

THE CORPORATION OF THE DISTRICT OF BURNABY

VF 1763

BY-LAW NO. 3884

A BY-LAW to authorize the undertaking of certain works for the special benefit of a specified area of the municipality and the raising of the entire cost thereof by a special rate upon the lands therein.

WHEREAS, pursuant to Section 617 of the Municipal Act, being Chapter 42 of the Statutes of British Columbia, 1957, the Municipal Council of a district municipality may by by-law undertake any work or service coming within the powers of the municipality for the special benefit of a specified area of the municipality.

AND WHEREAS The Corporation of the District of Burnaby is a district municipality.

AND WHEREAS the Municipal Council may extend any existing drainage or sewerage system.

AND WHEREAS the Municipal Council deems it expedient and in the public interest to extend the Douglas Road trunk sewerage system by constructing those certain sanitary sewers described in Schedule "A" (hereinafter called "the said works") for the special benefit of that area of the municipality more particularly described in Schedule "B" (hereinafter called "the said Gilmore Sanitary Sewer Area").

AND WHEREAS the plans and specifications of the said works have been approved by the certificate of the Minister of Health under the "Health Act."

AND WHEREAS the approval of the Inspector of Municipalities has been obtained.

AND WHEREAS the amount of the assessed value for municipal purposes of the taxable real property of the municipality for 1954, 1955 and 1956 was respectively \$75,452,020.00, \$120,165,905.00 and \$147,405,288.00.

AND WHEREAS the amount of the assessed value for municipal purposes of the taxable lands within the said Gilmore Sanitary Sewer Area for the years 1954, 1955 and 1956 was respectively \$140,455.00, \$178,182.00 and \$220,024.00.

AND WHEREAS the amount of the existing debenture debt of the municipality is \$8,082,103.55 and none of the principal or interest is in arrear.

AND WHEREAS the municipality does not possess a subsisting certificate of self-liquidation granted by the Inspector of Municipalities in respect of a utilities system or other municipal enterprise.

AND WHEREAS the estimated cost of constructing the said work is \$106,500.00 which is the amount of the debt intended to be created by this by-law.

AND WHEREAS the lifetime of the work to be constructed pursuant to this by-law is estimated to be in excess of twenty years.

AND WHEREAS The Corporation of the District of Burnaby is a member municipality of the Greater Vancouver Sewerage and Drainage District.

NOW THEREFORE the Municipal Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY DISTRICT IMPROVEMENT BY-LAW NO. 2, 1957."
2. The Municipal Council of The Corporation of the District of Burnaby is hereby authorized and empowered to undertake the construction of the said works for the special benefit of the said Gilmore Sanitary Sewer Area.
3. That, pursuant to the provisions of subsection (2) of Section 7 of the "Greater Vancouver Sewerage and Drainage District Act," The Corporation of the District of Burnaby request the Greater Vancouver Sewerage and Drainage District to finance, design and construct the said works for The Corporation of the District of Burnaby at the sole and exclusive cost of The Corporation of the District of Burnaby, and that for such purpose The Corporation of the District of Burnaby enter into and execute an agreement dated the 12th day of August, 1957 with the Greater Vancouver Sewerage and Drainage District in the form and upon the terms and conditions particularly set forth in the draft of the said Agreement attached hereto as Schedule "C".

4. The said Gilmore Sanitary Sewer Area is hereby defined as all that area of the municipality described in Schedule "B".

5. The owners of the lands within the said Gilmore Sanitary Sewer Area shall bear the entire cost of the said works.

6. There shall be levied and raised by a rate sufficient therefor over and above all other rates on all real property subject to taxation for municipal purposes within the said Gilmore Sanitary Sewer Area at the same time and in the same manner as other rates in each of the years 1958 to 1977 inclusive, the money due and payable by The Corporation of the District of Burnaby to the Greater Vancouver Sewerage and Drainage District under and by virtue of the said Agreement particularly mentioned and described in Section 3 of this By-law.

7. This By-law, before adoption, shall receive the assent of the owner-electors in the said Gilmore Sanitary Sewer Area in the manner required by law.

8. This By-law shall take effect on the day and date of final adoption thereof.

Read a first time this 26th day of August, 1957.

Read a second time this 3rd day of September, 1957.

Read a third time this 3rd day of September, 1957.

Received the assent of the owner-electors this 28th day of September, 1957.

Reconsidered and finally adopted this 7th day of October, 1957.



Chas. MacSorley
R E E V E.

Walter Brown
C L E R K.

SCHEDULE "A"

THE CORPORATION OF THE DISTRICT OF BURNABY

GILMORE SANITARY SEWER AREA

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SIZE</u>	<u>LENGTH</u>
Halifax Street	Gilmore Avenue	Lot 16, Block 34, D.L. 117	6"	800.0'
Halifax Street	Gilmore Avenue	Douglas Road	6"	522.0'
Buchanan Street	Madison Avenue	Willingdon Avenue	6" 8"	720.0' 502.5'
Lane North of Lougheed Highway	Rosser Avenue	Alpha Avenue	6" 8"	100.0' 1,241.8'
Ridgelawn Drive	Alpha Avenue	Beta Avenue	6"	494.4'
Lougheed Highway	Gilmore Avenue	Rosser Avenue	8"	1,977.6'
Dawson Street	Gilmore Avenue	Madison Avenue	8"	1,308.0'
Lane North of Dawson Street	Madison Avenue	Lot 5, Block 7, D. L. 119	6" 8"	293.0' 661.0'
Lane South of Lougheed Highway	Rosser Avenue	Willingdon Avenue	6"	667.0'
Gilmore Avenue	Dawson Street	Sackville Street	6" 8" 8"	950.0' 640.5' 1,827.0'
Dawson Street	Manhole No. 1	Pumphouse	10"	30.0'
Madison Avenue	Dawson Street	Lane North of Dawson Street	8"	193.0'
Madison Avenue	Lougheed Highway	Buchanan Street	8"	297.5'
Rosser Avenue	Lane North of Dawson Street	Lane South of Lougheed Highway	6"	330.0'
Rosser Avenue	Lougheed Highway	Lane North of Lougheed Highway	8"	158.2'
Willingdon Avenue	Lane South of Lougheed Highway	78.5' South of Lane South of Lougheed highway	6"	88.5'
Alpha Avenue	Lougheed Highway	Ridgelawn Drive	6"	308.0'
Dawson Street	Approximately 40'	East of Gilmore Avenue - One Pumping Station		

SCHEDULE "B"

THE CORPORATION OF THE DISTRICT OF BURNABY

GILMORE SANITARY SEWER AREA

All those parcels, lots and other tracts of land situate, lying and being in District Lots 117, 120, 124 and 119, Group 1, New Westminster District, lying within the following described boundaries:

Commencing at the intersection of the Easterly limit of Gilmore Avenue with the Southerly limit of Halifax Street thence Westerly along the Southerly limit of Halifax Street to the North Easterly corner of Lot 4, Block 35, District Lot 117 E 1/2 thence Northerly crossing Halifax Street to the South Easterly corner of Lot 17, Block 34, District Lot 117 E 1/2 thence Northerly along the Easterly boundary of Lot 17, Block 34, District Lot 117 E 1/2 to the North Easterly corner thereof, thence Easterly along the Northerly limit of Lots 16, 15, 14, 13, 12 and 11, Block 34, District Lot 117 E 1/2 thence continuing in the same direction crossing McDonald Avenue to the North Westerly corner of Lot 18, Block 33, District Lot 117 E 1/2 thence Easterly along the Northerly boundary of Lots 18, 17, 16, 15, 14, 13, 12, 11 and 10, of Block 33, District Lot 117 E 1/2 thence continuing in the same direction crossing Gilmore Avenue to the Easterly boundary of Gilmore Avenue thence Northerly along the Easterly boundary of Gilmore Avenue to the North Westerly corner of Lot "C", Block 3, District Lot 120 thence Easterly along the Northerly boundary of said Lot "C" to the most Easterly corner thereof thence North Easterly along the Northerly boundary of Lot 2, Block 3, District Lot 120, to the Southerly limit of Douglas Road thence South Easterly along the Southerly limit of Douglas Road to the Southerly limit of Halifax Street thence Easterly crossing Douglas Road and continuing along the Southerly limit of Halifax Street to the Easterly limit of Willingdon Avenue thence continuing in the same direction crossing Block 70, District Lots 123/124 to the South Westerly corner of remainder

Lot "G", Plan 13725, District Lots 123/124 thence Easterly along the Northerly limit of a lane north of Ridgelawn Drive to an intersection with the production of the Easterly boundary of Lot 11, Block 69, District Lot 124, thence Southerly crossing a lane and along the Easterly boundary of Lot 11, Block 69, District Lot 124 and continuing in the same direction across Ridgelawn Drive to the Southerly limit of Ridgelawn Drive thence Westerly along the Southerly limit of Ridgelawn Drive to the Westerly limit of the lane East of Alpha Avenue thence Southerly along the Westerly limit of the lane East of Alpha Avenue to the South Easterly corner of Lot 4, Block 72, District Lot 124 thence Westerly along the Northerly boundary of Lot 6, Block 72, District Lot 124 to the North Westerly corner thereof thence Southerly along the Westerly boundary of said Lot 6 to the South Westerly corner thereof thence Westerly along the Northerly limit of Lougheed Highway to the Westerly boundary of Alpha Avenue thence Southerly along the Westerly boundary of Alpha Avenue crossing Lougheed Highway to a point 262.85 feet South of the Southerly limit of Lougheed Highway thence Westerly along a line parallel to the Southerly limit of Lougheed Highway and 262.85 feet Southerly therefrom to the Westerly limit of Willingdon Avenue, thence Southerly along the Westerly limit of Willingdon Avenue to the Southerly limit of the lane North of Dawson Street thence Westerly along the Southerly limit of the lane north of Dawson Street to the North Westerly corner of Lot 15, Block 7, District Lot 119 thence Southerly along the Westerly limit of Lot 15, Block 7, District Lot 119 to the South Westerly corner thereof thence Westerly along the Northerly limit of Dawson Street to the South Easterly corner of Lot 18, Block 8, District Lot 119 thence Southerly crossing Dawson Street to the North Easterly corner of Lot 1, Block 9, District Lot 119 thence continuing in the same direction along the Easterly boundary of said Lot 1 to the South Easterly corner thereof thence

continuing in the same direction across a lane to the Southerly limit of the lane South of Dawson Street thence Westerly along the Southerly limit of the lane South of Dawson Street to the Westerly limit of Madison Avenue thence continuing in the same direction parallel to the Southerly limit of Dawson Street and 141 feet South therefrom to the Easterly limit of Gilmore Avenue thence Northerly along the Easterly limit of Gilmore Avenue to the Southerly limit of Halifax Street namely the point of commencement.

SCHEDULE "C"

MEMORANDUM OF AGREEMENT made this day of
1957.

BETWEEN:

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
(a body corporate and politic created and consti-
tuted by the "Greater Vancouver Sewerage and
Drainage District Act", having its head office in
the City of Vancouver, Province of British Columbia)
(hereinafter called the "Corporation")

OF THE FIRST PART,

A N D:

THE CORPORATION OF THE DISTRICT OF BURNABY
(a body corporate and politic having its head
office in the Municipality of Burnaby, Province
of British Columbia)

(hereinafter called the "Municipality")

OF THE SECOND PART.

WHEREAS the "Greater Vancouver Sewerage and Drainage
District Act" empowers, inter alia, the Corporation to enter
into agreements or contracts with any person and to exercise,
carry out, fulfil and give effect to all the powers, rights,
duties and obligations, in and conferred by the said Act.

AND WHEREAS by virtue of the said Act, in addition
to its other powers, the Corporation has the power to finance,
design and construct sewerage and drainage facilities in
addition to those requisite for its function for any member
municipality at the sole and exclusive cost of such municipality
and upon the request of such municipality.

AND WHEREAS the Municipality is a member municipality
of the Corporation.

AND WHEREAS the Municipality has requested the
Corporation to finance, design and construct for the Muni-
cipality at the sole and exclusive cost of the Municipality,
sewerage facilities known as the "Gilmore Sanitary sewer system"
at an estimated cost of One hundred and six thousand, five
hundred dollars (\$106,500.00).

AND WHEREAS the work to be done hereunder in the construction of the Gilmore sanitary sewer system is particularly specified in Schedule "A" of By-law No. 3884 of the Municipality.

AND WHEREAS the Corporation has acquiesced to the request of the Municipality on the terms and conditions hereinafter contained.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual covenants, promises and agreements of the parties hereto hereinafter contained, the parties hereto covenant, promise and agree each with the other as follows:

1. The Corporation shall finance, design and construct for and at the sole and exclusive cost of the Municipality the Gilmore sanitary sewer system.
2. The design of the Gilmore sanitary sewer system shall receive the approval of the Municipality before the Gilmore sanitary sewer system is constructed.
3. The financial obligation that the Corporation shall incur whether for principal, interest or otherwise by reason of its financing, designing and constructing the Gilmore sanitary sewer system shall be a liability of the Municipality and shall be money due and payable by the Municipality to the Corporation under and pursuant to the said Act during the years 1958 to 1977, inclusive.

IN WITNESS WHEREOF the Corporate Seals of the Corporation and the Municipality respectively, have hereunto been affixed by the hands of their proper officers the day and year first above written.

The Corporate Seal of Greater Vancouver Sewerage and Drainage District was hereunto affixed in the presence of:

The Corporate Seal of the Corporation of the District of Burnaby was hereunto affixed in the presence of:
