

THE CORPORATION OF THE DISTRICT OF BURNABY

VF 2032

BY-LAW NO. 4092

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

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

AND WHEREAS the 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 \$217,583,022.00 and for 1957 and 1958 was respectively, \$147,405,288.00 and \$197,842,250.00.

AND WHEREAS the amount of the existing debenture debt of the municipality is \$7,738,671.00 and none of the principal and interest is in arrear.

AND WHEREAS the depreciated value as at the 31st day of December 1958 of the municipal waterworks system, for which the municipality possesses a subsisting certificate of self-liquidation granted by the Inspector of Municipalities, was \$4,647,573.00.

AND WHEREAS the estimated cost of constructing the said works is \$375,000.00 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 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 1959."
2. The 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. 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 shall 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 shall enter into and execute an agreement 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 in each year during the currency of the debt created by the said agreement more particularly described in section 3 hereof, 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, 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.

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 23rd day of November, 1959.

Read a second time this 23rd day of November, 1959.

Read a third time this 23rd day of November, 1959.

Received the assent of the owner-electors this 17th day of December, 1959.

Reconsidered and adopted this 28th day of December, 1959.



*A. H. Gammott*  
R E E V E.

*P. H. Shaw*  
C L E R K.

PROPOSED DRAINAGE WORK

SCHEDULE "A"

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>
1. David Street	Lane east of Astor Drive	Willoughby Avenue	640 feet
2. Enclose Watercourse east of Cliff Avenue	Lane north of Sutcliffe Street north	Halifax Street	931 feet
3. Madison Avenue - extend storm sewer	Lane south of Union Street by easements west of Madison Avenue	Lane south of William Street at Carleton Avenue	1,417 feet
4. Sperling Avenue - extend storm sewer	Kitchener Street	Union Street	2,260 feet
5. Enclose watercourse west of Kensington Avenue	Lane south of Grant Street	Curtis Street by easements and Kensington Avenue	2,228 feet
6. 10th Avenue	15th Street	Kingsway	1,300 feet
7. Boundary Road	Kingsway	South 300 feet	300 feet
8. Rosewood Avenue	6th Street	4th Street	1,270 feet
9. Dover Street	Royal Oak Avenue	Marlborough Avenue	622 feet
10. Smith Avenue	Sandell Street	Bond Street	612 feet
11. Moscrop Street	Inman Avenue	Patterson Avenue	549 feet
12. Patterson Avenue	Gilpin Street	North 200 feet then West into Park Watercourse	411 feet
13. Imperial Street	Brantford Avenue	Colborne Avenue	750 feet

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>
14. Lane south of Imperial Street, Russell Avenue and Beresford Street	Merrit Avenue	Buller Avenue	1,959 feet
15. Patrick Street	Royal Oak Avenue	Roslyn Avenue then north to lane north of Patrick Street	640 feet
16. Joffre Avenue	Peter Street	Imperial Street	980 feet
17. Hurst Street	Joffre Avenue	Mandy Avenue	679 feet
18. Portland Avenue	Patterson Avenue	McKay Avenue	868 feet
19. Portland Avenue	Sussex Avenue	Dow Avenue	520 feet
20. Royal Oak Avenue	Rumble Street	Imperial Street	3,128 feet
21. Patrick Street and McGregor Avenue	Watercourse west of McGregor Avenue	Rumble Street	2,091 feet
22. Fell Avenue - extend existing storm sewer	Kitchener Street	Charles Street	283 feet
23. 16th Avenue	Newcombe Street	1st Street and Wright Street to existing pipe crossing 16th Avenue east of Newcombe Street	1,366 feet
24. Craig Avenue and Mervyn Road	Easement north of Holmes Street at B. C. Electric tracks to Mervyn Road	thence Mervyn Road from Craig Avenue to Brunette River	1,222 feet
25. Broadway and Easements in Blocks 13, 14 and 15, District Lot 15, and Still Creek Avenue.	Watercourse under Broadway and 900 feet west of North Road	Lane west of North Road	1,800 feet

SCHEDULE "B"

MEMORANDUM OF AGREEMENT made this            day of  
November, 1959.

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  
Municipality at the sole and exclusive cost of the Municipality,  
certain drainage works more particularly described in  
Schedule "A" of By-law No. 4092 of The Corporation of the  
District of Burnaby at an estimated cost of \$375,000.00.

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 a period not exceeding 30 years.

IN WITNESS WHEREOF the Corporate Seals of the Corporation and the Municipality respectively, have here-

unto 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:

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The Corporate Seal of The Corpora-  
tion of the District of Burnaby was  
hereunto affixed in the presence of:

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REEVE.

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CLERK.