

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5717

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 those portions 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, 1970".
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 piece or parcel of land and premises, being a portion of road known as Sumas Street, formerly Yukon Street, dedicated by Plan 2855, situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being in the East Half of District Lot One Hundred Nineteen (119), Group One (1),

Plan 2855, New Westminster District, and which may be described more particularly as follows:

Commencing at a point in the west boundary of Willingdon Avenue and being the northeast corner of Lot 9, Block 7, Plan 2855;

Thence N.  $89^{\circ} 37' 45''$  W., and following the north boundary of Block 7, a distance of 132.03 feet, more or less, to the northwest corner of Lot 8, Block 7;

Thence N.  $0^{\circ} 01' 15''$  E. and following a straight line joining the northwest corner of Lot 8, Block 7, to the southwest corner of Lot 11, Block 6, Plan 2855, a distance of 33.00 feet;

Thence S.  $89^{\circ} 37' 45''$  E., and following a line parallel to the north boundary of Block 7, aforesaid, a distance of 132.15 feet, more or less, to intersection with the northerly production of the east boundary of Lot 9, Block 7;

Thence S.  $0^{\circ} 13' 00''$  W., and following the northerly production of the east boundary of Lot 9, Block 7, a distance of 33.00 feet, more or less, to the point of commencement.

The herein-described parcel contains by calculation 0.1001 acre, more or less, and is shown outlined green on reference plan prepared by Bryan S. Berting, B.C.L.S. and sworn to by him on the 11th day of May, 1970, a copy of which is hereunto annexed. The bearings used herein are astronomic and are referred to the meridian of the said reference plan.

3. The Council is further authorized and empowered to grant and convey the said portion of highway described in Section 2 of this by-law by a good and sufficient deed in fee simple unto Lougheed Warehouse and Terminal Limited, in exchange for ALL AND SINGULAR those certain pieces or parcels of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being in Block Seven (7), Plan 2855, Easterly Half of District Lot One Hundred Nineteen (119), Group One (1), New Westminster District, and which may be more particularly described as:

Firstly: All that portion of Lot 6 of said Block 7 which may be described more particularly as follows:

Commencing at a point in the north boundary of said Lot 6 distant 33.85 feet from the northeast corner thereof;

Thence on a circular curve to the right, of radius 40 feet, an arc distance of 24.99 feet to a point of reverse curve;

Thence on a circular curve to the left, of radius 50 feet, an arc distance of 12.00 feet, more or less, to a point in the east boundary of said Lot 6;

Thence N.  $0^{\circ} 13' 15''$  E., and following the East boundary of said Lot 6, a distance of 13.34 feet, more or less, to the northeast corner thereof;

Thence N.  $89^{\circ} 37' 45''$  W., and following the north boundary of said Lot 6, 33.85 feet, more or less, to the point of commencement, and containing by calculation 0.0039 acre, more or less.

Secondly: All that portion of Lot 7 of said Block 7 which may be described more particularly as follows:

Commencing at the northwest corner of said Lot 7;

Thence S.  $0^{\circ} 13' 15''$  W., and following the west boundary thereof, a distance of 13.34 feet;

Thence on a circular curve to the left of radius 50 feet, an arc distance of 19.24 feet;

Thence S.  $89^{\circ} 37' 45''$  E., and following a straight line parallel to, and 17 feet perpendicularly distant from, the north boundary of said Lot 7, a distance of 47.25 feet, more or less, to a point in the east boundary of said Lot 7, distant 17 feet, on a bearing of S.  $0^{\circ} 13' 10''$  W., from the northeast corner thereof;

Thence N.  $0^{\circ} 13' 10''$  E., and following the east boundary of said Lot 7, a distance of 17 feet to the northeast corner thereof;

Thence N.  $89^{\circ} 37' 45''$  W., and following the north boundary of said Lot 7, a distance of 66.01 feet, more or less, to the point of commencement, and containing by calculation 0.0252 acre, more or less, and is shown outlined red on reference plan prepared by Bryan S. Berting, B.C.L.S. and sworn to by him on the 11th day of May, 1970, a copy of which is hereunto annexed. The bearings used herein are astronomic and are referred to the meridian of the said reference plan.

4. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to stop up and close to traffic ALL AND SIGNULAR that certain piece or parcel of land and premises being a portion of road known as Sumas Street, formerly Yukon Street, dedicated by Plan 2855, situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being in the East half of District Lot One Hundred Nineteen (119), Group One (1), New Westminster District, and which may be described more particularly as follows:

Commencing at a point in the West boundary of Willingdon Avenue, being the southeast corner of Lot 10, Block 6, Plan 2855,

Thence N.  $89^{\circ} 37' 45''$  W., and following the southerly boundary of Block 6, a distance of 132.26 feet, more or less, to the southwest corner of Lot 11, Block 6;

Thence S.  $0^{\circ} 01' 15''$  W., and following a straight line joining the southwest corner of Lot 11, Block 6, to the northwest corner of Lot 8, Block 7, Plan 2855, a distance of 33.00 feet;

Thence S.  $89^{\circ} 37' 45''$  E., and following a line parallel

to the south boundary of Block 6, aforesaid, a distance of 132.15 feet, more or less, to a point in the southerly production of the east boundary of the said Block 6;

Thence N.  $0^{\circ} 13' 00''$  E., and following the southerly production of the east boundary of Block 6, aforesaid, a distance of 33.00 feet, more or less, to the point of commencement.

The herein-described parcel contains by calculation 0.1002 acre, more or less, and is shown outlined green on reference plan prepared by Bryan S. Berting, B.C.L.S., and sworn to by him on the 11th day of May, 1970, a copy of which is hereunto annexed. The bearings used herein are astronomic and are referred to the meridian of the said reference plan.

5. The Council is further authorized and empowere to grant and convey the said portions of highway described in Section 4 of this by-law by a good and sufficient deed in fee simple unto North Park Shoppers World Ltd., in exchange for ALL AND SINGULAR those certain pieces or parcels of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being in Block Six (6) Plan 2855, Easterly Half of District Lot One Hundred Nineteen (119), Group One (1), New Westminster District, and which may be described as:

Firstly: All that portion of Lot 13 of said Block 6 which may be more particularly described as follows:

Commencing at the southeast corner of said Lot 13;

Thence N.  $89^{\circ} 37' 45''$  W., and following the south boundary thereof, a distance of 33.31 feet;

Thence Northeasterly on a circular curve to the left, of radius 40 feet, an arc distance of 24.99 feet to a point of reverse curve;

Thence on a circular curve to the right, of radius 50 feet, an arc distance of 11.36 feet, more or less, to a point in the east boundary of said Lot 13;

Thence S.  $0^{\circ} 12' 40''$  W. and following the east boundary of said Lot 13, a distance of 13.10 feet, more or less, to the point of commencement, and containing by calculation 0.0037 acre, more or less.

Secondly: All that portion of Lot 12 of said Block 6 which may be described more particularly as follows:

Commencing at the southwest corner of said Lot 12;

Thence N.  $0^{\circ} 12' 40''$  E., and following the west boundary thereof, a distance of 13.10 feet;

Thence on a circular curve to the right, of radius 50 feet, an arc distance of 19.88 feet;

Thence S.  $89^{\circ} 37' 45''$  E., and following a straight line

parallel to, and 17 feet perpendicularly distant from, the south boundary of said Lot 12, a distance of 46.76 feet, more or less, to a point in the east boundary thereof;

Thence S. 0° 13' 00" W., and following the east boundary of said Lot 12, a distance of 17 feet, more or less, to the southeast corner thereof;

Thence N. 89° 37' 45" W., and following the south boundary of said Lot 12, a distance of 66.13 feet, more or less, to the point of commencement, and containing by calculation 0.0252 acre, more or less, as shown outlined in red colour on reference plan.

The bearings used herein are astronomic and are referred to the meridian of reference plan prepared by Bryan S. Berting, B.C.L.S., and sworn to by him on the 11th day of May, 1970, a copy of which is hereunto annexed.

6. 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.

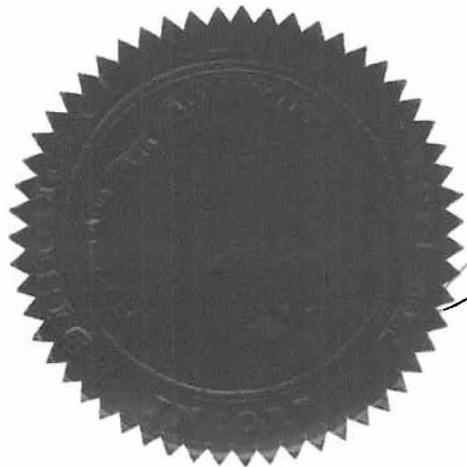
Read a first time this 1st day of June , 1970.

Read a second time this 1st day of June , 1970.

Read a third time this 1st day of June , 1970.

Reconsidered and adopted this 15th day of June,

1970.



*Robert W. Pitte*  
M A Y O R

*J. Shaw*  
C L E R K