

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 8712

A BYLAW to reserve part of certain lands for certain purposes pursuant to section 578(4) of the Municipal Act

WHEREAS the Council may by Bylaw enter into an agreement with an owner of land for reserving any part of the land for highway purposes, including the condition that the land reserved shall remain unencumbered by buildings or structures and the agreement shall have the force and effect of a restrictive covenant running with the land and shall be registered in the Land Title Office by the Municipality.

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

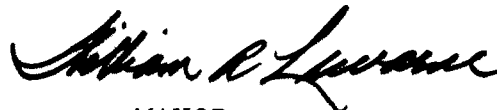
1. This Bylaw may be cited as BURNABY HIGHWAY RESERVATION BYLAW NO. 1, 1987
2. The Council is hereby authorized and empowered to enter into the agreement hereunto annexed with the owner of Lot 10, District Lot 207, Group 1, New Westminster District, Plan _____, for the purpose of reserving for highway purposes that part of the said lands more particularly described in the said agreement, including the condition that the lands so reserved shall remain unencumbered by buildings and structures.
3. The Municipal Clerk is hereby authorized and empowered to execute the said agreement affixing the corporate seal of the municipality thereto.

Read a first time this 26th day of JAN 1987

Read a second time this 26th day of JAN 1987

Read a third time this 26th day of JAN 1987

Reconsidered and adopted this 2nd day of FEBRUARY 1987


MAYOR


CLERK

THIS AGREEMENT made and entered into the day of
198 .

BETWEEN:

NU-TRY DEV. CORP. (Incorporation No. 299226)
4259 East Hastings Street
Burnaby, B.C. V5C 2J5

(hereinafter called the "Owner")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT OF BURNABY
4949 Canada Way
Burnaby, B.C. V5G 1M2

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Owner is the registered owner in fee simple
of Lot 10, District Lot 207, Group 1, New Westminster District,
Plan _____ (hereinafter called "the said lands").

AND WHEREAS the Owner has agreed with the municipality
to reserve part of the said lands for highway purposes.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in
consideration of the sum of One Dollar (\$1.00) now paid by the
municipality to the Owner (the receipt whereof is hereby
acknowledged) the Owner does hereby reserve for highway purposes
that portion of the said lands containing 1138.9 m² shown outlined
in heavy black line on Explanatory Plan prepared by B.S. Berting,
B.C.L.S., dated January 13, 1987 (copy of which is hereunto
annexed); and covenants and agrees with the municipality that the
portion of the said lands so reserved shall remain unencumbered by
buildings and structures.

IN WITNESS WHEREOF the parties hereto have caused their corporate seals to be affixed attested by the hands of their proper signing officers as of the day and year first above written.

THE CORPORATE SEAL OF NU-TRY DEV. CORP. WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

Authorized Signatory

THE CORPORATE SEAL OF THE CORPORATION OF THE DISTRICT OF BURNABY WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

Municipal Clerk-Authorized Signatory