

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5290

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

WHEREAS the Council deems it necessary and in the public interest to expropriate for sewerage purposes the right-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. 2, 1968".
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 a right-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 a portion of Lot One Hundred Thirty-Five (135), Group One (1), Plan 3072, New Westminster District, which said portion may be more particularly described as follows:

Commencing at the north-west corner of a 9.96 Acre portion of Lot 135, Plan 3072;

Thence N. 89° 59' 40" E. along the north boundary of the 9.96 Acre portion, 30.81 feet;

Thence S. 56° 51' 40" E., 354.43 feet, more or less, to an intersection with the east boundary of the 9.96 Acre portion;

Thence S. 00° 37' 00" W. along the east boundary of the 9.96 Acre portion, 36.77 feet;

Thence N. 56° 51' 40" W., 361.34 feet, more or less, to the production easterly of the south boundary of Kitchener Street;

Thence S. 89° 59' 40" W. along the easterly production of the southerly boundary of Kitchener Street, 24.90 feet, more or less, to an intersection with the west boundary of the 9.96 Acre portion;

Thence N. 00° 29' 00" E. along the west boundary of the 9.96 Acre portion, 10.00 feet;

Thence N. 89° 59' 40" E. 9.49 feet;

Thence N. 56° 51' 40" W. 11.28 feet, more or less, to an intersection with the west boundary of the 9.96 Acre portion;

Thence N. 00° 29' 00" E. along the west boundary of the 9.96 Acre portion 16.83 feet, more or less, to the point of commencement, said parcel containing 0.275 Acres, more or less, as shown outlined in red on plan prepared by C. D. Underhill, B.C.L.S., sworn the 7th day of March, 1968, a copy of which is hereunto annexed.

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 right-of-way and the right to have unobstructed access to and to enter upon the said right-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 right-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 expropriation 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 18th day of March, 1968.

Read a second time this 18th day of March, 1968.

Read a third time this 18th day of March, 1968.

Reconsidered and adopted this 25th day of March,

1968.



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C L E R K