

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 3998

VF 1946
1948
Jan 21/57

A BY-LAW to authorize the construction of certain drainage works.

WHEREAS the Municipal Council may improve and extend any existing drainage system.

AND WHEREAS the Municipal Council deems it desirable and in the public interest to improve and extend the drainage system of the municipality by constructing those works (hereinafter called "the said works") more particularly described in Schedule "A" hereof.

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

AND WHEREAS the amount of the assessed value for general municipal purposes of the taxable land and improvements of the municipality for the current year is \$197,842,250.00 and for 1956 and 1957 was respectively \$147,405,288.00 and \$175,360,091.00.

AND WHEREAS the amount of the existing debenture debt of the municipality is \$7,831,256.88 and none of the principal and interest is in arrear.

AND WHEREAS the depreciated value as at the 31st day of December 1957 of the municipal waterworks system, for which the municipality possesses a subsisting certificate of self-liquidation granted by the Inspector of Municipalities, was \$4,345,291.96.

AND WHEREAS the estimated cost of constructing the said works is \$223,000.00 which is the amount of the debt intended to be created by this by-law.

AND WHEREAS the lifetime of the said works is thirty 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 DRAINAGE WORKS CONSTRUCTION BY-LAW 1958".
2. The Municipal Council of The Corporation of the District of Burnaby is hereby authorized and empowered to undertake the construction of those drainage works more particularly described in Schedule "A" hereof.
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 3rd day of November 1958 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 hereunto attached as Schedule "B".
4. There shall be levied and raised by a rate sufficient therefor over and above all other rates on all land and improvements subject to taxation for general municipal purposes at the same time and in the same manner as other rates in each of the years 1959 to 1978 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.

5. This by-law, before adoption, shall receive the assent of the owner-electors of the municipality in the manner required by law.

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

Read a first time this 17th day of November 1958.

Read a second time this 17th day of November 1958.

Read a third time this 17th day of November 1958.

Received the assent of the owner-electors this 11th day of December 1958.

Reconsidered and adopted this 15th day of December 19 58.



B. S. Reeve
R E E V E.

Altaida B. Brown
C L E R K.

PROPOSED DRAINAGE WORK

SCHEDULE "A"

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>
1.	North Side of Broadway	500 feet West of Underhill Avenue	Eagle Creek	1,953 feet
2.	West Side of Fell Avenue	Kitchener Street	Halifax Street	1,279 feet
3.	East Side of Sherlock Avenue	Halifax Street	200 feet South of Kitchener Street	1,176 feet
4.	Watercourse West of Cliff Avenue by easements through District Lot 132	Curtis Street	Halifax Street	3,470 feet
5.	South Side of Oakland Street	Denbigh Avenue	Selma Avenue	438 feet
6.	West Side of Smith Avenue	Moscrop Street	Lane North of Fir Street	841 feet
7.	East Side of Brantford Avenue	Oakland Street	North of Watercourse	512 feet
8.	West Side of Hedley Avenue	Rumble Street	Hugh Fraser High School	965 feet
9.	Kathleen Avenue	Maywood Street	Beresford Street	1,222 feet
10.	Easements East of Gilley Avenue	Arbroath Street	British Columbia Electric Railway at Rumble Street	1,250 feet
11.	Gilley Avenue and Byrne Road	Bevan Avenue	Bryne Creek approximately 200 feet South of Marine Drive	1,951 feet
12.	North Side of Marine Drive	Gilley Avenue	Watercourse approximately 800 feet West of Gilley Avenue	821 feet
13.	West Side of Springer Avenue	Lougheed Highway	Hastings Street	5,200 feet

"SCHEDULE 'B'"

MEMORANDUM OF AGREEMENT made this 3rd day of November,
1958.

BETWEEN:

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
(a body corporate and politic created and constituted 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 Municipality at the sole and exclusive cost of the Municipality, certain drainage works more particularly described in Schedule "A" of By-law No. 3998 of The Corporation of the District of Burnaby at an estimated cost of \$223,000.00.

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 said drainage works.
2. The design of the said drainage works shall receive the approval of the Municipality before the said drainage works are constructed.
3. The Corporation may utilize, under its supervision, the engineering and construction staff of the Municipality in the designing and construction of the said drainage works.
4. The financial obligation that the Corporation shall incur whether for principal, interest or otherwise by reason of its financing, designing and constructing the said drainage works 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 1959 to 1978, 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:

REEVE.

CLERK.