THE CITY OF WINNIPEG

BY-LAW NO. 127/2005

A By-law of THE CITY OF WINNIPEG to authorize the construction of buildings on a railway bridge previously owned by the Canadian National Railway Company spanning the Assiniboine River.

WHEREAS the Council of the City of Winnipeg has approved an application to rezone the lands located at 1535 Wellington Crescent to permit, among other things, a condominium project on the railway bridge previously owned by the Canadian National Railway Company spanning the Assiniboine River between Academy Road on the South and Wolseley Avenue on the North and between the parcels of land legally described as follows:

> All those portions of RL 60 and 61, Parish of St. Boniface taken for the Right of Way of Canadian National Rly, Plan 6396 WLTO Exc, all mines and minerals as reserved by virtue of The Railway Act, R.S.C. Cap R58;
>
> and
>
> Parcel "A" Plan 42731 WLTO Exc out of all that portion contained within the limits of former Right of Way of Canadian Northern Rly, Plan 3825 WLTO, all mines and minerals as reserved by virtue of The Railway Act, R.S.C. Cap R58, and further Exc out of the balance of said Parcel "A", all mines and minerals, mineral oils, petroleum, gas, coal and valuable stone in, upon or under the said balance of land and the right to enter and remove same as set forth in Transfer 2979404 WLTO; in RL 41 Parish of St. James;

AND WHEREAS clause 159(2)(c) of *The City of Winnipeg Charter* permits Council to pass by-laws respecting the construction of buildings spanning waterways;

AND WHEREAS clause 159(3)(b) of *The City of Winnipeg Charter* does not allow the City to permit the construction of any building in a waterway except those buildings that conform to a by-law passed under clause 159(2)(c);

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Buildings permitted

1. Any buildings to be constructed as part of the approved condominium project on the railway bridge previously owned by the Canadian National Railway Company

spanning the Assiniboine River between Academy Road on the South and Wolseley Avenue on the North and between the parcels of land legally described as follows:

All those portions of RL 60 and 61, Parish of St. Boniface taken for the Right of Way of Canadian National Rly, Plan 6396 WLTO Exc, all mines and minerals as reserved by virtue of The Railway Act, R.S.C. Cap R58;

and

Parcel "A" Plan 42731 WLTO Exc out of all that portion contained within the limits of former Right of Way of Canadian Northern Rly, Plan 3825 WLTO, all mines and minerals as reserved by virtue of The Railway Act, R.S.C. Cap R58, and further Exc out of the balance of said Parcel "A", all mines and minerals, mineral oils, petroleum, gas, coal and valuable stone in, upon or under the said balance of land and the right to enter and remove same as set forth in Transfer 2979404 WLTO; in RL 41 Parish of St. James;

are hereby permitted.

DONE AND PASSED, in Council assembled, this day of , 2005.

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Mayor

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City Clerk

Approved as to content:

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Director of Planning, Property and Development

Certified as to form:

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for City Solicitor/Manager of Legal Services

File No. DAZ 235/04