

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5719

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. 2, 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 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 Alaska Street, (hereinafter called portion "A") fronting on the north boundary of Lots Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15),

of Block Eleven (11), of the East Half ( $E\frac{1}{2}$ ) of District Lot One Hundred Nineteen (119), Group One (1), Plan 2855, New Westminster District, which portion may be more particularly described as follows:

Commencing at a point on the north boundary of said Lot 15 distant westerly 14.54 feet from the northeast corner thereof;

Thence along the arc of a curve to the right of radius 1163.57 feet and whose tangent at this point bears N.  $58^{\circ} 42' 18''$  W., an arc distance of 61.10 feet;

Thence N.  $0^{\circ} 17' 20''$  E., 4.03 feet, more or less, to intersection with a line drawn parallel to and distant north 36.0 feet from the said north boundary of Lots 12 to 15;

Thence S.  $88^{\circ} 45' 00''$  E., along said parallel line 264.12 feet, more or less, to intersection with a northerly production of the east boundary of said Lot 12;

Thence S.  $0^{\circ} 17' 00''$  W., along said northerly production 36.0 feet, more or less, to the northeast corner of said Lot 12;

Thence N.  $88^{\circ} 45' 00''$  W., along said north boundary 212.63 feet, more or less, to the point of commencement; said parcel containing 0.20 acres and as shown outlined in green on reference plan prepared by C. D. Underhill, B.C.L.S., completed on the 17th day of June, 1970, a copy of which said plan is attached hereto (hereinafter called the "said plan").

3. 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 of Alaska Street (hereinafter called portion "B"), fronting on the north boundary of the North Half ( $N\frac{1}{2}$ ) of Lot A, Block Eleven (11) of the East Half ( $E\frac{1}{2}$ ) of District Lot One Hundred Nineteen (119), Group One (1), Plan 8823, New Westminster District, which portion may be more particularly described as follows:

Commencing at the northwest corner of said north half of Lot A;

Thence S.  $88^{\circ} 45' 00''$  E., along the north boundary of said Lot A, 90.0 feet;

Thence N.  $8^{\circ} 03' 40''$  E., 36.26 feet, more or less, to intersection with a line drawn parallel to and 36 feet north of said north boundary of Lot A;

Thence N.  $88^{\circ} 45' 00''$  W., along said parallel line, 94.94 feet, more or less, to intersect with a northerly production of the west boundary of said Lot A;

Thence S.  $0^{\circ} 17' 00''$  W. along said northerly production 36.0 feet, more or less, to the point of commencement; said parcel containing 0.08 acres, more or less, and as shown outlined in brown on the said plan.

4. The Council is further authorized and empowered to grant and convey portion "A" and portion "B" by a good and sufficient deed in fee simple unto Canadian National Railway Company, in exchange for ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being portions of Lots One (1), Two (2), and Three (3), of Block Eleven (11), of the East Half ( $E\frac{1}{2}$ ) of District Lot One Hundred Nineteen (119), Group One (1), Plan 2855, New Westminster District, which parcel may be more particularly described as follows:

Commencing at the Northwest corner of said Lot 1;

Thence S.  $0^{\circ} 16' 50''$  W., along the west boundary of Lot 1, 103.52 feet;

Thence along the arc of a curve to the left of radius 1223.57 feet, whose tangent at this point bears S.  $45^{\circ} 46' 38''$  E., an arc distance of 69.61 feet, more or less, to intersection with the south boundary of said Lot 1;

Thence S.  $88^{\circ} 45' 00''$  E., along the south boundary of said Lots 1, 2 and 3, 97.64 feet;

Thence along the arc of a curve to the right of radius 1163.57 feet, whose tangent at this point bears N.  $52^{\circ} 44' 25''$  W., an arc distance of 161.82 feet;

Thence along the arc of a curve to the right of radius 27.0 feet, whose tangent at this point bears N.  $44^{\circ} 46' 19''$  W., an arc distance of 63.70 feet, more or less, to a point of tangency on the north boundary of said Lot 1;

Thence N.  $89^{\circ} 35' 30''$  W., along the said north boundary 46.20 feet, more or less, to the point of commencement; said parcel containing 0.36 acres, more or less, and as shown outlined in red on the said plan, and,

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being, portions of Lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), of Block Eleven (11), Plan 2855, and of the South Half ( $S\frac{1}{2}$ ) of Lot A, Plan 8823, and of Block Thirteen (13), Plan 2855 all of the East Half ( $E\frac{1}{2}$ ) of District Lot One Hundred Nineteen (119), Group One (1), New Westminster District, which portions may be more particularly described as follows:

Commencing at a point on the north boundary of said Lot 15, Plan 2855, distant westerly 14.54 feet from the northeast corner thereof;

Thence N. 88° 45' 00" W., along the north boundary of said Lots 15 and 16, 112.13 feet, more or less, to a point distant easterly thereon of 5.39 feet from the northwest corner of said Lot 16;

Thence along the arc of a curve to the left of radius 1223.57 feet, whose tangent at this point bears S. 54° 09' 17" E., an arc distance of 279.08 feet, more or less, to an intersection with the south boundary of said Lot 13;

Thence S. 88° 45' 15" E., along the south boundary of said Lots 13, 12, and the South half (S $\frac{1}{2}$ ) of Lot A, 159.31 feet, more or less, to a point distant westerly thereon of 54.00 feet from the southeast corner of said south half of Lot A;

Thence N. 68° 10' 03" W., 83.89 feet, more or less, to a point on the east boundary of said Lot 12;

Thence N. 64° 53' 10" W., 72.74 feet;

Thence along the arc of a curve to the right of radius 1163.57 feet, whose tangent at this point bears N. 66° 48' 29" W., an arc distance of 164.56 feet, more or less, to the point of commencement; said parcel containing 0.41 acres and as shown outlined in red on the said plan.

5. The said deeds 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 27th day of July

1970.



*Robert W. Pottle*  
MAYOR  
*J. Shaw*  
CLERK