

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5493

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, 1969".

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), (hereinafter called "the said portion") in District Lots Two (2) and Four (4), Group One (1), District of New Westminster, Province of British Columbia, according to Registered Plan 845, and being more particularly known and described as follows:

Commencing at a point on the Southerly boundary of Government Road, according to Plan 845, being also the Northeasterly corner of Lot 3, according to Plan 4286, deposited;

Thence N. $0^{\circ} 52' 30''$ W and following the production Northerly of the Easterly boundary of said Lot 3, 66.02 feet more or less to a point of intersection with the Southerly boundary of Lot 52, according to Plan 31308, deposited;

Thence N. $89^{\circ} 37' 00''$ W and following the aforesaid boundary of Lot 52, 358.19 feet more or less to the Southwest corner of said Lot 52;

Thence S. $49^{\circ} 06' 05''$ E, 101.59 feet more or less to the Northeasterly corner of part shown on said Highway Plan 21111, being also a point on the North boundary of the aforesaid Lot 3, according to Plan 4286;

Thence Eastwardly and following the said North boundary of Lot 3, 282.41 feet more or less to the point of commencement and containing by calculation 0.485 acres, be the same more or less as shown outlined in green on Explanatory plan prepared by R.N. Short, B.C.L.S., dated the 23rd day of January, 1969, a copy of which is attached hereto.

3. The Council is further authorized and empowered to grant and convey the said portion by a good and sufficient deed in fee simple unto Edper (B.C.) 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 Fifty-two (52), of District Lot Four (4), Group One (1), District of New Westminster, Province of British Columbia, according to Plan 31308 deposited and being more particularly known and described as follows:

Commencing at the South East corner of Lot 52, according to Plan 31308 aforesaid;

Thence Westwardly and following the Southerly boundary of said Lot 52, a distance of 235.74 feet, more or less to a point of intersection with the Northerly production of the Westerly boundary of Lot 2, according to Plan 4286 deposited;

Thence Northeastwardly and following an arc of a circular curve to the right having a radius of 70 feet and whose centre lies on the previously described course, a distance of 165.91 feet to a point;

Thence Southeastwardly and following an arc of a circular curve to the left having a radius of 161.18 feet, a distance of 128.83 feet more or less to the point of commencement and containing by calculation 0.213 acres, be the same more or less, as shown outlined in red on Explanatory plan prepared by R.N. Short, B.C.L.S., dated the 23rd day of January, 1969, a copy of which is attached hereto.

4. The said deed in fee simple shall be executed on behalf of the Municipality by the Mayor and Deputy 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 3rd day of March, 1969.

Read a second time this 3rd day of March, 1969.

Read a third time this 3rd day of March, 1969.

Reconsidered and adopted this 24th day of March, 1969.



Robert W. Ruttle
M A Y O R

J. J. J.
D E P U T Y C L E R K