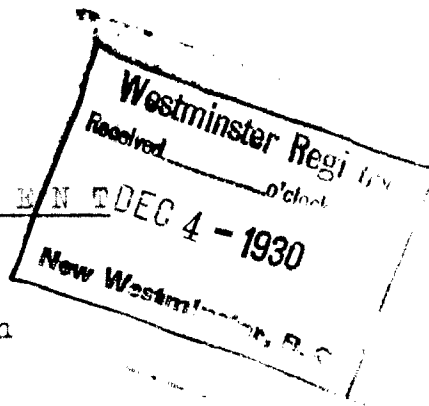


A G R E E M E N T



between

THE CORPORATION OF THE DISTRICT OF BURNABY, B.C.

and

CANADIAN NATIONAL RAILWAY COMPANY

re

CLOSING OF CERTAIN STREETS WITHIN MUNICIPALITY  
OF BURNABY NECESSITATED BY CONSTRUCTION OF LULU  
ISLAND BRANCH

DATED OCTOBER 21, 1930

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1188.

A by-law to authorize the execution of a certain agreement between the Corporation and the Canadian National Railway Company.

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

1. The Reeve and Clerk of the Corporation of the District of Burnaby are hereby authorized to execute and attach the corporate seal of the Corporation to an agreement between the Corporation and the Canadian National Railway Company in the form of the draft set out in Schedule "A" hereto, which said agreement shall be deemed to form part of and be read with this by-law.

2. This by-law may be cited as "CANADIAN NATIONAL RAILWAY COMPANY AGREEMENT AUTHORIZATION BY-LAW 1930".

DONE AND PASSED in open Council this Twenty ninth (29th) day of September 1930.

RECONSIDERED AND FINALLY PASSED this Twentieth (20th) day of October 1930.



REEVE.

Arthur G. Moore,  
CLERK.

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 the 20th day of October 1930.

Arthur G. Moore,  
CLERK.

SCHEDULE "A"

THIS AGREEMENT made this 21st day of October one thousand nine hundred and thirty.

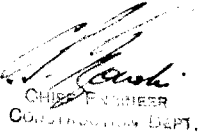
BETWEEN:

THE CORPORATION OF THE DISTRICT OF BURNABY in the Province of British Columbia, (hereinafter called the "Municipality"),

OF THE FIRST PART:

AND:

APPROVED



CHIEF ENGINEER  
Construction Dept.

CANADIAN NATIONAL RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART:

WHEREAS the Company is constructing a line of railway known as its Lulu Island Branch in part within the Municipality of Burnaby in the Province of British Columbia;

AND WHEREAS the said railway crosses various streets or highways within the said Municipality of Burnaby as shown on plan attached hereto;

AND WHEREAS the Municipality has agreed to close portions of certain streets or highways within the Municipality of Burnaby for the purpose of having said portions of streets or highways conveyed or abandoned to the Company;



AND WHEREAS the Municipality has agreed to the closing pending future public requirements of certain other streets or highways within the Municipality of Burnaby;

AND WHEREAS the Municipality has requested the Company to construct when the necessity arises a team track or siding to accommodate carload traffic of the Municipality and of industries located therein;

AND WHEREAS the Municipality and Company have agreed as hereinafter set forth;

WITNESSETH:-

1. The Municipality approves of the crossings of Sussex Avenue, Byrne Street, Tillicum Street and Wollard Avenue by the railway of the Company as the same are shown on plan attached and signed as relative hereto.

As shown as transm. only

APPROVED

APPROVED
Genl. Mgr.
As shown as transm. only
APPROVED
APPROVED
Genl. Mgr.

2. The Company agrees to construct and maintain at its own expense highway crossings at said Sussex Avenue, Byrne Street, Tillicum Street and Wollard Avenue, in accordance with the appropriate regulations of the Board of Railway Commissioners for Canada relating to highway crossings.

3. The Company agrees to construct and maintain at its own expense culverts at the said crossings mentioned in clause two hereof sufficient to take care of the existing or future drainage carried by the drains on the said streets.

4. The Municipality agrees to close those portions of Mandeville Avenue, Jellico Street, and unnamed roadway from Jellico Street to the North Arm of the Fraser River, as the same are shown coloured green on the said plan, and also to close the roadway running west from Fenwick Avenue as shown coloured green on the said plan, and to take at the Company's expense all necessary steps to have the said streets or portions of streets conveyed or abandoned to the Company;

5. The Municipality approves of the closing, pending future public requirements, of the following streets or highways in the Municipality of Burnaby at the points where the railway of the Company crosses the said streets or highways, namely: Marsh Avenue, Harrow Street, Abbotsford Street, Mandeville Avenue, Emily Street, Minto Avenue, Wiggins Street, Meadow Street, Fenwick Avenue and Thorn Street, subject as to Fenwick Avenue, to the approval of the Department of Public Works of British Columbia. The Municipality shall give the Company one month's written notice of its intention to re-open the said streets and avenues or any of them if and when the same or any of them are, in the opinion of the Municipality required to be used, and the Company shall within the said period of one month construct at its own expense and thereafter maintain standard crossings and culverts on such streets

and/or avenues as the case may be.

6. The Company agrees to convey to the Municipality for the purpose of a public street or highway a sixty-six foot strip adjacent to and on the west side of the right-of-way of the Company from Mandeville Street to the North Arm of the Fraser River, as the said strip is shown coloured yellow on the said plan.

7. The Company agrees, if and when in the opinion of the Municipality the necessity arises, by reason of the opening and grading of (a) Marsh Avenue and Harrow Street and/or (b) of Wiggins Street and Thorne Avenue, to provide and construct at its own expense road diversions to the satisfaction of the Municipality's Engineer, at the intersections of (a) Marsh Avenue and Harrow Street, and/or (b) of Wiggins Street and Thorne Street, and to construct and maintain at its own expense crossings and culverts as provided in clauses two and three hereof.

8. The Company agrees to permit the Municipality, subject to the free supervision of the Company or its Engineer, to lay and maintain sewers, drains, water-pipes, gas pipes, and other similar utilities under the tracks of the Company on streets or highways within the Municipality of Burnaby and to string wires across the tracks of the Company on such streets or highways, all, however, strictly in accordance with the provisions of the "Railway Act" and the regulations of the Board of Railway Commissioners for Canada from time to time in force relating to pipe lines, wires, and other similar utilities upon, under or across the tracks of the Company.

9. The Company agrees to construct at its own expense when the necessity arises, and thereafter to maintain a team track or siding to accommodate carload traffic of the

Municipality and of industries located within the Municipality of Burnaby, such team track or siding to be constructed on a location to be agreed upon.

IN WITNESS WHEREOF these presents are executed by the parties hereto.

SIGNED SEALED AND DELIVERED  
in the presence of

*W. A. Ritchie*  
*Arthur G. Moore* Clerk

*[Signature]*

CANADIAN NATIONAL RAILWAY COMPANY.

*[Signature]*  
VICE-PRESIDENT.

*[Signature]*  
ASSISTANT SECRETARY

CORPORATION OF THE DISTRICT OF  
BURHABY

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"CANADIAN NATIONAL RAILWAY COMPANY  
AGREEMENT AUTHORIZATION BY-LAW 1930"

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BY-LAW NO. 1188.

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McQUARRIE WHITEHEAD & DUNCAN.