

ITEM SUPPLEMENTARY 23
MANAGER'S REPORT NO. 52
COUNCIL MEETING 1983 08 22

RE: CENTRAL PARK AND THE ALRT PROJECT

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the *Municipal Solicitor* be adopted.

* * * * *

August 19, 1983

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL SOLICITOR
RE: CENTRAL PARK AND THE ALRT PROJECT

RECOMMENDATION:

1. THAT the Minister of Lands Parks and Housing be requested to consent to the attached licence.
2. THAT the Municipal Clerk be authorized to execute the attached licence, subject to the consent of the Minister of Lands Parks and Housing being endorsed thereon.

R E P O R T

BACKGROUND:

B.C. Transit has requested permission to use small portions of Central Park adjacent to the B.C. Hydro right-of-way for temporary construction purposes for the ALRT line. A copy of the proposed licence is attached.

The licence comprises some 3,445 square feet made up of 16 locations of approximately 215 square feet in area and would run from August 25, 1983 to August 24, 1984 with payment of \$1.00 therefor.

The Department of Planning and Building Inspection has no objection to the request provided that the landscaping and tree restoration and retention proposal agreed to between the Recreation Department and B.C. Transit is adhered to.

The Department of Recreation and Cultural Services is satisfied with the contents of the Licence document.

CENTRAL PARK LEASE:

The Corporation is restricted by the Central Park Lease to using the land for recreational purposes only. The consent of the Minister of Lands Parks and Housing would be required before any other use is permitted.


P. W. Flieger
MUNICIPAL SOLICITOR

PWF:gmc
Attach.

cc: Director Recreation and Cultural Services
Director Planning and Building Inspection

NO.: 11-46-10

PROJECT: Section G

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MANAGER'S REPORT NO. 52
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BRITISH COLUMBIA TRANSIT
RAPID TRANSIT PROJECT

158

In consideration of the sum of one

(\$ 1.00) Dollars, (the "Consideration"), I/We Corporation of
the District of Burnaby (the "Grantor"), of 4949 Canada Way
Burnaby V5G 1M2 hereby offer to grant to British Columbia Transit
(the "Grantee") a temporary non-exclusive license over that portion of the
following lands and premises: Those portion of Central Park (District
Lot 151 Group 1 N.W.D.) as shown coloured in red on the attached plan

- (1) The purpose of the license is for the construction, maintenance and operation of a rapid transit system of travel (the "Rapid Transit System") by the Grantee and for access thereto by the Grantee and its agents, servants, employees, contractors, workmen, all persons authorized by the grantee, invitees and licensees;
- (2) The grant of the license by the Grantor to the Grantee is only for the period of August 25, 1983 to August 24, 1984 (inclusive) and subject to the following terms:
 - (a) It is understood and agreed that Grantee intends to use the Property intermittently and occasionally during the period referred to above, and that Grantee's use of the Property shall not be exclusive. Grantor will continue to use the Property as public park
 - (b) Grantee shall give Grantor one day notice (except in case of emergency when Grantee shall give such notice as is practicable in the circumstances) of its intention to use the Property on each occasion, and shall include in such notice an estimate of the period of time during which such use shall continue.
- (3) The Grantor shall not do or permit to be done any act or thing on the Property which shall interfere with the rights and purposes granted herein;
- (4) The Consideration shall be payable as a cash payment on the August 25, 1983; or such earlier date as may be mutually agreed upon;
- (5) The Grantee shall have possession of the license at 12:00 noon on the ~~1st day of~~ August 25, 1983.
- (6) During the term of the grant of the license, the Grantee shall be responsible for the due payment of that portion of all taxes and assessments duly and lawfully levied against the Property, exclusive of improvements, which are attributable to the license;
- (7) The Grantee shall, at its cost and risk, be entitled to demolish any and all buildings, improvements or fixtures or any part thereof, located on the Property and shall restore the Property to its original condition at the end of this agreement, or in any event no later than 60 days after the expiration of this agreement;
- (8) There are no representations, warranties, guarantees, promises or agreements other than those contained herein, all of which contained herein shall survive the completion of sale;
- (9) Time shall be of the essence hereof.

BRITISH COLUMBIA
RAPID TRANSIT PROJECT

- 2 -

ITEM SUPPLEMENTARY 23
MANAGER'S REPORT NO. 52
COUNCIL MEETING 1983 08 22

This offer shall be irrevocable until and be open for acceptance up to 12:00 o'clock a.m. on the _____ day of _____, 1983 and upon acceptance by the Grantee signing a copy of this offer there shall be a binding agreement on the terms and conditions herein set forth.

DATE: _____ day of _____, 1983.
Corporation of District of
Burnaby

SECRETARY

The Grantee hereby accepts the above offer and promises and agrees to complete the agreement on the terms and conditions set out above.

DATE: _____ day of _____, 1983.

BRITISH COLUMBIA TRANSIT

Per: _____
AUTHORIZED SIGNATORY

EXPLANATORY PLAN OF
RIGHT OF WAY OVER A
CENTRAL PARK (DISTRICT
GROUP 1, N.W.D.)

PURSUANT TO SECTION 9-

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COUNCIL MEETING 1983 08 22

SCALE 1:200
30m 0 50
DISTANCES ARE IN METRES AND DE
GRIANGS ARE ASTROMOMIC AND
PLAN 3962

CERTIFIED CORRECT ACCORDING
TITLE OFFICE RECORDS
Walter J. Shaw
DATED THIS 15TH DAY OF MARCH

THIS PLAN LIES WITHIN THE GREATER VANCOU

BOOK OF REFERENCE

LOT	BLOCK	PLAN	AREA (m ²)
1	-	3076	3200

