

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits

Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Metis and Non-Status Indians

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY
APPROVE, pursuant to section 83 of the *Indian Act*, the following
bylaw made by the Leq'á:mel First Nation, in the Province of British
Columbia, at a meeting held on the 25th day of May 2005.

- **Leq'á:mel First Nation**
Railway Right-of-Way Rates Bylaw No. 2005-2



Dated at Ottawa, Ontario this 4th day of July 2005.

Canada

LEQ'Á:MEL FIRST NATION

Administration Offices
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Railway Right-of-Way Rates Bylaw No. 2005-2

WHEREAS pursuant to subsection 83(1)(a) of the *Indian Act*, R.S.C. 1985, c.I-5, the Council of a Band may make bylaws for the purpose of taxation for local purposes of land, or interests in land, including rights to occupy, possess or use land in a reserve and with respect to any matters arising out of or ancillary to such purpose;

AND WHEREAS the Council of the Leq'á:mel First Nation (also known, as the Lakahahmen Indian Band) enacted the Leq'á:mel First Nation Property Assessment Bylaw (1995) and the Leq'á:mel First Nation Property Taxation Bylaw (1995) on February 21, 1995;

AND WHEREAS further to the Band's Taxation Bylaw, section 8.1 Taxable Property sets out, except as provided in section 9.1 of the Band's Taxation Bylaw, all land, interests in land and improvements within the Band's assessment area are subject to taxation under the Band's Taxation Bylaw. This includes the power to assess and subject to taxation railway land, interests in land or improvements held by a railway corporation;

AND WHEREAS the Leq'á:mel First Nation conducted a ratification vote by its members in accordance with the procedures set out in the Indian Referendum Regulations to seek ratification of the Right Of Way Settlement Agreement between the Canadian Pacific Railway Company (CPR), the Leq'á:mel First Nation and Her Majesty the Queen, dated July 15, 2003 authorizing the Band's Chief and Council to enter into the Settlement Agreement on their behalf;

AND WHEREAS the majority of the electors of the Leq'á:mel First Nation voted to ratify the Settlement Agreement;

AND WHEREAS upon execution of the Settlement Agreement the Minister of the Department of Indian Affairs and Northern Development recommended to the Governor in Council that an Order in Council be passed to accept the designation of the Right-of-Way Area by the First Nation and that the Property Assessment and Taxation (Railway Right-of-Way) Regulations be amended to apply to the First Nation and the Right-of-Way Area;

AND WHEREAS the Leq'á:mel First Nation, under section 83(1)(a) of the *Indian Act* and in accordance with regulation Property Assessment and Taxation (Railway Right-of-Way) Regulations SOR/2003-373 and pursuant to the terms and conditions of the Settlement Agreement, will assess and subject to taxation land, interests in land and improvements held by the Canadian Pacific Railway Company (CPR) in the Right-of-Way Area for the current 2005 Taxation Year – the "First Taxation Year" as defined in the Settlement Agreement - including issuing 2005 Notices of Property Taxation.

NOW BE IT HEREBY RESOLVED that the following Bylaw be and is hereby enacted under section 83(1) of the *Indian Act* and in accordance with the Property Assessment and Taxation (Railway Right-of-Way) Regulations and any amendments thereto; for the purpose of establishing annual rates of taxation applicable to each parcel of land, interest in land and improvements thereon of the Right-of-Way Area described in Schedule C of the Settlement Agreement for which the Canadian Pacific Railway Company (CPR) carries on business now and in future.

1. This Bylaw may be cited for all purposes as the Leq'á:mel First Nation Railway Right-of-Way Rates Bylaw No. 2005-2.
2. Pursuant to Section 3 of the Leq'á:mel First Nation Property Taxation Bylaw (1995), the tax rates for each class of property shall be in accordance with Schedule "A-1" which is attached, and forms part of the Leq'á:mel First Nation Railway Right-of-Way Rates Bylaw No. 2005-2.

This Bylaw is hereby made and approved at a duly convened meeting of the Chief and Council of the Leq'á:mel First Nation, also known as the Lakahahmen Indian Band, this

25 day of MAY, 2005.

Quorum (3)

Signature: → Susan McKamey
Chief Susan McKamey

Signature: → Barb Leggat
Councillor Barb Leggat

Signature: → Alice Thompson
Councillor Alice Thompson

Signature: → Peter McDonald
Councillor ~~Darrel McKamey~~ PETER McDONALD

LEQ'Á:MEL FIRST NATION

Railway Right-of-Way Rates Bylaw No. 2005-2

SCHEDULE A-1

The Council of the Leq'á:mel First Nation, also known as the Lakahahmen Indian Band, hereby adopts the following taxation rate for the 2005 taxation year for the following class of property:

COLUMN 1	COLUMN 2
Class of Property as prescribed under Schedule 5 of the <i>Leq'á:mel First Nation Property Assessment Bylaw (1995)</i> and Section 3 of the <i>Leq'á:mel First Nation Property Taxation Bylaw (1995)</i> .	Rate of Tax applied against each \$1,000.00 of the assessed taxable value total of land and improvements for each class of property as set out in the assessment roll for the Leq'á:mel First Nation pursuant to Section 6 of the <i>Leq'á:mel First Nation Property Assessment Bylaw (1995)</i> .
PROPERTY CLASS	RATE
Canadian Pacific Railway (CPR) Right-of-Way Tax Rate	20.526