

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5763

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. 3, 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 piece of land and premises, situate, lying and being a portion of road known as Beaverbrook Drive, and being a portion of District Lots Six (6) and Ten (10), Group One (1), Plan 31569, New Westminster District, being more particularly described as follows:

Commencing at the most Northwesterly corner of the portion of road aforesaid, said corner also lying on the Southwesterly boundary of Lot 67, according to Plan 31569, deposited;

Thence Southeastwardly and following a portion of the North-easterly boundary of the portion of road aforesaid, said boundary being the arc of a simple curve to the left of radius 65.00 feet, 63.01 feet, more or less, to a point of tangency;

Thence S. 67° 42' 20" E., and following a portion of the Northeasterly boundary of the said portion of road aforesaid, 191.28 feet, more or less, to a point of curve;

Thence Southeastwardly and Eastwardly and following a portion of the Northeasterly and Northerly boundary of the portion of road aforesaid, said boundary being the arc of a simple curve to the left of radius 442.00 feet, 265.81 feet, more or less, to a point;

Thence S. 77° 50' 15" W., 250.41 feet, more or less, to an intersection with the Southwesterly boundary of the said portion of road aforesaid;

Thence Northwestwardly and following a portion of the Southwesterly boundary of the portion of road aforesaid, said boundary being the arc of a simple curve to the right of radius 508.00 feet, 43.64 feet, more or less, to a point of tangency;

Thence N. 67° 42' 20" W., and following a portion of the Southwesterly boundary of the said portion of road aforesaid, 132.77 feet, more or less, to a point of curvature;

Thence Northwestwardly, Westwardly and Southwestwardly and following a portion of a Southwesterly, Southerly and Southeasterly boundary of the portion of road aforesaid, said boundary being the arc of a simple curve to the left of radius 25.00 feet, 39.64 feet, more or less, to a point;

Thence Northwestwardly and following the arc of a simple curve to the right of radius 115.00 feet, 31.10 feet, more or less, to a point of tangency;

Thence N. 12° 09' 45" W., 117.19 feet, more or less, to the point of commencement, and containing by calculation 0.498 of an acre, be the same, more or less, as shown outlined in green colour on the Plan hereunto annexed.

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 Lake-City Industrial Corporation Ltd., in exchange for ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being a portion of Lot Sixty-nine (69), of District Lots Four (4), and Six (6), Group One (1), Plan 31569, New Westminster District, and being more particularly described as follows:

Commencing at a point on the Southwesterly boundary of Lot 69, aforesaid, said point being a point of curve with radius 25.00 feet;

Thence Northwestwardly, Northwardly and Northeastwardly and following a portion of a Southwesterly, Westerly and Northwesterly boundary of Lot 69, aforesaid, said boundary being the arc of a simple curve to the right of radius 25.00 feet, 14.66 feet, more or less, to a point;

Thence Southeastwardly and following the arc of a simple curve to the left of radius 115.00 feet, 117.40 feet, more or less, to a point of compound curve;

Thence Eastwardly and following the arc of a simple curve to the left of radius 300.00 feet, 83.86 feet, more or less, to a point of tangency;

Thence N. 77° 50' 15" E., 19.59 feet, more or less, to an intersection with a Southwesterly boundary of a road, according to Plan 31569, deposited;

Thence Southeastwardly and Eastwardly and following a Southwesterly and Southerly boundary of a road, aforesaid, said boundary being the arc of a simple curve to the left of radius 508.00 feet, 261.86 feet, more or less, to a point;

Thence S. 77° 50' 15" W., 270.00 feet, more or less, to a point of curve;

Thence Southwestwardly and following the arc of a simple curve to the left of radius 300.00 feet, 83.86 feet, more or less, to a point of compound curve;

Thence Southwestwardly, Southwardly and Southeastwardly and following the arc of a simple curve to the left of radius 115.00 feet, 148.50 feet, more or less, to an intersection with the Southwesterly boundary of said Lot 69;

Thence N. 12° 09' 45" W., and following a portion of the Southwesterly boundary of Lot 69, aforesaid, 265.81 feet, more or less, to the point of commencement, and containing by calculation 0.573 of an acre, be the same, more or less, as shown outlined in red colour on the plan hereunto annexed.

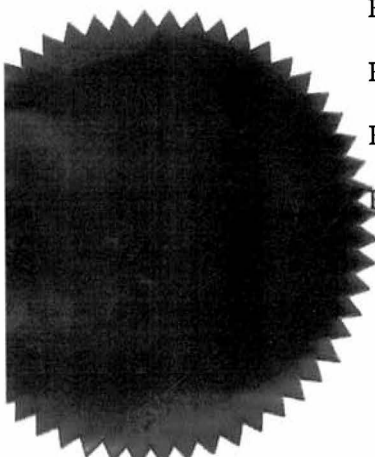
4. The said deed in fee simple shall be executed on behalf of the Municipality by the Mayor and Clerk and shall have effect as a Crown grant, free of all rights-of-way, and the lands hereinbefore described taken in exchange shall be a public highway and the title thereto shall be vested in the Crown.

Read a first time this 8th day of September, , 1970.

Read a second time this 8th day of September , 1970.

Read a third time this 8th day of September , 1970.

Reconsidered and adopted this 28th day of September, 1970.


Robert W. Pitche
MAYOR
J. Shew
CLERK