

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 7452

A BY-LAW to authorize an agreement between the City of Vancouver and The Corporation of the District of Burnaby concerning the widening and improvement of Boundary Road from Imperial Street to Marine Way.

WHEREAS section 535 of the Municipal Act provides that all highways forming the boundary or part of the boundary between municipalities shall be opened, maintained, kept in repair and improved by the municipalities of which they form such boundary.

AND WHEREAS Boundary Road forms the boundary between the City of Vancouver and the District of Burnaby.

AND WHEREAS the City of Vancouver and the District of Burnaby deem it advisable and in the public interest to improve Boundary Road by widening the road between Imperial Street (49th Avenue) and Marine Way.

AND WHEREAS for such purpose it is necessary to construct part of Boundary Road on lands owned by the City of Vancouver and situated within the City of Vancouver.

AND WHEREAS the District of Burnaby has agreed to pay to the City of Vancouver one-half of the value of the City-owned lands used for the said purpose, namely the sum of \$1,152,000.00.

AND WHEREAS the agreement made by the City of Vancouver and the District of Burnaby for the said purpose is not valid until ratified by by-laws adopted by a vote of not less than two-thirds of all the members of each respective Council and no such by-laws shall come into effect until approved by the Minister of Municipal Affairs.

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

1. This By-law may be cited as "BURNABY BOUNDARY ROAD WIDENING BY-LAW NO. 1, 1979".

2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to enter into an agreement in writing and under seal with the City of Vancouver to improve and widen Boundary Road between Imperial Street (49th Avenue) and Marine Way upon such terms and conditions and according to such plans and specifications as may be mutually agreed upon and the said agreement shall not be valid until the provisions of section 177 of the Municipal Act have been complied with.

3. The Council is further authorized and empowered to pay to the City of Vancouver for those City-owned lands within the City of Vancouver required for the improvement and widening of Boundary Road the sum of \$1,152,000.00.

4. The Council does hereby ratify the agreement made by the City of Vancouver and the District of Burnaby dated the 23rd day of November, 1979, a true copy of which is hereunto annexed.

Read a first time this 26th day of NOVEMBER 1979.

Read a second time this 26th day of NOVEMBER 1979.

Read a third time this 26th day of NOVEMBER 1979.

Received the approval of the Minister of Municipal Affairs
this 21st day of DECEMBER 1979.

Reconsidered and adopted by a vote of not less than two-thirds
of all the members of Council this 7th day of JANUARY 1980.



M A Y O R



C L E R K

THIS AGREEMENT made the 23rd day of November,

1979,

BETWEEN:

CITY OF VANCOUVER

(hereinafter called "Vancouver")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT
OF BURNABY, of 4949 Canada Way,
in the municipality of Burnaby,
Province of British Columbia,

(hereinafter called "Burnaby")

OF THE SECOND PART

WHEREAS Boundary Road is located upon the north/
south boundary line between Vancouver and Burnaby;

AND WHEREAS Burnaby and Vancouver consider it to
be in their mutual interests that the existing Boundary Road
between 49th Avenue in Vancouver (Imperial Street in Burnaby)
and Marine Way be widened and improved;

AND WHEREAS it is more convenient that some of the
widening and improvements be completed entirely on Vancouver
lands and that the portions of the road on Vancouver lands
be maintained by Vancouver;

AND WHEREAS Burnaby and Vancouver have agreed that
since the new portions of Boundary Road will be located
principally in the City of Vancouver, Burnaby will contribute
to the cost of the land required for the new portions of
Boundary Road;

NOW THEREFORE the parties hereto, in consideration
of the covenants and agreements contained herein, mutually
covenant and agree as follows:

1. Vancouver agrees that the portions of its lands
described in Schedule "A" (hereinafter called the "said lands")
shall be used for the construction of the widened and improved
Boundary Road.

2. Vancouver and Burnaby agree that the shared cost of the said lands to be paid by Burnaby shall be one million, one hundred and fifty two thousand dollars (\$1,152,000.00) and that Burnaby will pay the said amount to Vancouver upon execution of this agreement.

3. Vancouver agrees that it will not close the portion of Boundary Road within the project, except in the case of emergency, road construction or maintenance, without the consent of Burnaby, nor will it sell, lease or otherwise dispose of the said lands without the consent of Burnaby, such consents not to be unreasonably withheld, but may be granted upon terms agreed upon by the parties hereto.

4. Burnaby and Vancouver mutually covenant and agree that they will enter into an agreement with respect to sharing of cost of construction and maintenance of the widened and improved portion of Boundary Road.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed as of the day and year first above written.

SEALED with the Common Seal)
of the CITY OF VANCOUVER and)
signed by:)
)
)
)
)
_____)
Director of Legal Services)

SEALED with the Common Seal)
of THE CORPORATION OF THE)
DISTRICT OF BURNABY and)
signed by:)
)
)
)
_____)
)
_____)

DATED:

CITY OF VANCOUVER

AND

THE CORPORATION OF THE
DISTRICT OF BURNABY

AGREEMENT

Boundary Road

LAW DEPARTMENT
CITY HALL
VANCOUVER 10, B.C.

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