

ITEM 20
MANAGER'S REPORT NO. 46
COUNCIL MEETING 1984 07 09

RE: SUBDIVISION REFERENCE #63/83 - D.L. 87
MUNICIPAL SUBDIVISION - SIXTH STREET/LAKEFIELD DRIVE
ROBERT BURNABY PARK - AMENDMENT TO PARK BOUNDARY
(ITEM 6 REPORT NO. 13, 1984 FEBRUARY 20)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Approving Officer be adopted.

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TO: MUNICIPAL MANAGER 1984 JULY 05
FROM: APPROVING OFFICER
RE: SUBDIVISION REFERENCE #63/83 - D.L. 87
MUNICIPAL SUBDIVISION - SIXTH ST./LAKEFIELD DRIVE
ROBERT BURNABY PARK - AMENDMENT TO PARK BOUNDARY

RECOMMENDATION:

1. THAT Council authorize the preparation and introduction of a by-law to amend a portion of the boundary of Robert Burnaby Park as more particularly described in this report.
2. THAT Council authorize the preparation of a survey plan by the Engineering Department defining the area required for road allowance purposes (approximately 396 m²) and the area to be added onto the park (approximately 309 m²) to accompany the by-law.

BACKGROUND:

REPORT

Council, on 1984 February 20, received a report advising of the intent to advance the subject municipal subdivision for servicing in 1984 and subsequent sale of the lots by public tender.

The perimeter road of this subdivision (shown as Road 'A' on the attached sketch) runs adjacent to Robert Burnaby Park. There are two areas where the road alignment will slightly alter the park boundary. As can be noted, an area of approximately 396 m² will be required from the park for road allowance purposes and an area of approximately 309 m² will be redundant to the subdivision and may be added into the park.

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By-law No. 551 (see copy attached) was finally passed by Council on 1926 November 22 to define and set aside those lands now known as Robert Burnaby Park for park purposes. It is our understanding from the Municipal Solicitor that if we wish to have the park boundary amended as shown, a by-law may be forwarded to Council under Section 532 of the Municipal Act which states in part that "A reservation which may have been placed on land pursuant to subsection (1) may be removed by a bylaw adopted by an affirmative vote of at least 2/3 of all the members of the Council" (see attached copy). This by-law would also require the approval of the Minister of Municipal Affairs.

CURRENT SITUATION:

The Parks and Recreation Commission, after reviewing our request for the amendment to the park boundary at their meeting on 1984 July 04, granted approval to the proposal.

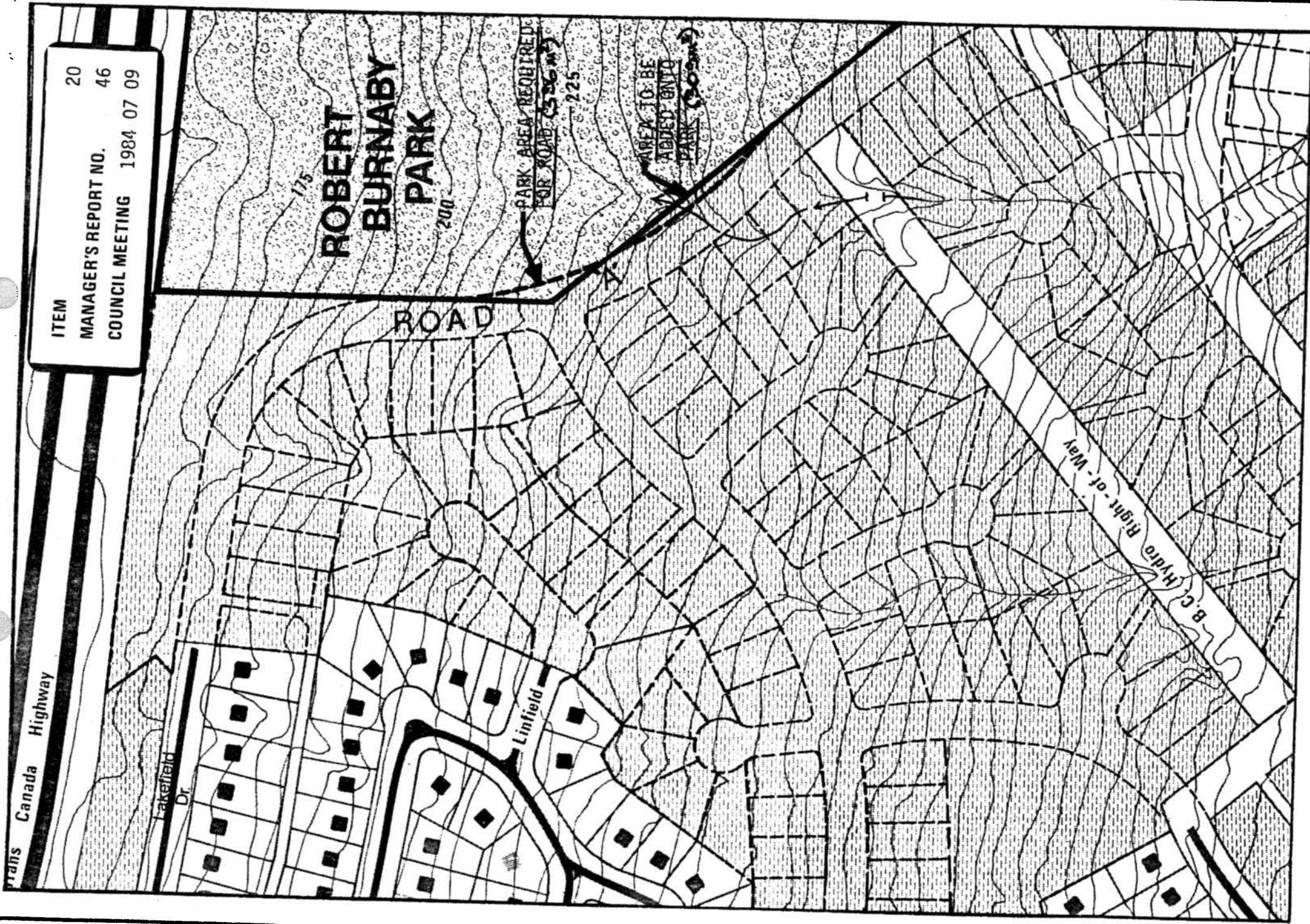
The legal survey and design work for this subdivision is now underway by our consultant. It will be necessary that a survey plan be prepared by the Engineering Department to define the area required for road allowance purposes and the area to be added onto the park to accompany this by-law.

We are, therefore, writing to seek Council authority to proceed with a by-law to amend the boundary of Robert Burnaby Park.

CW:ad
Atts.
cc: Municipal Solicitor
Director Recreation & Cultural Services
Director Engineering



A. L. Parr,
APPROVING OFFICER



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Date

1984 JUNE

Scale

1" = 200'

Drawn By

C.W.



Burnaby Planning Department



SUBDIVISION REFERENCE #63/83

By-law to set aside for park - Robt Burnaby Park.

COUNCIL/ITEM OF NEW DISTRICT OF BURNEY

BY-LAW NO. 551.

A BY-LAW to define and set aside certain lands within the Municipality of Burnaby for Park purposes.

WHEREAS by paragraph "d" of sub-section 175 of Section 54 of the "Municipal Act" it is provided that in every Municipality the Council may, by by-law finally passed by a three-fourths vote of all the members thereof, and without obtaining the assent of the electors, define an area comprising lands that have become the property of the Municipality through tax sale proceedings and set aside such area for park purposes, for recreation grounds, or school sites, or for other public purposes.

AND WHEREAS it is considered expedient and in the public interest that certain lands in District Lot 89, Group 1, New Westminster District, should be so set aside.

THEREFORE the Municipal Council of the Corporation of the District of Burnaby ENACTS as follows:

1. There is hereby defined and set apart for park purposes all of the lands comprised in Lots 1 and 2 of Lot 89, Group 1, Map No. 4005 deposited in the Land Registry Office at New Westminster and Lot 3 of Lot 89 Group 1 Map No. 3064 deposited in the Land Registry Office at New Westminster, subject however to the reservation of a sixty six (66) feet right of way for the purpose of the extension of the Grandview Highway.

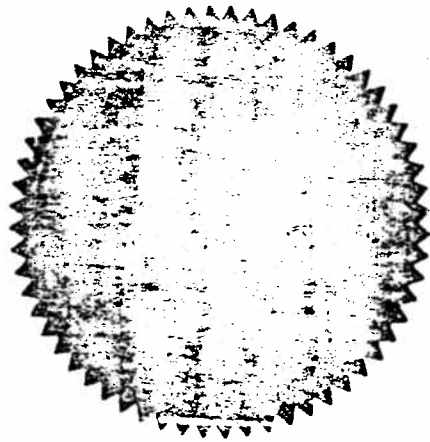
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2. This by-law may be cited as "BONA FIDE
 OCCASION BY-LAW D.L. 69. 1926"

DONE AND PASSED in Open Council this Ninth (9th)
 day of November, A.D. 1926.

REC'D AND PASSED and FINALLY PASSED this Twenty second
 (22nd) day of November, A.D. 1926.



REVE

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CLERK

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1979

MUNICIPAL

RS CHAP. 290

(3) Where property developed or acquired under this section is sold by the municipality, the proceeds from the sale shall, after due provision has been made for money borrowed or advanced for the costs of development under this section, be dealt with in the manner provided in section 537.

(4) Nothing in this section prevents the council reserving any portion of the land for municipal or public purposes.

RS1960-255-465: 1971-38-38; 1973-133-50.51; 1977-57-29.

Power to accept any property

531. The council of a city, town, district or village municipality may accept and receive any property devised, bequeathed, conveyed or transferred to the municipality, subject to any trusts on which it is devised, bequeathed, conveyed or transferred. Where the sale of a property so accepted or received is necessary in order to carry out the terms of a trust, the council may sell it, notwithstanding any limitations or restrictions in this Act. All money held by a municipality subject to a trust shall, until required for the purposes of the trust, be invested in the manner provided for the investment of sinking funds.

RS1960-255-466.

DIVISION (2) — DISPOSAL OF PROPERTY

Power to reserve land

532. (1) The council of a city, town, district or village municipality may by bylaw reserve for a particular municipal or other public purpose land owned by the municipality.

(2) A reservation which may have been placed on land pursuant to subsection (1) may be removed by a bylaw adopted by an affirmative vote of at least 2/3 of all the members of the council.

(3) A bylaw adopted under subsection (2) is not valid without the approval of the minister, who may, before giving his approval, direct that the assent of the electors of the municipality be obtained.

(4) Notwithstanding section 283, the council may by bylaw, with the consent of the minister, provide for obtaining by referendum the opinion of the electors at any time on the question of the removal or modification of a restrictive covenant affecting the title to land owned or held by the municipality.

RS1960-255-467: 1964-33-49; 1973-133-52.53; 1977-57-29.

Power to dedicate land

533. (1) The council of a city, town, district or village municipality may, with the assent of the electors, by bylaw dedicate for a public purpose real property owned by the municipality.

(2) Notwithstanding subsection (1), the assent of the electors is not required for the dedication, by any means whatever, of real property for highways or of real property of an area of 5 000 m or less for any other public purpose.

RS1960-255-468: B.C. Reg. 304/77.