

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5244

A BY-LAW to expropriate certain rights-of-way
for sewerage purposes.

WHEREAS the Council deems it necessary and in the public interest to expropriate for sewerage purposes the rights-of-way hereinafter described.

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

1. This By-law may be cited as "BURNABY EXPROPRIATION BY-LAW NO. 18, 1967".

2. (1) The Council is hereby authorized and empowered for the purpose of constructing and installing sewers to expropriate, break up, take, enter into possession of and use rights-of-way in perpetuity over, through, under and upon those lands hereinafter described without the consent of the owner of the said lands. The said lands are situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia, and are more particularly described as follows:

(a) The Northwesterly Ten (10') feet of Lot Three (3), Block "A" of District Lot Eighty-Seven (87), Group One (1), Plan 1494, New Westminster District, being measured perpendicularly to the Northwesterly boundary thereof, and adjoining Parcel "B", Plan 5645;

(b) A Portion of Lot "A" of Block "A", District Lot Eighty-Seven (87), Group 1, Plan 4905, New Westminster District, which said portion may be more particularly described as follows:

Commencing at the most southerly corner
of said Lot "A", Plan 4905;

Thence N.44°57'40"W., 10 feet;

Thence N.76°51'10"E., 23.38 feet;

Thence S.51°45'W., 20 feet; more or less, to the point of commencement and containing 100 square feet, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 26th day of October, 1967;

(c) The Northeasterly Ten (10') feet of Lot Three (3), Block Two (2), of District Lot Eighty-Seven (87), Group 1, Plan 1494, New Westminster District, being measured perpendicularly to the Northeast boundary thereof, and adjoining Lot "F", Plan 7130;

(d) A Portion of Lot "B" of Lot Two (2), of Block Two (2), District Lot Eighty-Seven (87), Group 1, Plan 19978, New Westminster District, which said portion may be more particularly described as follows:

Commencing at a point on the northeasterly boundary of said Lot "B", Plan 19978, Distant 12.58 feet at a bearing of S.36°48'15"E., from the most northerly corner thereof;

Thence S.36°48'15"E., 14.84 feet;

Thence S.5°34'10"W., 48.91 feet;

Thence S.51°52'50"W., 13.84 feet;

Thence N.5°34'10"E., 70.43 feet, more or less, to the point of commencement and containing 597 square feet, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 26th day of October, 1967;

(e) The 920.8 square foot portion of Lot One (1) of Part of Lot "B", Blocks One (1) and Two (2), District Lot Eighty-Seven (87), Group 1, Plan 12656, New Westminster District, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 9th day of November, 1967, and deposited in the Land Registry Office at the City of New Westminster;

- (f) The 920.8 square foot portion of Lot Two (2) of Part of Lot "B", Blocks One (1) and Two (2), District Lot Eighty-Seven (87), Group 1, Plan 12656, New Westminster District, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 9th day of November, 1967, and deposited in the Land Registry Office at the City of New Westminster;
- (g) The 1148 square foot portion of Parcel One (1), Explanatory Plan 10090, (Save & Except Part subdivided by Explanatory Plan 14265) of Lot "B", Blocks One (1) and Two (2), District Lot Eighty-Seven (87), Group 1, Plan 4459, New Westminster District, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 9th day of November, 1967, and deposited in the Land Registry Office at the City of New Westminster;
- (h) The 700 square foot portion of Parcel Three (3), (Explanatory Plan 14265) of Lot "B", Blocks One (1) and Two (2), District Lot Eighty-Seven (87), Group 1, Plan 4459, New Westminster District, as shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S., sworn the 9th day of November, 1967, and deposited in the Land Registry Office at the City of New Westminster;
- (i) The Northwesterly fifteen (15') feet of Lot Two (2) of Lot One (1) of Parcel "B" Block Three (3), District Lot Eighty-Seven (87),

Group 1, Plan 11105, New Westminster District, being measured perpendicularly to the northwest boundary thereof, and adjoining Lot "A" and part of Lot "B", Plan 14659;

- (j) The Southwesterly Five (5') feet of Lot One (1) of Parcel "C" and of Parcel "F", Block Three (3), District Lot Eighty-Seven (87), Group 1, Plan 20357, New Westminster District, being measured perpendicularly to the southwest boundary thereof and adjoining Lot "D" Plan 14659;
- (k) The Southwesterly Ten (10') feet of Parcel "C" (Explanatory Plan 12464) of Lot Two (2) of Parcel "B" of Lot Three (3), District Lot Eighty-Seven (87), Group 1, Plan 7052, New Westminster District, being measured perpendicularly to the southwest boundary thereof and adjoining Lot 3 and Hazelmere Street, Plan 11105 AND the Northwesterly 15 feet of the aforementioned lands being measured perpendicularly to the northwesterly boundary thereof and adjoining part of Lot "D", Plan 14659, Lots 1 & 2 and part of Lot 3, Plan 20357, Save and Except the Southwesterly Ten (10') feet thereof;
- (l) The Northeasterly Ten (10') feet of the Westerly One Hundred and Thirty-Five (135') feet of Block "E", Lot Ninety (90), Group 1, Plan 3244, New Westminster District, Having a frontage of 119.5 feet on Hastings Road (Douglas Road) by a uniform depth of One Hundred and Thirty-Five (135') feet, New Westminster District, being

measured perpendicularly to the northeast boundary thereof and adjoining Block "E" (Reference Plan 14024), Plan 3244;

2. (2) The rights expropriated by this by-law shall include the right to construct, install, inspect, maintain, operate, repair, improve, extend and enlarge sewer pipes, manholes, and all other necessary appurtenances and works (hereinafter called "the said sewerage works") over, through, under and upon the said rights-of-way and the right to have unobstructed access to and to enter upon the said rights-of-way at all times with men, equipment, machinery and materials for all of the aforesaid purposes.

(3) The Council shall file plans and specifications of the said sewerage works with the Clerk who shall, on receiving the same, issue the statutory notice required by section 483 of the Municipal Act.

(4) The Council shall by its servants, agents and licensees exercise the rights hereby expropriated in a good and workmanlike and reasonable manner.

3. No person shall construct any buildings or other works of any kind whatsoever over, through, under or upon the said rights-of-way or do anything therein or thereon or adjacent thereto which might injure or endanger the said sewerage works or impair the efficient functioning thereof.

4. The expropriations authorized by this by-law shall be subject to the provisions of Division (4) of Part XII of the Municipal Act.

5. This by-law shall, before coming into effect, be published once in the B.C. Gazette and in a newspaper published or

circulating in the Municipality of Burnaby and a certified copy of the by-law shall be filed in the Land Registry Office in the City of New Westminster, Province of British Columbia.

Read a first time this 20th day of November, 1967.

Read a second time this 20th day of November, 1967.

Read a third time this 20th day of November, 1967.

Reconsidered and adopted this 27th day of November,
1967.



[Handwritten signature]
R E E V E
[Handwritten signature]
C L E R K