

CITY OF BURNABY

BYLAW NO. 9803

A BYLAW to ratify a modification to the
Boundary Road Maintenance Agreement



WHEREAS the City of Vancouver and Burnaby entered into an agreement in July 1992 for the repair and maintenance of Boundary Road;

AND WHEREAS the maintenance agreement requires amendment to reflect improvements made to certain intersections;

NOW THEREFORE the Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BOUNDARY ROAD MAINTENANCE AGREEMENT MODIFICATION RATIFICATION BYLAW 1992.
2. The Council of the City of Burnaby is hereby authorized and empowered to enter into an agreement with the City of Vancouver in the form annexed hereto as Schedule "A".
3. The Council hereby ratifies the Agreement annexed hereto as Schedule "A".

Read a first time this 9th day of NOVEMBER 1992
Read a second time this 9th day of NOVEMBER 1992
Read a third time this 9th day of NOVEMBER 1992
Received the approval of the Minister of Municipal Affairs
this 5th day of MAY 1993
RECONSIDERED AND ADOPTED by an affirmative vote of at
least two-thirds of all members of Council this
7th day of JUNE 1993


MAYOR

CLERK

MAINTENANCE MODIFICATION AGREEMENT

THIS AGREEMENT made as of the day of 1992

BETWEEN:

CITY OF VANCOUVER
453 West 12th Avenue
Vancouver, British Columbia
V5Y 1V4

(hereinafter called "Vancouver")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT OF BURNABY,
4949 Canada Way
Burnaby, British Columbia
V5G 1M2

(hereinafter called "Burnaby")

OF THE SECOND PART

WHEREAS:

A. By agreement made the 28th day of July, 1992 (the "Maintenance Agreement"), the parties agreed to share responsibility for the maintenance of Boundary Road;

B. By agreement made the day of , 1992 (the "Construction Agreement"), the parties agreed to alter the intersections at that portion of Boundary Road between 22nd Avenue and Kincaid (the "Kincaid Project"), that portion of Boundary Road at Adanac (the "Adanac Project") and that portion of Boundary Road at Arbor (the "Arbor Project"); and

C. The parties wish to amend the Maintenance Agreement to reflect the new intersections as a result of the Kincaid Project, Adanac Project and Arbor Project.

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the terms, covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the parties), the parties hereto hereby covenant and agree as follows:

1. Unless otherwise expressly provided in this agreement, all words and expressions in this agreement and the recitals to it have the meaning given to them in the Maintenance Agreement.

2. The Maintenance Agreement is amended as follows:

(a) to delete paragraph 1(a)(iv) and replace it with:

"1(a)(iv) the north/south lines across each of the intersections of Boundary Road connecting the end points of the centre lines and the yellow painted traffic lines defined above; except for the seven (7) areas listed below where the Agreed Boundary shall be located as indicated in Schedules "A", "B", "C", "D", "E", "F", "G" and "H" attached hereto:

Adanac Street, Price Street, Regent Street, Canada Way, Schou Street, Boundary Road south of Kent Avenue South, Elmwood and Kincaid."

(b) to add at the end of the Maintenance Agreement Schedules "G" and "H", attached to this agreement, to effect the new intersection as a result of the construction of the Kincaid Project.

3. The parties confirm that the Adanac Project was constructed to the standards set out in Schedule "A" of the Maintenance Agreement.

4. Burnaby and Vancouver agree that the Maintenance Agreement continues in force unamended except as provided in this agreement.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first written above.

The Common Seal of the)
CITY OF VANCOUVER)
was hereunto affixed)
in the presence of:)
_____)
Authorized Signatory)

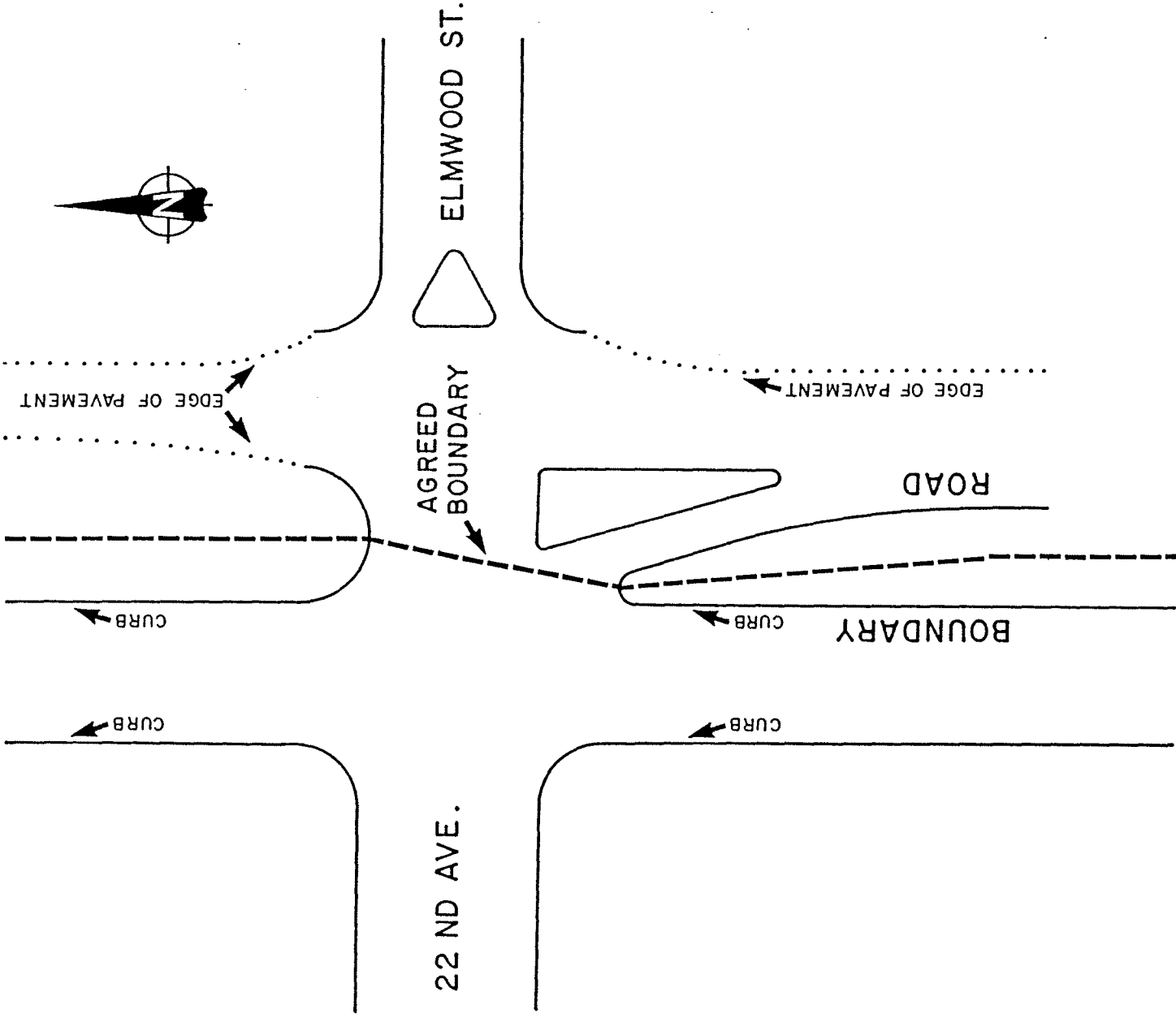
C/S

The Common Seal of THE)
CORPORATION OF THE DISTRICT)
OF BURNABY was hereunto)
affixed in the presence)
of:)
_____)
Authorized Signatory)
_____)
Authorized Signatory)

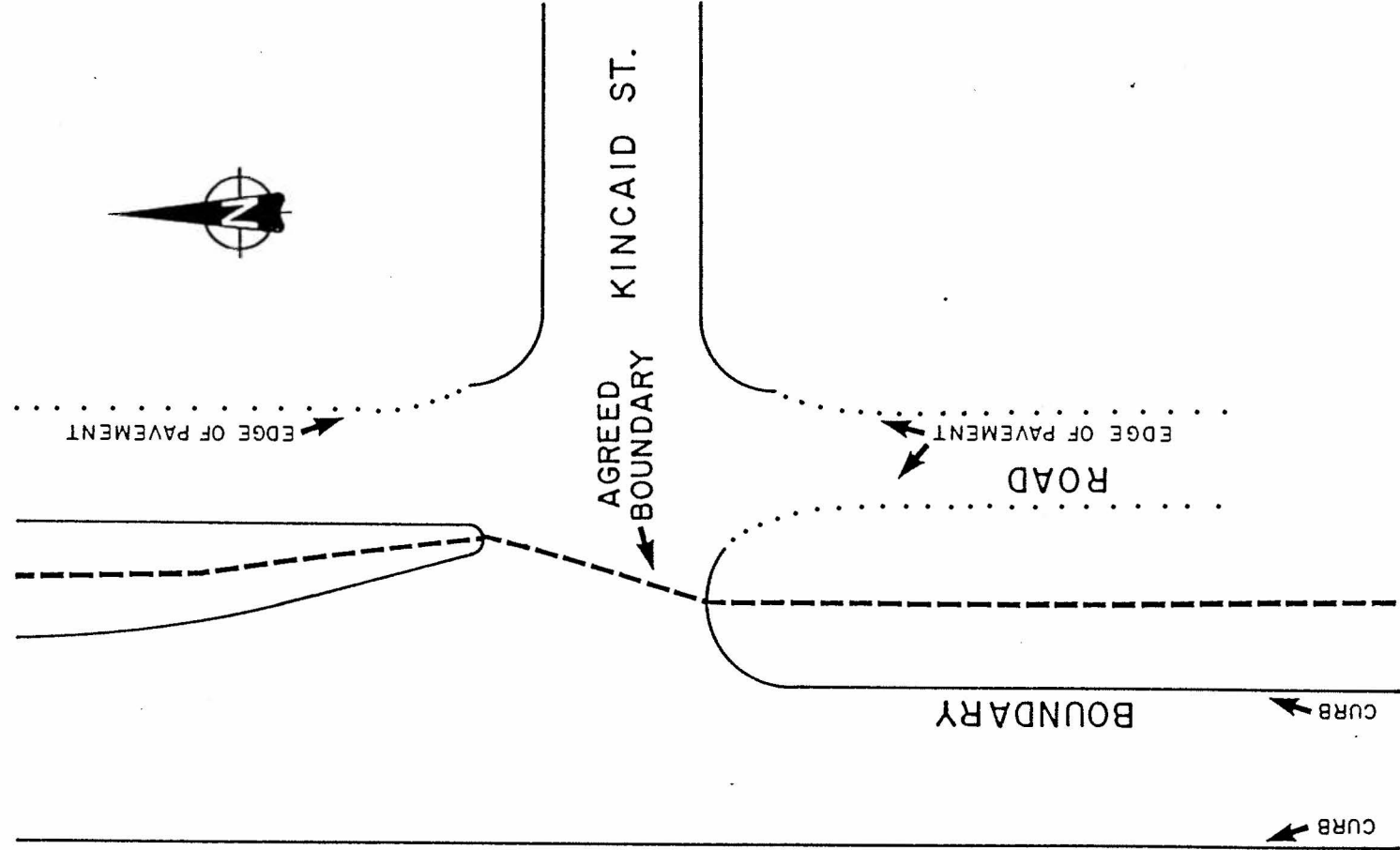
C/S

(DR0051/99)

SCHEDULE G



SCHEDULE H



Province of British Columbia



No. 930209

Statutory Approval

Under the provisions of section 237

of the Municipal Act

I hereby approve Bylaw No. 9803

of the City of Burnaby, *a copy*

of which is attached hereto.

Dated this 5th day

of May, 1993

A handwritten signature in black ink, appearing to read "W. L. C. C.", written over a dotted line.

Minister of Municipal Affairs, Recreation
and Housing