

THE CORPORATION OF THE DISTRICT OF BURNABY

VF2039

BY-LAW NO. 4209

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

WHEREAS Council was authorized and empowered by "Burnaby Local Improvement Construction By-law No.6, 1959" to construct as a local improvement an asphaltic pavement 20' wide on Eleventh Avenue from Cumberland Street to the West property line of Lot 10 Blocks 4 and 5 of District Lot 25.

AND WHEREAS the Petition for the aforesaid work requested that the asphaltic pavement be constructed on Eleventh Avenue from Cumberland Street to the West property line of Lot 29 Block 5 of District Lot 25 and not to the West property line of Lot 10 aforesaid, and the said by-law is in error to that extent.

AND WHEREAS Council was authorized and empowered by "Burnaby Local Improvement Construction By-law No.12, 1960" to construct as a local improvement Portland Cement concrete sidewalks 5' wide with curbs, including local drainage works therefore, on both sides of Eleventh Avenue from Cumberland Street westerly a distance of 1,216'.

AND WHEREAS the curbs constructed on each side of Eleventh Avenue under the provisions of said "Burnaby Local Improvement Construction By-law No. 12, 1960" will be 28' apart.

AND WHEREAS the Council has received a Petition to construct as local improvements the works hereinafter described and the Municipal Clerk has certified that the said Petition is sufficient.

AND WHEREAS it is expedient to grant the prayer of the said Petition in the manner hereinafter provided.

AND WHEREAS Council has had prepared the report required by Section 600 of the Municipal Act.

AND WHEREAS the lifetime of the said work is ten years.

AND WHEREAS the estimated cost of the said works is \$780.00.

AND WHEREAS the share or portion of the cost of the said works which should be borne by the parcels of land which abut or which are deemed to abut upon the said works is \$756.00.

AND WHEREAS The Corporation's share or portion of the cost of the said works is \$24.00.

AND WHEREAS the special charges should be made payable in ten annual instalments.

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

1. This By-law may be cited as "BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 15, 1960."
2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to construct a local improvement under the provisions of Part XVI of the Municipal Act an asphaltic pavement 8' wide (being 4' on each side of the street) on Eleventh Avenue from Cumberland Street to the West property line of Lot 29 Block 5 of District Lot 25 Plan 14862 New Westminster District.
3. The Reeve and Clerk are authorized and empowered to cause a contract for the construction of the said works to be made and entered into with some person or persons, firm or corporation, subject to the approval of Council to be declared by resolution.

4. The special charges shall be paid by ten annual instalments.

5.(1) Where the number of feet of a parcel of land which abuts on any of the said works is more than 66 feet, the taxable foot frontage shall be 66 feet.

(2) Notwithstanding anything in this by-law contained, (a) where a parcel of land is situated at the junction or intersection of streets and the work is provided on or along more than one side of the parcel, the taxable foot frontage shall be not more than 66 feet; (b) where a parcel of land is situate at the junction or intersection of streets and the work is provided on or along a second side of the parcel, where a similar work is already provided on or along one side, the taxable foot frontage shall be not more than 66 feet less the taxable foot frontage already charged against the parcel for the similar work; and (c) where the front and rear boundaries of a parcel of land each abut on a highway, other than a lane, and the work is provided on or along both such boundaries, the taxable foot frontage shall be not more than 66 feet.

(3) For the purposes of this section, lane is defined as a right of way 20 feet or less in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of such rights of way.

6. The Assessor shall forthwith prepare a frontage-tax assessment roll in respect of the said works pursuant to section 416 of the Municipal Act and shall from time to time revise the said frontage-tax assessment roll in accordance with subsection (3) of the said section 416.

7. The Council may, with the approval of the Inspector of Municipalities, borrow temporarily the sum required to finance the cost of the said works pending the adoption of a by-law under section 603 of the Municipal Act.

8. Schedule "A" to "Burnaby Local Improvement Construction By-law No.6, 1959" being By-law No.4071, is amended by deleting Item 5 therefrom and substituting the following therefore:

"5."

| <u>Street</u> | <u>Location</u>  | <u>Approx:<br/>Length</u> | <u>Property<br/>Owners'<br/>Share</u> | <u>Corp-<br/>orations<br/>Share</u> | <u>Total<br/>Cost</u> |
|---------------|--|---------------------------|---------------------------------------|-------------------------------------|-----------------------|
| Eleventh Ave. | Cumberland Street to the West property line of Lot 29 Block 5 of District Lot 25 Plan 14862. | 1,000'                    | 5,200'                                | 300                                 | 5,500                 |

Read a first time this 19th day of December, 1960.

Read a second time this 19th day of December, 1960.

Read a third time this 19th day of December, 1960.

Reconsidered and adopted this 28th day of December, 1960.



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R E E V E

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C L E R K