

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5359

A BY-LAW to dispose of a certain portion of highway in exchange for other land.

WHEREAS pursuant to section 509 of the MUNICIPAL ACT the Council may by by-law dispose of any portion of a highway in exchange for such lands as may be necessary for the purpose of improving, widening, straightening, relocating or diverting the highway.

AND WHEREAS all deeds executed under this section have effect as a Crown grant, free of all rights-of-way, and all lands taken in exchange for any portion of a highway under this section are public highways and the title thereto is vested in the Crown.

AND WHEREAS the Council, before adopting this by-law, has caused the required statutory public notice of its intention to be given by advertisement.

AND WHEREAS the Council deems it expedient and in the public interest to stop up and close to traffic that portion of highway more particularly hereinafter described for the purpose of relocating and diverting the said highway.

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

1. This By-law may be cited as "BURNABY HIGHWAY EXCHANGE BY-LAW NO. 1, 1968".
2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to stop up and close to traffic ALL AND SINGULAR, that certain parcel or tract of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia, and being a portion (formerly road) of Block Three (3) of Lots Eleven (11) to Thirteen (13) of Lot Ninety-Five (95), Group One (1), New Westminster District, according to Plan 1796 deposited, and being more particularly described as follows:

Commencing at an iron post set at the south-west corner of Lot 1 of the said Block 3;

Thence S. $89^{\circ}45'30''$ E. along the south boundaries of Lots 1, 2 and part of Lot 3 a distance of 177.91 feet more or less to an iron post set;

Thence S. $0^{\circ}07'20''$ W. a distance of 20.00 feet more or less to an iron post set on the north boundary of Lot 12 of the said Block 3;

Thence N. $89^{\circ}45'30''$ W. along the north boundaries of part of Lot 12 and Lot 13 and Lot 14 a distance of 177.91 feet more or less to an iron post set at the north-west corner of Lot 14 of the said Block 3;

Thence N. $0^{\circ}07'$ E. a distance of 20.00 feet more or less to the point of commencement, as shown outlined in green colour on reference plan prepared by A. C. Loach, B.C.L.S., sworn the 26th day of June, 1968, and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.

3. The Council is further authorized and empowered to grant and convey the said portion of highway by a good and sufficient deed in fee simple unto McCan Franchises Ltd., in exchange for ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia, and being a portion of Lot Three (3) of Block Three (3) of Lots Eleven (11) to Thirteen (13) of Lot Ninety-Five (95), Group One (1), New Westminster District, according to Plan 1796 deposited, and being more particularly described as follows:

Commencing at a lead plug set at the north-east corner of said Lot 3;

Thence S. $0^{\circ}07'20''$ W. along the east boundary of Lot 3 a distance of 120.0 feet more or less to an iron post set at the south-east corner of Lot 3;

Thence N. $89^{\circ}45'30''$ W. along the south boundary of Lot 3 a distance of 20.0 feet more or less to an iron post set;

Thence N. $0^{\circ}07'20''$ E. a distance of 120.0 feet more or less to an iron post set on the north boundary of Lot 3;

Thence S. $89^{\circ}45'30''$ E. along the north boundary of Lot 3 a distance of 20.0 feet more or less to the point of commencement, as shown outlined in red colour on reference plan prepared by A. C. Loach, B.C.L.S., sworn the 26th day of June, 1968, and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.


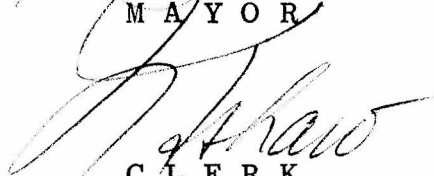
4. The said deed in fee simple shall be executed on behalf of the Municipality by the Mayor and Clerk and shall have effect as a Crown grant, free of all rights-of-way, and the lands hereinbefore described taken in exchange shall be a public highway and the title thereto shall be vested in the Crown.

Read a first time this 9th day of July 1968.

Read a second time this 9th day of July 1968.

Read a third time this 9th day of July 1968.

Reconsidered and adopted this 22nd day of July,
1968.


MAYOR

CLERK

