

## THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 4459

A BY-LAW to authorize an agreement between the City of Vancouver and The Corporation of the District of Burnaby respecting the joint aspects of a sanitary sewer project upon and within Boundary Road at 11th Avenue, in the City of Vancouver, in the Province of British Columbia.

WHEREAS by Agreement (hereinafter called Agreement "A") dated the 16th day of January, 1963, the City of Vancouver and The Corporation of the District of Burnaby have mutually agreed to certain terms, covenants and conditions pertaining to the construction of a sanitary sewer and appurtenant works upon and within Boundary Road at 11th Avenue, in the City of Vancouver, in the Province of British Columbia, and to the disposal of sewage into the City of Vancouver's sanitary sewer upon and within the said Boundary Road, at the said 11th Avenue.

AND WHEREAS by subsection 1 of Section 177 of the Municipal Act Agreement "A" is not valid until ratified by by-law adopted by a vote of not less than two-thirds of all the members of each respective Council.

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

1. This By-law may be cited as "BURNABY RATIFICATION BY-LAW 1963".
2. The Council of The Corporation of the District of Burnaby does hereby enact as follows:

(a) The Corporation of the District of Burnaby is hereby authorized to make, enter into, execute and carry out the terms of Agreement "A", a copy of which is attached hereto and forms part of this By-law.

(b) Agreement "A" is hereby ratified.

(c) This By-law shall come into effect when approved by the Lieutenant-Governor in Council.

Read a first time this 18th day of February, 1963.

Read a second time this 18th day of February, 1963.

Read a third time this 18th day of February, 1963.

Reconsidered and adopted by an affirmative vote of at least two-thirds of all the members of this Council this 13th day of May, 1963.



R E E V E



C L E R K

THIS AGREEMENT made and entered into this 16th  
day of January in the year of Our Lord one thousand nine  
hundred and sixty-~~two~~<sup>three (1963)</sup>~~(1962)~~

BETWEEN:

CITY OF VANCOUVER  
(hereinafter called "the City")

OF THE FIRST PART

AND

THE CORPORATION OF THE DISTRICT OF BURNABY  
(hereinafter called "the Corporation")

OF THE SECOND PART

WHEREAS:

A. The easterly boundary of the City of Vancouver and the westerly boundary of the Municipality of Burnaby are located on Boundary Road.

B. The said Boundary Road is owned in common by the City and the Corporation.

C. There is within the said Municipality an area (hereinafter called "Area "A"") south of Myrtle Street and east of said Boundary Road shown outlined in red on the Corporation Drawing No. 281 hereunto annexed and marked Exhibit "A".

D. The City has a sanitary sewer upon and within the said Boundary Road in the said City.

E. The Corporation has requested and the City has agreed that sewage from Area "A" be discharged into the City's said sanitary sewer upon and within said Boundary Road at Eleventh Avenue, in the said City, and be conveyed through the City's sanitary sewer system.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. The City hereby covenants and agrees with the Corporation that it will, at the expense of the Corporation, as soon as it is practicable so to do, excavate for, construct, install, operate and maintain a 6" sanitary sewer, approximately 73' in length, (hereinafter called "the said works") upon and within the said Boundary Road from the existing City sanitary sewer on said Boundary Road at Eleventh Avenue to the westerly boundary of the Municipality of Burnaby on said Boundary Road opposite said Eleventh Avenue as set out and shown as a blue line on the Corporation's Drawing No. 281 attached hereto.

2. The City, for and in consideration of the sum of \$650.00 now paid to the City by the Corporation (the receipt of which is hereby acknowledged), hereby grants unto the Corporation in perpetuity the full and free right and liberty to discharge sewage from Area "A" into the said works.

3. The Corporation hereby covenants and agrees that it will at all times indemnify the City against any loss, liability or damage which the City may suffer, be at, or be put to, as a result or by reason of any damage, injury or death caused to any person or property arising in any manner whatsoever out of the Corporation's exercise of its rights as set out in paragraph 2 hereof and without negligence on the part of the City.

4. It is mutually understood, agreed and declared by and between the parties hereto:

(a) That the City and the Corporation shall and will from time to time and at all times hereafter upon

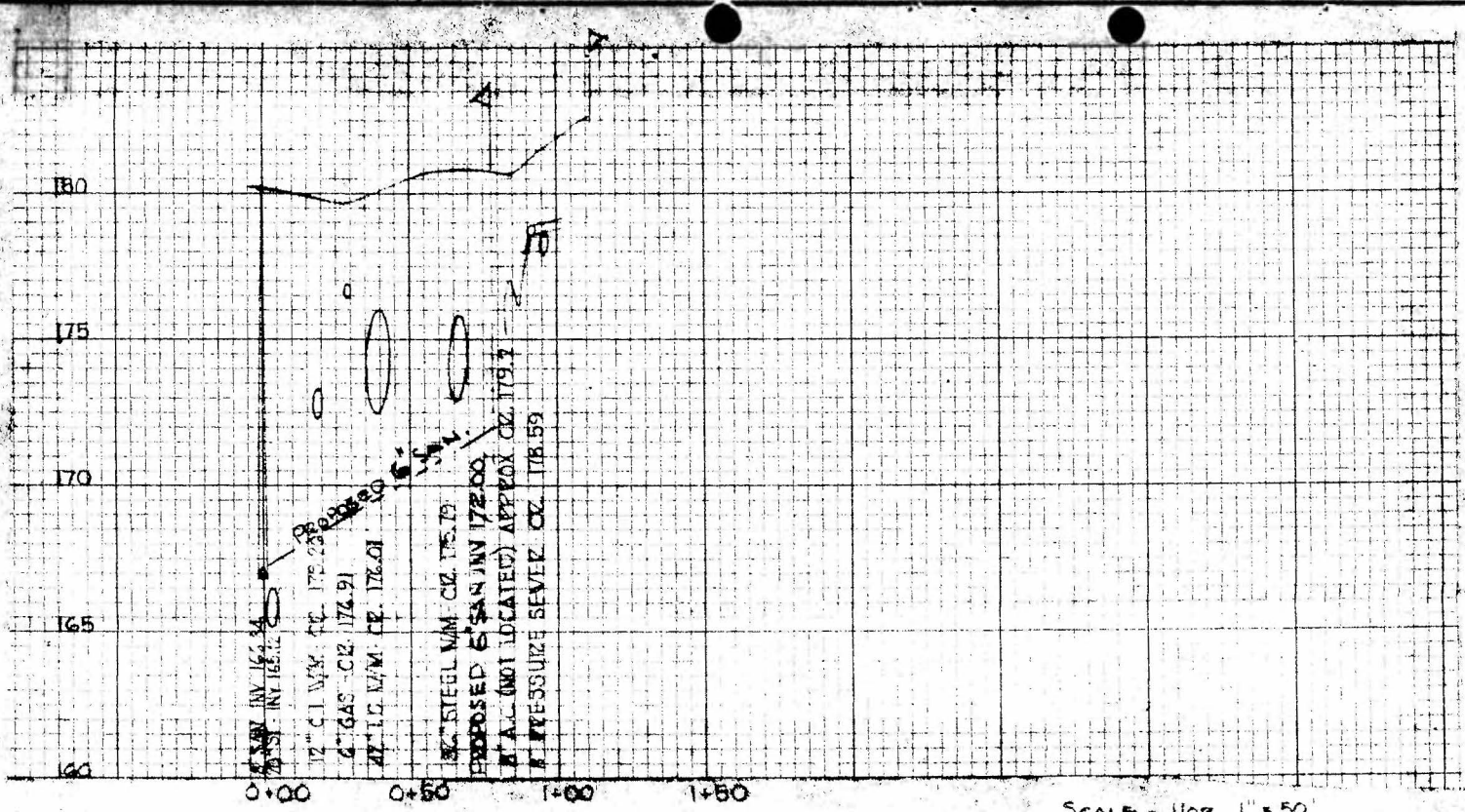
every reasonable request of either of them by the other, do, execute or procure to be made, done or executed all such further acts, deeds and assurances for the more effectual performance of this Agreement according to the true intent and meaning of this Agreement as such other of them or its counsel in the law shall reasonably advise or shall require.

(b) The expressions "the City" and "the Corporation" herein contained shall be deemed to include the successors and assigns of such parties wherever the context so admits.

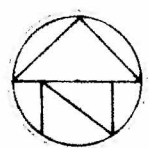
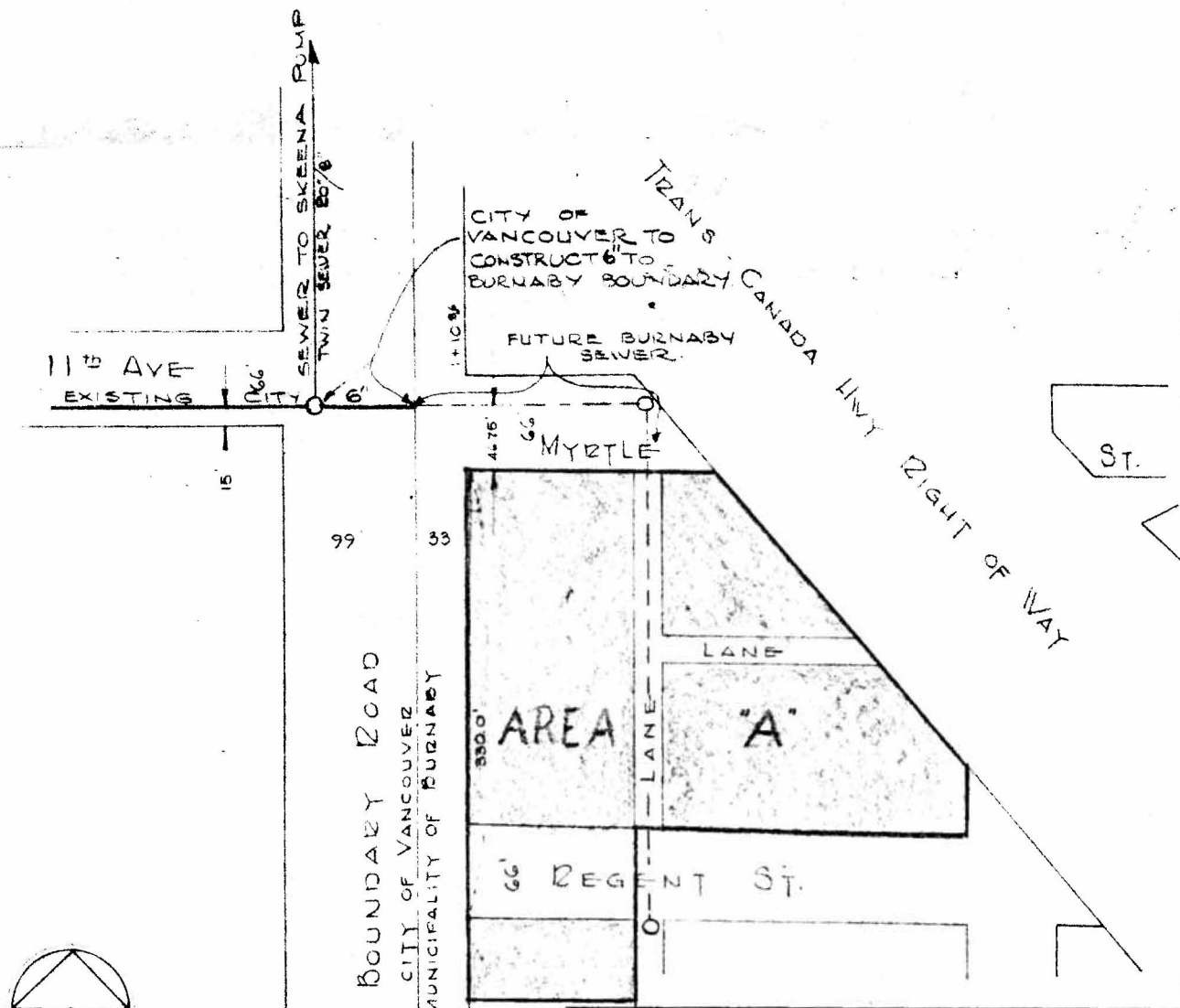
IN WITNESS WHEREOF the City has caused these presents to be sealed with the Common Seal of the City of Vancouver and signed by the Mayor and the City Clerk and the Corporation has caused its seal to be affixed under the hands of its proper officers duly authorized in that behalf as of the day and year first above written.

Sealed with the Common Seal of )  
the CITY OF VANCOUVER and signed )  
by: )  
\_\_\_\_\_)  
Mayor )  
\_\_\_\_\_)  
City Clerk )

The Corporate Seal of THE CORP- )  
ORATION OF THE DISTRICT OF )  
BURNABY was hereunto affixed in )  
the presence of: )  
\_\_\_\_\_)  
Reeve )  
\_\_\_\_\_)  
Municipal Clerk )



SCALE - HOR 1" = 50'  
VERT 1" = 5'



6" SANITARY SEWER EXTENSION FROM VANCOUVER CITY MAIN ON 11<sup>TH</sup> AVE TO MYRTLE STREET

CORPORATION OF THE DISTRICT OF BURNABY ENGINEERING DEPARTMENT SEWER DIVISION	
DESIGNED BY	SCALE 1" = 100'
DRAWN BY D.H.M.	DATE AUG 31, 1962
CHECKED BY	DRWG NO.
APPR'D BY	B. - 281

No.	DATE	REVISION