grant the prayer of the said petition:

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Council may pass new bylaws

1 Notwithstanding anything in *The City Act*, the council of the City of Yorkton may pass a bylaw to replace bylaw No. 635 authorizing the construction of sewer and water mains along a portion of Gladstone Avenue and on Haultain Avenue in the said city as hereinbefore set forth, and such bylaw when approved by the Local Government Board shall be valid and shall be deemed to have been passed and to be effective as from the twenty-eighth day of August, 1928. All special frontage assessments heretofore made and rates levied on the land abutting upon the said sewer and water mains are hereby ratified and confirmed and declared to be valid and binding upon the properties affected; and all other acts done or steps taken or purported to have been done or taken under the authority of or in compliance with the terms of the said bylaw No. 635 shall be deemed to be as valid and effectual as if done or taken under the authority of the replacing bylaw.

Expenditure ratified

2 The expenditure of the moneys received by the City of Yorkton under the agreement with Mid-West Utilities, Limited, ratified by chapter 89 of the Statutes of Saskatchewan for 1928-29, for the purposes set forth in schedule A, is hereby ratified and confirmed and declared to have been legally made and to be and to have been valid and binding upon all parties concerned.

1933, c.91, s.2.

Council may pass replacing bylaws

3(1) Notwithstanding anything in *The City Act*, the council of the City of Yorkton may pass a bylaw to replace bylaw No. 650, authorizing the issue of debentures to the amount of \$48,000 for the construction of a sewage disposal plant and connecting sewer thereto; and may pass a bylaw to replace bylaw numbered 658 authorizing the issue of debentures to the amount of \$63,000 for the purpose of paying the city's portion of the cost of improving the water works system by the construction of a well, reservoir, tank, pumps, machinery and other incidentals in connection therewith and by the extension of pipe lines to the system.

(2) Such bylaws need not be referred to the burgesses, but when duly approved by the Local Government Board shall be valid and shall be deemed to have been passed and to be effective as from the sixteenth day of June, 1930, and the fifteenth day of December, 1930, respectively; and all acts done and steps taken or purported to have been done or taken under the authority of or in compliance with the terms of bylaws numbered 650 and 658 respectively shall be as valid and effectual as if done and taken under the authority of the replacing bylaws.

1933, c.91, s.3.

Special assessment authorized

4(1) The expenditure upon the construction of concrete sidewalks on the streets and avenues or parts of streets and avenues set forth in schedule B, of moneys made available under the agreement between the City of Yorkton and the Government of Saskatchewan, dated at the twenty-fourth day of October, 1931, is hereby ratified and confirmed.

(2) The council of the said city may pass a bylaw for specially assessing on the lands abutting upon the work the owners' portion of the cost. Such bylaw, when approved by the Local Government Board, shall be retroactive to the first day of January, 1932, and all such special assessments heretofore made shall be deemed to be and to have been as valid and effectual, and to be and to have been as binding upon the lands affected, as if made under the authority of the said bylaw.

1933, c.91, s.4.

SCHEDULE A

(Section 2)

Works upon which moneys received from Mid-West Utilities, Limited, as expended.

Sewer and Water Connections 1927	\$1,274.54
Sewer and Water Connections 1928	2,242.81
Sewer and Water Connections 1929	2,200.14
Sewer and Water Connections 1930	1,147.44
Sewer and Water Connections 1931	<u>645.68</u>
	\$7,520.61

(Being city's share of cost of work from street to the property line, chiefly replace of old connections.)

Meters purchased 1928.....	722.45
Meters purchased 1929.....	678.11
Meters purchased 1930.....	<u>309.64</u>
	1,710.10
Water system 1930	40.55
Water mains 1930	136.15
Darlington Street Sewer and Life, 1928	3,609.18
Sewer Extensions 1930.....	1,073.72
Memorial Boulevard 1929	2,666.58
1930	<u>2,823.45</u>
	5,490.03
Contribution to Hospital 1929.....	15,500.00
Lot 18, Block 2, Plan 20767-1930	3,657.13
Consulting Engineers Fees.....	3,000.00
Water Survey 1929	3,192.02
Machinery purchased 1929.....	4,110.00
Duncan Street Extension.....	3,000.00
Airport 1930	4,962.95
Fire equipment 1931	1,100.00
Trunk sewers 1931.....	1,468.34
York Lake Road.....	1,935.31
Less Government Grant	<u>1,500.00</u>
	435.31

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No. 9 Highway	512.72
Gravel Sidewalks 1931 relief	<u>1,625.91</u>
Breaking stone 1931 relief	3,046.95
	<u>\$4,672.86</u>
Less Government's Share	3,131.11
	1,541.75
Sewer Extensions Local Improvements 1928	6,366.31
Water Mains Local Improvements 1928	3,068.62
Sidewalks Cement, Local Improvements 1931	10,156.04
Less Government Grant	6,770.70
	<u>3,385.34</u>
	\$74,880.83

SCHEDULE B

(Section 4)

Concrete sidewalks constructed with moneys available for unemployment relief.

STREET	SIDE	FROM	TO	WIDTH	LENGTH	AREA
3rd Ave.	W.	N. Broadway	Broadway	8'	186	1488
			Lot 6, block 2			
			Plan 9913			
3rd Ave.	W.	Smith	S. Broadway	8'	348	2784
			Lot 9, Block 2			
			Plan 9913			
2nd Ave.	W.	Smith	Duncan	5'	742	3710
4th Ave.	W.	Lane North	Smith	5'	529	2645
3rd Ave.	W.	Smith	Duncan	5'	743	3715
Assiniboia	W.	Borden	S. Front St.	5'	844	4220
2nd Ave.	W.	Duncan	212' North	5'	212	1060
3rd Ave.	W.	Existing Duncan	127' North	5'	127	635
5th Ave.	W.	Smith	284' North	5'	284	1420
5th Ave.	W.	Broadway	Smith	5'	647	3235
Duncan	N.	1st Avenue	2nd Avenue	5'	253	1265
Duncan	N.	2nd Avenue	3rd Avenue	5'	120	670
Assiniboia	W.	Filling Station	S. Front St.	5'	120	600

STREET	SIDE	FROM	TO	WIDTH	LENGTH	AREA
Assiniboia	W.	Filling Station	Broadway	5'	84	420
Broadway	S.	Assiniboia	Agricultural	6'	326	1956
Broadway	S.	Agricultural	Brodie	6'	268	1608
S. Front	S.	Agricultural	Broadway	5'	80	400