

CITY OF BURNABY



BYLAW NO. 9804

A BYLAW to ratify an agreement for improvements
to Boundary Road

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY VANCOUVER ROAD CONSTRUCTION AGREEMENT RATIFICATION BYLAW 1992.
2. The Council of the City of Burnaby is hereby authorized and empowered to enter into an agreement under seal with the City of Vancouver to share the costs of installing traffic signals and certain road improvements on Boundary Road at Kincaid Street, Adanac Street and Arbor Street in the form annexed hereto as Schedule "A" of this Bylaw.
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

CONSTRUCTION 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,
a municipal corporation, of 4949 Canada Way,
Burnaby, British Columbia, V5G 1M2

(hereinafter called "Burnaby")

OF THE SECOND PART

WHEREAS:

A. Boundary Road is located along the north/south boundary line between Vancouver and Burnaby;

B. Burnaby and Vancouver consider it to be in their mutual interests that that portion of Boundary Road between 22nd Avenue (Elmwood Street) and Kincaid Street (the "Kincaid Project"), that portion of Boundary Road at Adanac (the "Adanac Project") and that portion of Boundary Road at Arbor Street (the "Arbor Project") be improved.

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. Vancouver will carry out the design and construction of:

- (a) left turn bays and a traffic signal at the Kincaid Project in accordance with the plan as amended from time to time attached hereto as Schedule "A" (Vancouver City Engineering Department Drawing No. YE 326A "Boundary Road 22nd Avenue - Boundary Road Kincaid Street Proposed Left Turn Bays");
- (b) median modifications, traffic signal and traffic island at the Adanac Project in accordance with the plan attached hereto as Schedule "B" as amended from time to time (Vancouver City Engineering Department Drawing No. YE 133-D "Boundary Road at Adanac Street Median Modifications"); and
- (c) traffic signal installation at the Arbor Project in accordance with the plan attached hereto as Schedule "C".

2. Unless otherwise herein provided, only the following items shall be cost shared in accordance with the provisions of this agreement:

- (a) the roadway, curbs and gutters, and traffic islands (including landscaping and trees);
- (b) concrete sidewalks, grass boulevards, boulevard trees, and landscaping restoration;
- (c) necessary traffic control measures, including but not limited to signals (and associated wires and ducts), signs, paint markings and warning flashers;
- (d) required drainage facilities;
- (e) relocation of utilities to facilitate construction of the Project;

(f) traffic islands and traffic signals within the intersection of 22nd Avenue and Boundary Road and Adanac Street and Boundary Road.

3. The cost for the works described in clause 2 above, in and through the Kincaid Project, the Adanac Project and the Arbor Project, shall be shared between Vancouver and Burnaby as follows:

(a) Kincaid Project - Vancouver and Burnaby each to pay 50% of the costs after deducting the Province Revenue sharing estimated at \$75,000 from the costs;

(b) Adanac Project -

(i) traffic signal - B.C. Transit to pay 50% of the costs and of the remaining 50% of the costs, Vancouver to pay $\frac{2}{3}$ and Burnaby to pay $\frac{1}{3}$ of the costs; and

(ii) median work, traffic signal and traffic island - Vancouver to pay 50% of the costs and Burnaby to pay 50% of the costs; and

(c) Arbor Project - B.C. Transit to pay 50% of the costs and of the remaining 50% of the costs, Vancouver to pay $\frac{2}{3}$ and Burnaby to pay $\frac{1}{3}$ of the costs.

For the purposes of this agreement, costs include design, surveying, and inspection and similar administrative overhead charges normally charged by a municipality to a project of this type.

4. Vancouver and Burnaby agree to cooperate fully, the one with the other, to execute all such documents and do all such things as required in order to more fully perfect the intention of this agreement.

5. Following completion of the Kincaid Project, the Adanac Project and the Arbor Project, Vancouver will ensure that it (or its

respective contractors) repairs any defects that become evident in the construction within a period of twelve months after completion of each respective project. The costs of such repairs will be the responsibility of Vancouver.

6 Burnaby hereby grants to Vancouver, its respective contractors, subcontractors, employees, agents and officials the right to enter, labour, pass, repass, work and be in, on, under and over Burnaby's property with or without vehicles, tools, supplies, materials and equipment and supplies for any purpose connected with the construction of the Adanac Project, the Kincaid Project or the Arbor Project referred to in this Agreement.

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

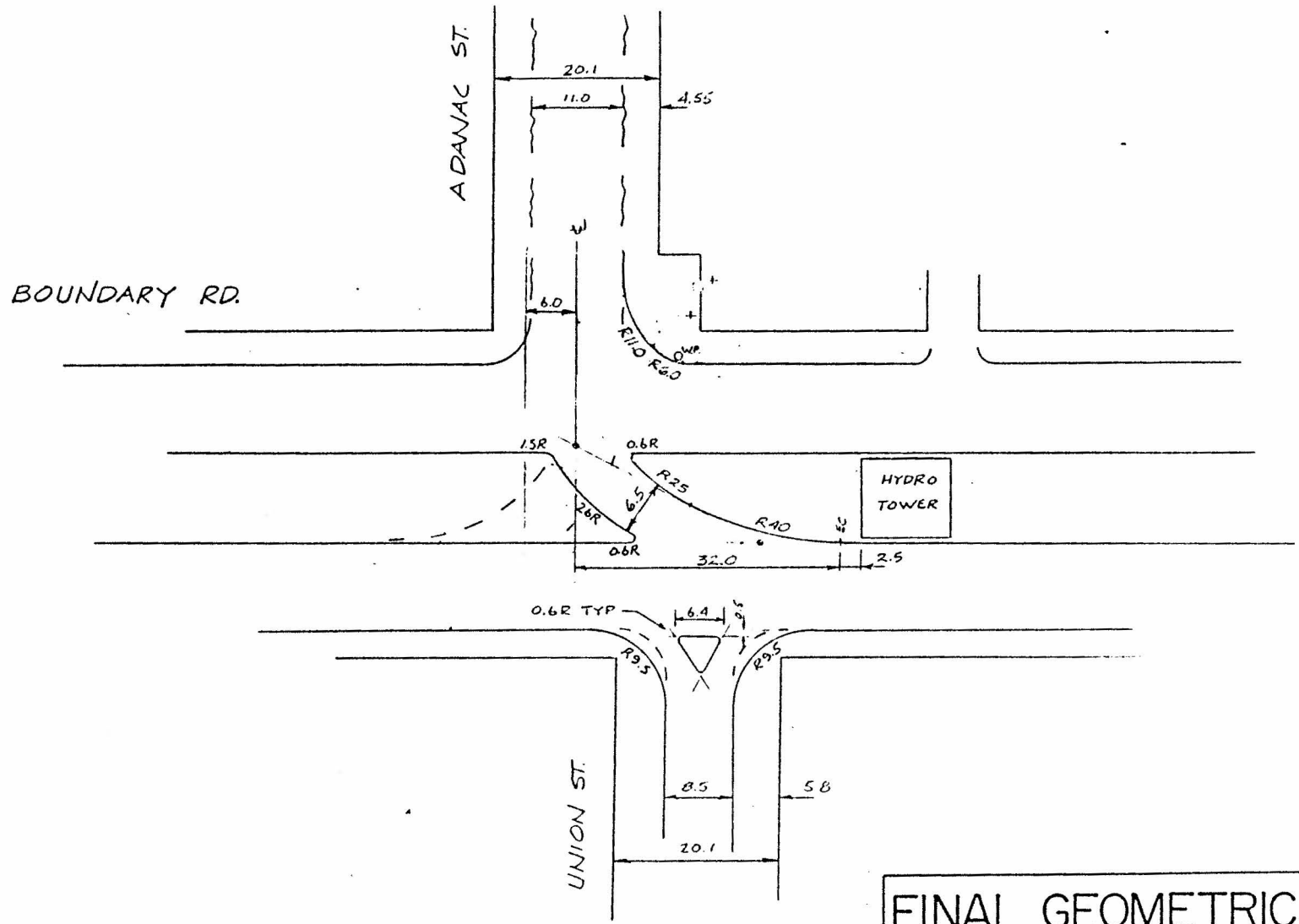
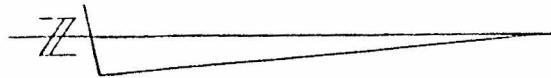
The Common Seal of the)
CITY OF VANCOUVER)
was hereunto affixed)
in the presence of:)
_____)
Authorized Signatory)

C/S

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

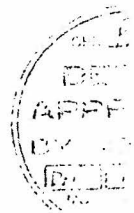
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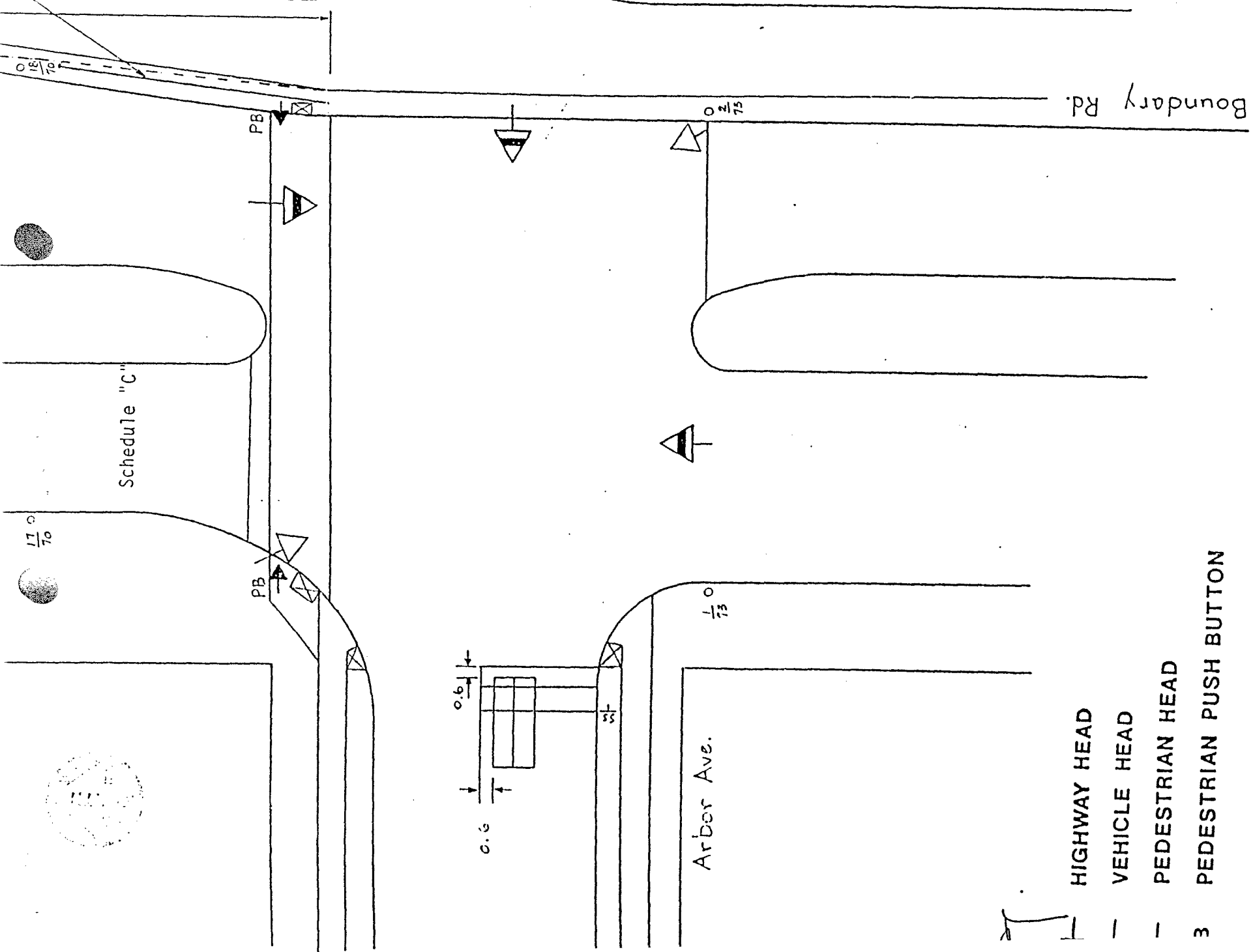


Schedule "B"

FINAL GEOMETRIC
FOR CONSTRUCTION DRAWINGS



1 + 0



HIGHWAY HEAD

VEHICLE HEAD

PEDESTRIAN HEAD

3 PEDESTRIAN PUSH BUTTON

2V 90 EA

Province of British Columbia



No. 930210

Statutory Approval

Under the provisions of section 237

of the Municipal Act

I hereby approve Bylaw No. 9804

of the City of Burnaby, *a copy*

of which is attached hereto.

Dated this 5th *day*
of May, 1993

A handwritten signature in cursive script, appearing to read "N. Tripp".

Minister of Municipal Affairs, Recreation
and Housing