

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 9162



A BYLAW to reserve part of certain land 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, 1989.
2. The Council is hereby authorized and empowered to enter into the agreement hereunto annexed with the owner of Lot 1, 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 20th day of MARCH 1989  
Read a second time this 20th day of MARCH 1989  
Read a third time this 20th day of MARCH 1989  
Reconsidered and adopted this 28th day of MARCH 1989

  
MAYOR  
  
DEPUTY MUNICIPAL CLERK

THIS AGREEMENT made and entered into the            day of  
1989.

BETWEEN:

357762 B.C. LTD. (Incorporation No. 357762)  
#1040 - 800 West Pender Street  
Vancouver, B.C. V6C 2V6

(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 1, District Lot 207, Group 1, New Westminster District,  
Plan \_\_\_\_\_ (hereinafter called "the said lands");

AND WHEREAS pursuant to section 215 of the Land Title  
Act, and amendments thereto, the Municipality may enter into a  
covenant for the purposes set out therein;

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 444.5 m<sup>2</sup> shown outlined  
in heavy black line on Explanatory Plan prepared by R.E.  
Petersen, B.C.L.S., dated February 21, 1989 (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 357762  
B.C. LTD. 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

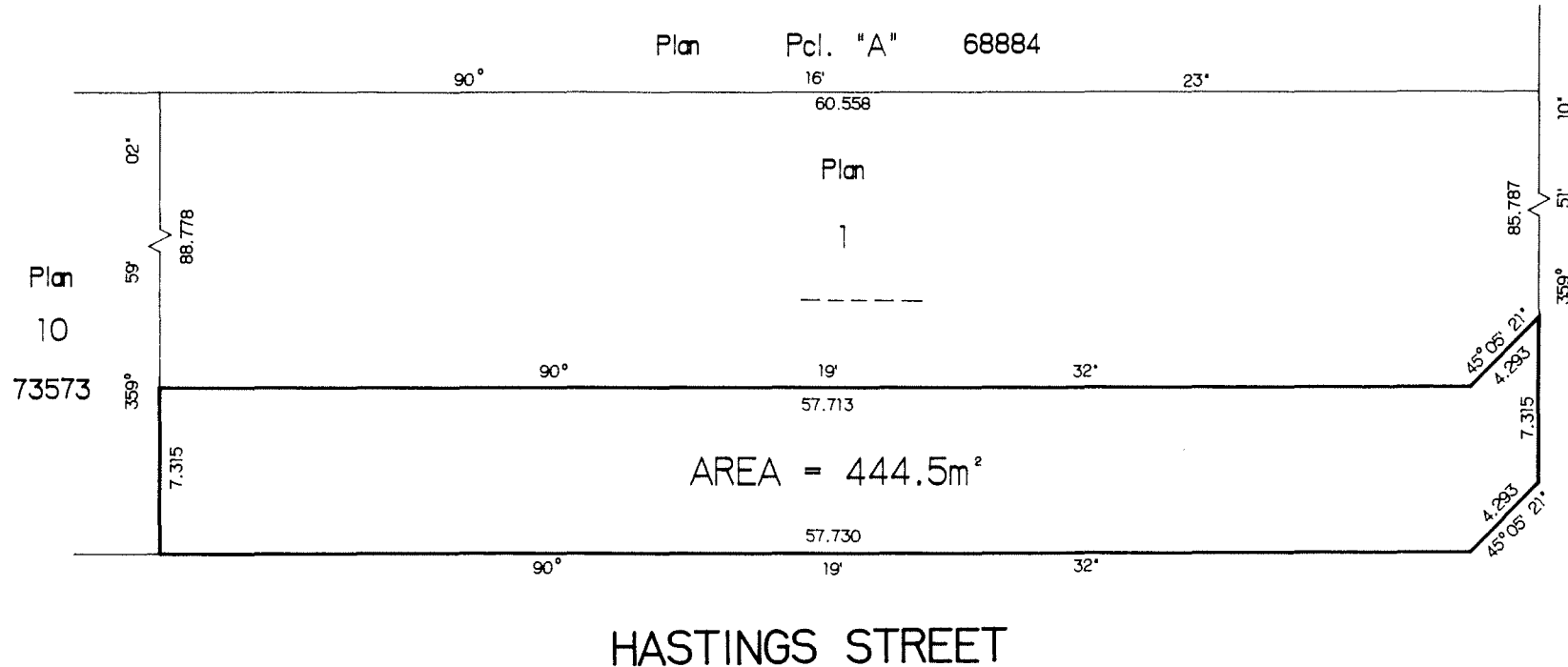
EXPLANATORY PLAN OF A PORTION OF LOT 1,  
 D.L. 207, GP.1, PLAN \_\_\_\_\_, N.W.D.,  
 TO ACCOMPANY COVENANT UNDER SECTION 215,  
 L.T.A. (THE CORPORATION OF THE DISTRICT OF BURNABY  
 ROAD RESERVATION BYLAW NO. \_\_\_\_\_) PURSUANT TO SEC. 99(1)(e) L.T.A.

PLAN

Deposited in the Land Title  
 Office at New Westminster, B.C.,  
 this day of \_\_\_\_\_, 1989.

B.C.G.S. 92G.026

SCALE 1 : 250



Registrar



Integrated Survey Area No. 25, Burnaby.  
 All distances are in metres.  
 Grid bearings are derived from Plan \_\_\_\_\_

Certified correct according to  
 Land Title Office records this  
 21<sup>st</sup> day of February, 1989.

*R.E. Peterson*  
 B.C.L.S.