

ITEM 9
MANAGER'S REPORT NO. 47
COUNCIL MEETING July 7/75

Re: Restrictive Covenant for Subdivision Reference #26/75
6460 Roberts Street

Following is a report from the Director of Planning regarding a restrictive covenant for Subdivision Reference #26/75.

RECOMMENDATION:

1. THAT Council authorize the preparation and execution of a covenant pursuant to Section 24A of the Land Registry Act as more specifically described in the Planner's report.

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PLANNING DEPARTMENT
JUNE 20, 1975

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: SUBDIVISION REFERENCE #26/75 - D.L. 79
RESTRICTIVE COVENANT

The subject property is located on Roberts Street north of the Municipal Complex, as shown on the attached sketch, and is legally described as Lot 43, Plan 46922, D.L. 79, N.W.D.

BACKGROUND

The Municipal Approving Officer granted Tentative Approval of Subdivision for the subject property on March 26, 1975.

The subdivision application was submitted to facilitate mortgage financing for the two phase construction of two identical four-storey office blocks which are being constructed under Rezoning Reference #38/73, which was finally adopted on January 13, 1975.

One of the conditions of Final Approval of Subdivision stipulated that the owner of the subject properties must enter into a covenant pursuant to Section 24A of the Land Registry Act stating that the newly created lots will be used in the following manner:

(CANADIAN FREEHOLD) will grant to the registered owners of the newly created lots and their employees, agents, visitors, invitees and licensees, the following:

- 1) the right to use those parts of the newly created lots not included in the Buildings for the purpose of pedestrian access to and from these lots, and

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- ii) the right to use the driveways and parking areas of the newly created lots for the purpose of vehicular access to and from these lots, and
- iii) the right to use sanitary sewer, storm sewer, water, electrical and communication services provided to the newly created lots and the right to enter upon these lots for the purpose of repairing and maintaining the said services.

on the condition that the cost of maintaining the driveways and parking areas referred to in Paragraph (ii) above and the services referred to in Paragraph (iii) above shall be shared equally by the registered owners of the newly created lots.


Burnaby will covenant and agree to release this covenant and to discharge it from the newly created lots upon the registration of a plan consolidating the newly created lots into one lot or parcel.

EXISTING SITUATION

The owner has satisfied all of the requisite conditions for final approval of subdivision and it is in order to prepare and execute the Covenant Documents.

RECOMMENDATION

THAT the Council authorize the preparation and execution of a Covenant pursuant to Section 24A of the Land Registry Act as more particularly described in this report.

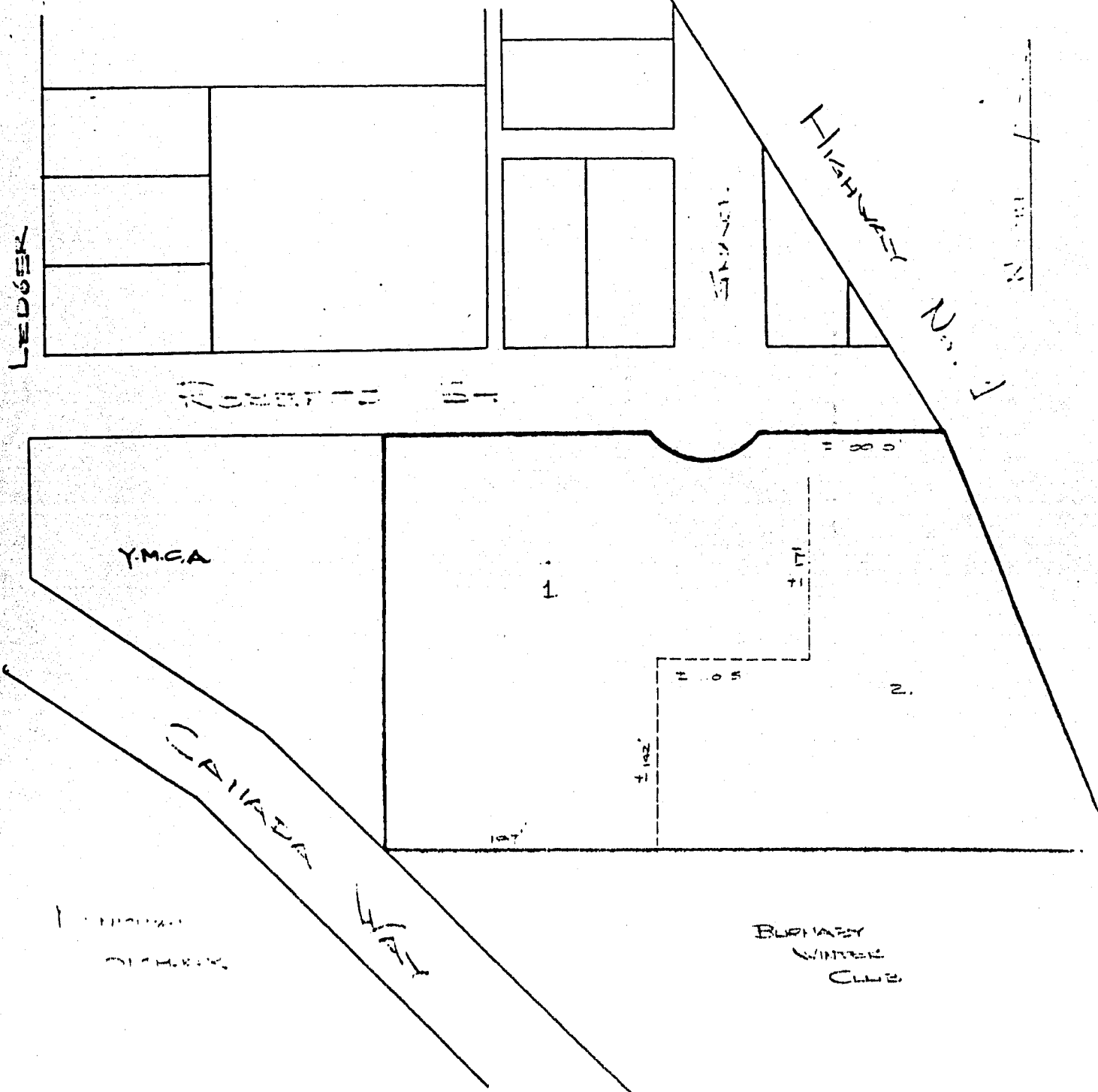

A. L. Parr
DIRECTOR OF PLANNING

PB:cw
Att.

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LOT 43
 PLAN 46932
 D.L. 79

S.D. # 26/75
 X-Ref. S.D. 144/74
 R.Z. 30/73



Note: Require COVENANT TO ENSURE CONSOLIDATION OF LOTS 1 & 2 PRIOR TO THE SALE OF EITHER PARCEL.

• SUBDIVISION IS FOR MORTGAGE PURPOSES ONLY.

1" = 100'
 MAR. 75