

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1735



A BY-LAW to enable the Corporation of the District of Burnaby to confirm an Agreement entered into between the Corporation and the Canadian Pacific Railway Company with reference to a certain strip of land part of District Lot 173, Group 1, New Westminster District, in the Province of British Columbia and to dedicate the said strip of land as a highway subject to the terms of the said Agreement.

WHEREAS there was registered in the Land Registry Office in the City of New Westminster on the 12th day of March, 1908, under number 1034, a plan of a subdivision of part of District Lot 173, Group One, New Westminster District, Province of British Columbia, which showed, in addition to the subdivision lots, a right-of-way for the main line of the Vancouver and Lulu Island Railway (owned by the Canadian Pacific Railway Company) through the said lot, and also a strip of land for a spur track extending from the main line of the Vancouver and Lulu Island Railway, as shown on the said plan, westerly to the boundary of adjoining Lot 155.

AND WHEREAS certain differences arose between the said Canadian Pacific Railway Company and the Corporation of the District of Burnaby as to whether or not the said strip of land hereinafter particularly described and to be occupied by a spur track was dedicated by the filing of said Plan 1034 for highway purposes or was reserved for the Railway Company as a right-of-way for a spur track.

AND WHEREAS those differences were settled between the said parties in terms of an Agreement entered into between them dated the 30th day of December, 1940, a copy of which Agreement, which was signed and executed under Seal by the said parties, is attached to and forms part of this By-law.

AND WHEREAS it is a term and condition of the said

By-law that the Corporation of the District of Burnaby shall, upon the execution and delivery of the said Agreement, pass a By-law dedicating the said strip of land as a highway to and for the free use of the public for all time hereafter, subject to the right of the Railway Company to maintain and operate the railway track thereon as provided in the said Agreement.

THEREFORE the Commissioner of the Corporation of the District of Burnaby in exercise of all the powers him thereunto enabling ENACTS as follows:-

1. The said Agreement dated the 30th day of December, A.D. 1940 entered into between the Canadian Pacific Railway Company and the said Corporation and executed under Seal by the hands of their respective officers is hereby ratified and confirmed as at the date of its execution and declared to be the free act and deed of the Corporation of the District of Burnaby and fully enforceable according to its terms.

2. The strip of land fifty feet in width in the Subdivision of Lot 173, Group One, New Westminster District, situated in the Municipality of Burnaby, in the Province of British Columbia and lying between Blocks 11 and 12 on the North and Blocks "A", "B", "C" and "D" on the South as shewn on the said Plan 1034 is hereby dedicated as a highway to and for the free use of the public in all time hereafter, subject to the right of the Railway Company to maintain and operate a railway track thereon as provided in the said Agreement.

3. It shall be lawful for the Corporation of the District of Burnaby and it is hereby authorised to do and execute such other acts and deeds, if any, as may be necessary to perfect its title to the said strip of land subject as aforesaid or to do and execute any other act or thing required in the premises in order more effectually to carry out the said dedication.

4. In respect that certain rights are, in the said Agreement, granted to the owner or owners of any lands and

premises lying immediately to the north of the said strip to construct and maintain a level crossing over the railway track situated upon the said strip of land for access to and egress from the said strip of land from and to his, her or their lands and premises, and also certain rights are therein granted to the Corporation of the District of Burnaby in connection with the laying and repairing of any water or gas mains or pipes or any other form of municipal service beneath the surface of the said railway track, the dedication hereby effected shall not cancel annul or abridge these rights and they shall remain and be in full force and effect.

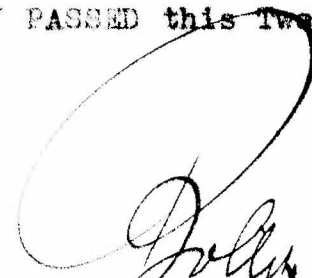
5. This By-law shall not come into force and effect unless and until it shall have received the approval of the Lieutenant-Governor in Council as required by law.

6. This By-law may be cited for all purposes as "THE DISTRICT OF BURNABY SPUR ROAD BY-LAW 1941."

DONE AND PASSED on the Sixteenth (16th) day of April, A.D. 1941.

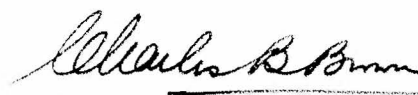
RECONSIDERED AND FINALLY PASSED this Twenty third (23rd) day of April, A.D. 1941.




ACTING COMMISSIONER.


MUNICIPAL CLERK.

I, Charles B. Brown, Clerk of the Corporation of the District of Burnaby do hereby certify the foregoing to be a true copy of a By-law passed by the Commissioner for the Corporation of the District of Burnaby on the Twenty third (23rd) day of April, A.D. 1941.


CLERK.