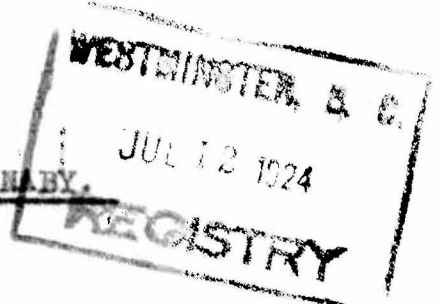


C

CORPORATION OF THE DISTRICT OF BURNABY.

By-law No. 434.



A By-law to authorize the execution of an agreement with British Columbia Electric Railway Company Limited.

THE MUNICIPAL COUNCIL of the Corporation of the District of Burnaby ENACTS AS FOLLOWS:-

1. Authority is hereby given to the Reeve and Clerk of the Corporation of the District of Burnaby to sign execute and affix the corporate seal to and give delivery to the British Columbia Electric Railway Company Limited therein named of an agreement between the Corporation of the District of Burnaby and the said British Columbia Electric Railway Company Limited all to the extent on the terms and in the manner set forth in the said agreement a copy whereof is hereto annexed and that all as an act and deed of the said Corporation.

2. This By-law may be cited as "BRITISH COLUMBIA ELECTRIC RAILWAY COMPANY LIMITED GRAVEL PIT AGREEMENT BY-LAW 1924".

DONE AND PASSED in Open Council this Ninth day of June, 1924.

RECONSIDERED and finally passed this Twenty-third day of June, 1924.



Arthur G. Moore
Reeve.

Arthur G. Moore
C.M.C.

I, Arthur G. Moore, Clerk to the Municipal Council of the Corporation of the District of Burnaby, hereby certify that the foregoing is a true copy of a By-law passed by the Municipal Council on the Twenty-third day of June, 1923.

Arthur G. Moore CLERK.

THIS AGREEMENT made the Twenty-third
day of June, 1924.

BETWEEN:

THE CORPORATION OF THE DISTRICT OF
BURNABY, hereinafter called "the
Corporation",

OF THE FIRST PART:

AND:

BRITISH COLUMBIA ELECTRIC RAILWAY
COMPANY, LIMITED, hereinafter call-
ed "the Company",

OF THE SECOND PART:

WHEREAS the Company is the owner of Lots 1
to 12, in Block "D", Lots 9 to 13, and 14 to 19, in Block
"A", and Lots 1 to 14 and 32, in Block "B" all of Block 9,
of Lot 171, Group 1, New Westminster District, as shown
coloured red on the blue print plan annexed and signed
as relative hereto.

AND WHEREAS the Company is taking gravel out
of the said above described property, and has requested the
Corporation to grant it permission to take gravel out of
11th Avenue, the lane between 10th and 11th Avenues, and an
unnamed road between said Blocks "A" and "D" of said Lot 9,
of Lot 172, as shown coloured yellow on the said blue print
plan, and the Corporation has agreed to grant such permission
on the following terms and conditions.

NOW THEREFORE IT IS AGREED by and between the
parties hereto as follows:-

1. The Corporation agrees that the Company shall have the right to take travel out of 11th Avenue, and the land between 10th and 11th Avenues, and an unaccessed road between Blocks "A" and "B" of said lot 9, of lot 172, from the area shown on colored yellow on the said blue print plan.
2. In the event of the Corporation finding it necessary at any time to open and grade any of the said roads and lanes or when written notice will be given to the Company, the Company shall provide a grade on those portions of the said roads and lanes so proposed to be excavated that will not be any steeper than the road existing at the time thereof.
3. Should it be necessary to protect the property of adjacent owners from subsidence due to such excavation, the Company agrees at its own expense to provide all such necessary excavation.
4. All questions as to whether such protection is warranted in the foregoing paragraph is necessary or not to the amount and nature of such protection shall be left to the decision of the Engineer of the Corporation and the Engineer of the Company, and on the failure of said engineers to agree the same shall be submitted to arbitration under the provisions of the Arbitration Act, provided that the arbitrator appointed hereafter shall be an Engineer and the decision of such Engineer shall be final and binding on both parties hereto.

These presents to be executed.

Witness:

Approved
"W. L. V."
Solicitor.

Sgd. "A. V. Lohman", Reeve
"Arthur G. Moore", Clerk,
CMAT.

"W. A. RITCHIE",
British Columbia Electric Railway Com-
pany, "attested" by its Attorney,
"W. G. Lurrie"

