

THE CORPORATION OF THE DISTRICT OF BURNABY

VF 2067

BY-LAW NO. 4430

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

WHEREAS notice of intention of the Council to undertake the construction, as a local improvement, of the works hereinafter described has been duly given by publication of the notice and by service of it upon the owners of the parcels liable to be specially charged.

AND WHEREAS the Clerk has filed a statutory declaration proving publication and service of the said notice.

AND WHEREAS no petition against the said works signed by a majority of the owners, representing at least one-half of the land value of the parcels liable to be specially charged, has been presented.

AND WHEREAS Council has had prepared the report required by Section 601 of the Municipal Act.

AND WHEREAS the lifetime of the said works is twenty years.

AND WHEREAS the estimated cost of the said works is \$57,578.00.

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 are deemed to abut on the said works is \$4,325.00.

AND WHEREAS the Corporation's share or proportion of the cost of the said works is \$53,253.00.

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

AND WHEREAS the parcels of land which abut or are deemed to abut on the said works are not equally benefited.

AND WHEREAS the Council has divided the said parcels of land into three districts according to their proportion of benefit.

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. 18, 1962".

2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to construct as a local improvement under the provisions of Part XVI of the Municipal Act, the following works:

- (a) A five foot concrete curb sidewalk with eighteen feet of asphaltic pavement on the West side of Duncan Avenue from a point 151.12 feet South of Hastings Street to Union Street.
- (b) A concrete curb plus eighteen feet of asphaltic pavement on the West side of Duncan Avenue from Hastings Street South a distance of 151.12 feet.
- (c) A concrete curb plus eighteen feet of asphaltic pavement on the East side of Duncan Avenue from Hastings Street to Union Street.

3. (1) For the purposes of this by-law the parcels of land which abut or are deemed to abut on the said works are divided according to their proportion of benefit as follows:

- (a) The West side of Duncan Avenue from a point 151.12 feet South of Hastings Street to Union Street.
- (b) The West side of Duncan Avenue from Hastings Street South a distance of 151.12 feet.
- (c) The East side of Duncan Avenue from Hastings Street to Union Street.

(2) Those parcels of land within the first district shall bear \$3,553.00 of the cost of the said works, those within the second district \$251.00, and those within the third district \$521.00.

4. The special charges shall be paid by fifteen 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 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.

7. 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.

8. 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.

Read a first time this 10th day of December, 1962.

Read a second time this 10th day of December, 1962.

Read a third time this 10th day of December, 1962.

Reconsidered and adopted by an affirmative vote of at least two-thirds of all members of Council this 17th day of December, 1962.



[Signature]
REEVE

[Signature]
CLERK