

1970 Bill 76

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 76

An Act to amend The Alberta Surveys Act

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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An Act to amend The Alberta Surveys Act

(Assented to _____, 1970)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Alberta Surveys Act* is hereby amended.
2. Section 47 is amended by striking out clauses (a), (b) and (c) and by substituting the following:
 - (a) he shall make all measurements, both angular and linear, on the centre line of the railway and shall make all measurements to connect the right of way to the corners of sections, quarter-sections, settlement lots, or other surveyed parcels of land in reference thereto;
 - (b) he shall establish the location and boundaries of the right of way by planting iron posts, driven into the ground to within two inches of the top, each post being permanently marked with the initial letters of the words composing the name of the company, and the posts shall be planted at right angle offsets from the centre line on the limit of the right of way or station grounds they are intended to define, and on the southerly and westerly side of the centre line wherever possible, except as otherwise provided for in clauses (f) and (h), and at every angle therein and at the beginning and end of every curve therein having a constant radius, and also at the intersection of the said limit with the southern or western boundary of each road allowance, or, where there is no road allowance, of each section, settlement lot, or other surveyed parcel of land;
 - (c) notwithstanding clause (b) he shall plant an iron post at the intersection of the limit of the right of way with one boundary of each quarter-section, and in no case shall the limits of a right of way be surveyed as spiral curves;

Explanatory Notes

1. This Bill amends chapter 327 of the Revised Statutes of Alberta, 1955.

2. Surveys of railway lands. Section 47 presently reads in part:

47. When a surveyor is employed to make a survey of the lands required by any railroad company for right of way, station grounds, or other railroad purposes, the surveyor shall proceed as follows:

- (a) he shall make all measurements, both angular and linear, on the centre line of the railway and shall make all measurements to reference posts or to connect the right of way to the corners of sections, quarter-sections, settlement lots, or other surveyed parcels of land in reference thereto;
- (b) he shall reference and establish the location and boundaries of the right of way by planting iron posts, as defined in this Act, driven into the ground to within two inches of the top, each post being permanently marked with the initial letters of the words composing the name of the company, and the posts shall be planted at right angle offsets from the centre line, and in all cases on a reference line at a uniform distance of three feet within the limit of the right of way or station grounds they are intended to define, and on the southerly and westerly side of the centre line wherever possible, except as otherwise provided for in clauses (f) and (h), and at every angle therein and at the beginning and end of every curve therein having a constant radius, and also at the intersection of the said reference line with the southern or western boundary of each road allowance, or, where there is no road allowance, of each section, settlement lot, or other surveyed parcel of land;
- (c) notwithstanding clause (b) he shall plant an iron post at the intersection of the reference line with one boundary of each quarter-section, and in no case shall the limits of a right of way be surveyed as spiral curves;

Monuments would be placed on the right of way limit rather than on a reference line within the right of way.

3. Section 48 is amended

- (a) as to subsection (1) by striking out the word “reference”,
- (b) as to subsection (2) by striking out the words “reference line or”.

4. Section 52 is amended

- (a) as to subsection (1), clause (a) by adding the word “section,” before the words “settlement lot” wherever they appear,
- (b) by striking out subsection (2).

5. This Act comes into force on the day upon which it is assented to.

3. Section 48 presently reads:

48. (1) The unposted limit of any right of way or station grounds shall in all cases be determined on the ground from the posted reference line and in accordance with the measurements shown on the registered plan of the right of way.

(2) The limits of the right of way or station grounds as defined in this Act, shall, when a plan of the survey has been accepted and registered in the proper land titles office, fix the true and unalterable limits of the right of way or station grounds, whether or not upon admeasurement on the ground the iron posts marking the reference line or posted limit are found to be in the same relative position to one another, or to the boundaries of the quarter-section, settlement lot, or other surveyed parcel of land as the same are shown on the plan.

4. Surveys of roads. Section 52, subsections (1) and (2) presently read as follows:

52. (1) When a surveyor is employed to make a survey of lands for right of way for any road, he shall mark the same on the ground by planting iron posts on one limit of the proposed road,

- (a) at the intersection of the right of way with the southern or western limit of each road allowance, or, where there is no road allowance, of each settlement lot or surveyed parcel of land, and in the case of a settlement lot or lots or other surveyed parcel or parcels of land the surveyor shall make and post a sufficient number of ties with the boundaries of the same in order that the area and location of the road may be accurately determined with relation thereto, and
- (b) at each change of direction of the proposed road and at intermediate points between changes in direction as near as is possible to twenty chains apart, and in no case farther than thirty chains apart,

and all measurements shall be made in reference to the posted limit of the proposed road.

(2) Notwithstanding clause (a) of subsection (1) in the case of the intersection of the right of way with the section boundary on which there is no road allowance, if the point of intersection is not at a greater distance than ten chains from the nearest section corner, no post need be planted at the point of intersection.