

24. Re: Proposed Amendment to Burnaby Road Acquisition and Dedication By-law No. 11, 1964

Following is a report from the Director of Planning regarding a proposed amendment to By-law #4634 - Burnaby Road Acquisition and Dedication By-law No. 11, 1964.

Although the By-law effecting the Dedication was passed, agreement regarding acquisition was never reviewed with the owner of the subject parcel and dedication was never registered. The justification for acquisition is no longer present, and it would therefore be appropriate for ownership of the parcel to remain with the present owner.

RECOMMENDATION:

THAT authorization be given for the preparation and execution of a By-law amending By-law #4634 by deleting paragraph 2A of the said By-law.

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PLANNING DEPARTMENT  
23 NOVEMBER, 1973

SUBJECT: SIMPSONS-SEARS PROPERTY CONSOLIDATION  
AND FERN AVENUE RELOCATION  
SUBDIVISION REFERENCE #227/73

REDUNDANT ROAD ACQUISITION AND DEDICATION BY-LAW

BACKGROUND


In 1964 By-law #4634 being "Burnaby Road Acquisition and Dedication By-law No.11, 1964" was passed to permit the acquisition of a corner truncation from private lands at the intersection of Fern Avenue and Nelson Avenue. The lands involved in the acquisition are shown on the attached sketch.

In order to effect the road exchange as authorized by Council, it is necessary to cancel this particular acquisition. The Municipal Solicitor has advised that, in his opinion, the only way to do this is to pass a by-law amending By-law #4634 by deleting paragraph 2A of the said By-law. By-law #4634 is attached for the information of Council and makes provision for the acquisition of this corner truncation.

RECOMMENDATION

THAT the Municipal Council authorize the preparation and execution of a By-law amending By-law #4634 by deleting Paragraph 2A of the said By-law.

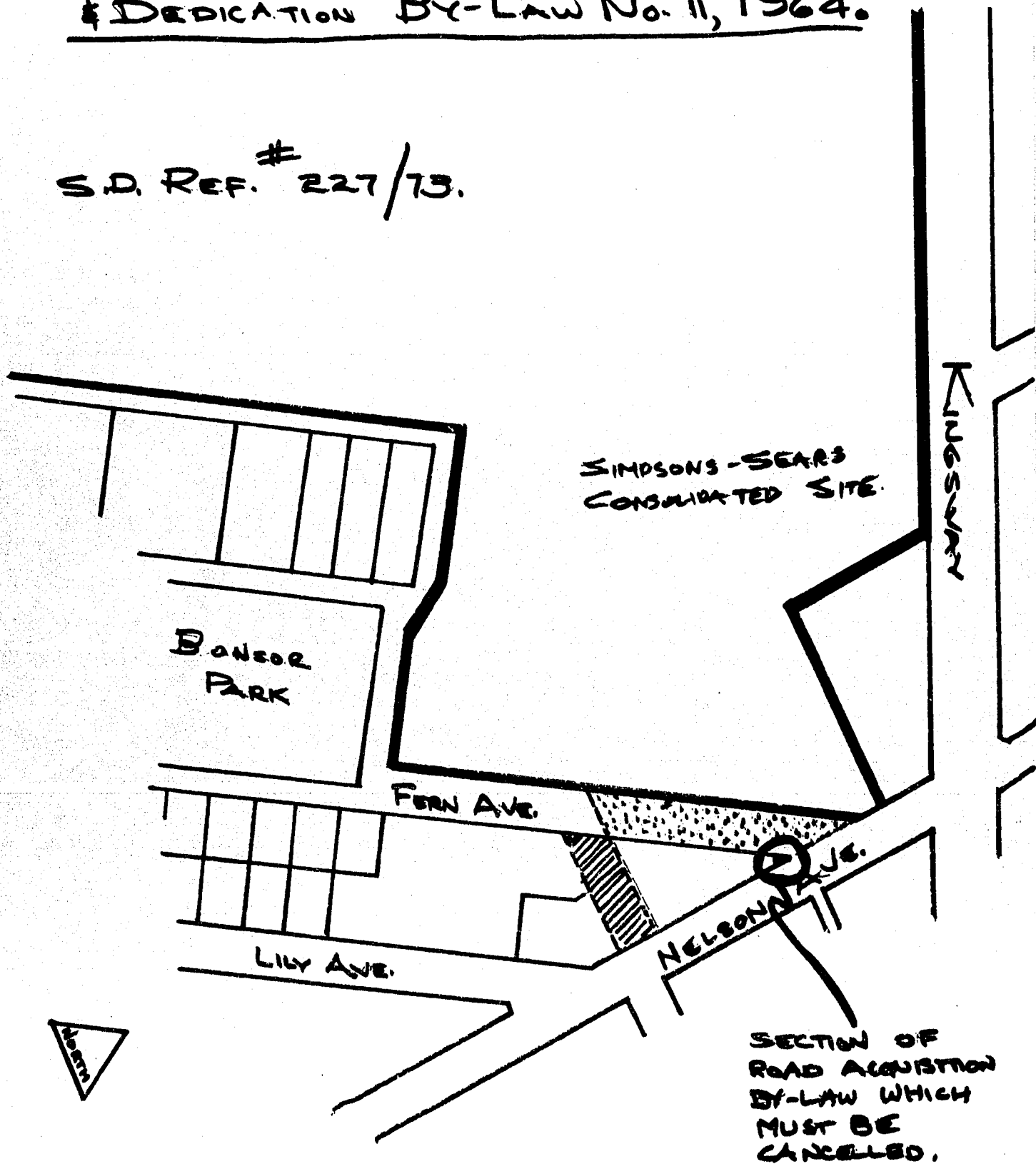
Respectfully submitted,


  
A. L. Parr,  
DIRECTOR OF PLANNING

PB:ea  
Attchmts.


SKETCH TO ACCOMPANY REPORT  
ON REDUNDANT ROAD ACQUISITION  
& DEDICATION BY-LAW No. 11, 1964.

S.D. REF. # 227/73.



 PORTION OF FERN AVE. WHICH IS TO BE CLOSED.

 NEW FERN AVE ALIGNMENT.

 AREA FOR WHICH "BURNABY ROAD ACQUISITION & DEDICATION BY-LAW No. 11, 1964," IS NOW REDUNDANT. & MUST BE CANCELLED.

1"=200' PB  
Nov. '73 49

THE CORPORATION OF THE DISTRICT OF BURNABY

2058

## BY-LAW NO. 4634

A BY-LAW to authorize the acquisition of certain lands for highway purposes.

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

1. This By-law may be cited as "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 11, 1964".

2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to acquire from the registered owners thereof by a good and sufficient Deed in fee simple, free and clear of all encumbrances, for highway purposes, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, those lands and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being more particularly hereinafter described:

- (a) A portion of Lot "A", Block 24 of Lot 152, Group 1, New Westminster District according to the plan deposited in the Land Registry Office at New Westminster, Province of British Columbia and numbered 2001; which said parcel may be more particularly described as follows: Commencing at the most northerly corner of said Lot "A", Plan 2001; thence South 0° 2' East along the easterly boundary of said Lot "A", 13 feet; thence North 72° 27' 40" West 7.85 feet, more or less, to a point on the northwesterly boundary of said Lot "A", said point situate distant 13 feet southwesterly from the most northerly corner of said Lot "A"; thence North 35° 6' 40" East along the said northwesterly boundary, 13 feet to the point of commencement; all the said bearings are Astronomic and are referred to the meridian of Plan 25680 deposited; and the said parcel containing 48 square feet, more or less, as shown outlined in red on the plan attached hereto and prepared by E.T. Wong, B.C.L.S., dated the 23rd day of July 1964.

- (b) A portion of Lot 1, Block 25, of Lot 152, Group 1, New Westminster District according to the plan deposited in the Land Registry Office at New Westminster, Province of British Columbia and numbered 2000, which said parcel may be more particularly described as follows: Commencing at the most northerly corner of said Lot 1, Plan 2000; thence South 0° 5' East along the easterly boundary of said Lot 1, 20 feet; thence North 72° 24' 20" West, 12.15 feet, more or less, to a point on the northwesterly boundary of said Lot 1, the said point situate distant 20 feet southwesterly from the most northerly corner of said Lot 1; thence North 35° 16' 20" East along the said northwesterly boundary, 20 feet to the point of commencement; all the said bearings are Astronomic and are derived from the meridian referred to Plan 25680 deposited, and the said parcel containing 116 square feet, more or less, as shown outlined in red on the plan attached hereto and prepared by E.T. Wong, B.C.L.S., dated the 23rd day of July, 1964.
- (c) A portion of Lot 31, Block 25 of Lot 152, Group 1, New Westminster District according to the plan deposited in the Land Registry Office at New Westminster, Province of British Columbia and numbered 2000, which said parcel may be more particularly described as follows: Commencing at the most northerly corner of said Lot 31, Plan 2000; thence South 0° 5' East along the easterly boundary of said Lot 31, 20 feet; thence North 72° 27' 40" West, 12.13 feet, more or less, to a point on the northwesterly boundary of said lot, the said point situate distant 20 feet southwesterly from the most northerly corner of said Lot 31; thence North 35° 9' 40" East along the said northwesterly boundary 20 feet to the point of commencement; all the said bearings are Astronomic and are derived from the meridian referred to Plan 25680 deposited; and the said parcel containing 116 square feet, more or less, as shown outlined in red on the plan attached hereto and prepared by E.T. Wong, B.C.L.S., dated the 23rd day of July, 1964.

3. Upon registration of the said deed in fee simple in the Land Registry Office in the City of New Westminster, in the Province of British Columbia, the said lands shall be

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established as a public highway.

Read a first time this 24th day of August, 1964.

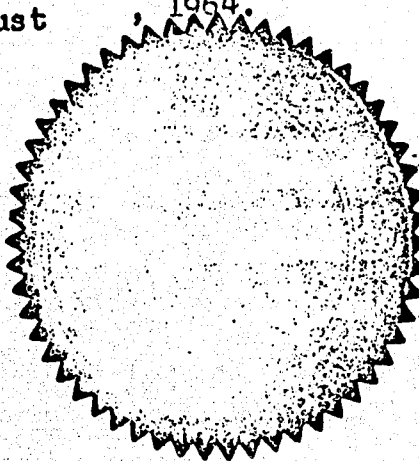
Read a second time this 24th day of August, 1964.

Read a third time this 24th day of August, 1964.

Reconsidered and adopted this 31st day of

August

, 1964.



*[Signature]*  
REEVE

*[Signature]*  
CLERK