

ITEM 10  
MANAGER'S REPORT NO. 4  
COUNCIL MEETING 94/01/24

TO: CITY MANAGER 1993 DECEMBER 15  
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 08.640  
SUBJECT: BARNET/HASTINGS PEOPLE MOVING PROJECT  
LICENCE FOR CONSTRUCTION ACCESS Barnet Highway  
PURPOSE: To request Council approval to execute a Licence for Construction Access to City owned lands on Inlet Drive.

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**RECOMMENDATION:**

1. THAT Council authorize the City Solicitor to execute the Licence for Construction Access in *Attachment B* to the Barnet Hastings People Moving Project for City owned lands on Inlet Drive.

**REPORT**

**1.0 BACKGROUND**

On 1993 October 05, staff received correspondence from the Ministry of Transportation and Highways requesting that the City of Burnaby grant the Ministry a Licence for Construction Access to City owned lands on Inlet Drive and Cliff Avenue as part of the Barnet/Hastings People Moving Project. The correspondence in *Attachment A* notes that the Ministry plans to tender the construction contract for the Inlet Drive section of the Project in the near future, but that acquisition of City owned property to accommodate the construction has not been completed. Therefore, in order to allow construction to proceed while concurrently negotiating for acquisition of City lands the Ministry wishes to secure a limited tenure over City lands in the form of a Licence for Construction Access.

This report is written to request Council authorization for the City Solicitor to execute the Licence.

**2.0 TERMS OF LICENCE**

The Licence for Construction Access would allow the Ministry the right to enter and occupy City owned properties on Inlet Drive to undertake construction activities as noted on page 1 of Attachment B. The Licence would exist for a two year term with an option to renew on receipt of a notice from the Ministry prior to expiry of the term. Upon expiry of the term the Ministry would restore the property including the repair or replacement of all underground services disturbed, damaged or destroyed and would clean up grade and replant the property.

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**3.0 PROJECT DESCRIPTION**

The overall concept plan for the Inlet Drive and Cliff Avenue sections of the Barnet/Hastings People Moving Project was approved by Council in 1992 April and by the Parks Commission in 1992 February. Final design plans reflecting this concept have been reviewed by City staff from the Planning, Engineering and Parks and Recreation Departments. The project involves the development of Inlet Drive to a four lane standard including sidewalks, lighting, utilities and landscaping and the construction of Cliff Avenue to a final standard including curb, sidewalk, landscaping and an urban trail. The Project would affect the City owned properties shown in Figure 1 which are largely located within the Westridge Park area.


**4.0 PROJECT TIMING**

The Inlet Drive section of the Barnet Hastings People Moving Project is expected to be tendered in early 1994 February for a construction start in 1994 March or April. Transfer of the Inlet Drive properties would be effected upon conclusion of the value for value exchange involving all property required for the construction of the Hastings/Gaglardi Connector, Inlet Drive and Cliff Avenue. Staff are currently involved in discussions with the Ministry in this regard but may not be in a position to bring forward a value for value exchange proposal for Council consideration in time to effect transfer of the properties prior to tendering of the Inlet Drive project.

**5.0 CONCLUSION**

The Licence for Construction Access granted to the Ministry of Transportation and Highways would permit construction to be initiated on the Inlet Drive and Cliff Avenue sections of the Barnet/Hastings People Moving Project in 1994 Spring. In this regard the City of Burnaby has a direct interest in facilitating this work as it includes the reconstruction of Cliff Avenue and the development of an Urban Trail along Cliff Avenue from Hastings Street to Bayview. Should transfer of required City owned properties be completed by 1994 Spring the Licence for Construction Access will not be necessary. Otherwise the Licence will be required to avoid delay to these projects.

Both the City Solicitor and staff of the Parks and Recreation Department have reviewed the Licence in *Attachment B* and are able to support the recommendation that Council authorize the execution of the Licence.

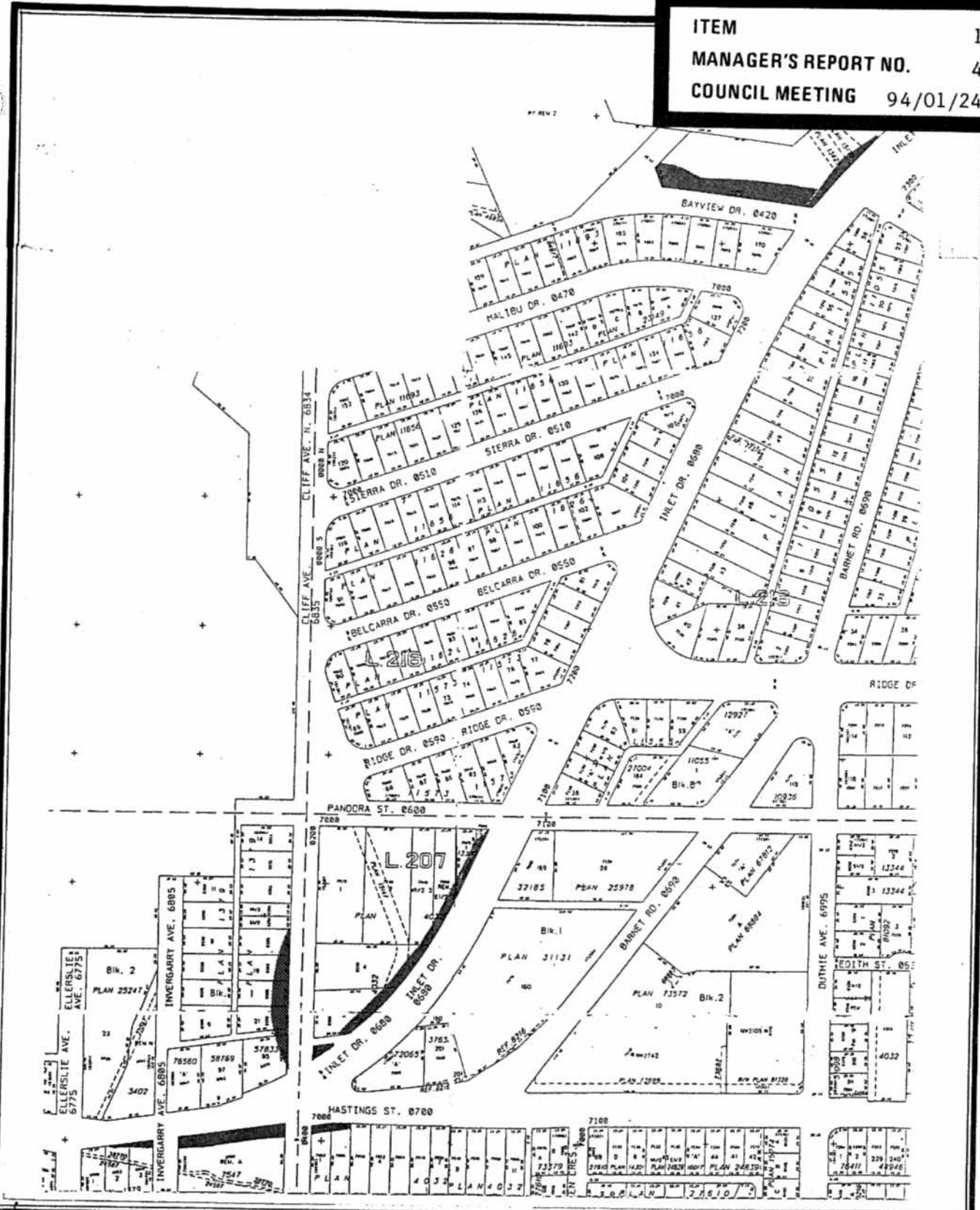
  
D.G. Stenson, Director  
PLANNING AND BUILDING

  
RG/db

Attachments

cc: Director Administrative & Community Services  
Director Engineering  
134 Director Recreation & Cultural Services  
City Solicitor

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Date: 1993 DEC.  
 Scale: NTS.  
 Drawn By:



FIGURE 1  
 LICENCE FOR  
 CONSTRUCTION ACCESS  
 CITY LANDS INVOLVED



Province of  
British Columbia

Ministry of  
Transportation  
and Highways

Property Services  
South Coast Region  
310 - 625 Agnes Street  
New Westminster, B.C.  
V3M 5Y4  
Tel: (604) 660-8290  
Fax: (604) 660-8278

**Attachment A**

October 5, 1993

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VIA COURIER

City of Burnaby  
4949 Canada Way  
Burnaby, B.C.  
V5G 1M2

Attention: R. Glover, Manager, Transportation Planning

Dear Sir:

Re: Barnet/Hastings People Moving Project (Inlet Drive)

The Ministry plans to tender the construction contract of the Inlet Drive section of the project in the near future. As you know, we are working towards acquiring road right of way through City lands to accommodate the proposed limits of construction. However, the valuation and transfer of that right of way is still pending and it is unlikely to occur prior to us calling tender.

We wish to secure a limited tenure through City lands prior to awarding the above contact and concurrently negotiate with the City to acquire the necessary right of way. In this regard, we request that the City grant us a License for Construction Access so we can proceed with construction. This License will grant us the right to enter and occupy City lands within the limits of the project for construction purposes.

Note that the area shown in red outline on the Right of Way Acquisition Plan is the subject of the Licence. However, the shaded areas will eventually become road right of way as they are acquired, and the designated "Working Easement" areas will remain alive for the term of the Licence.

Enclosed is a License for Construction Access for your review and consideration. Please arrange for your authorized signatory to execute the License and return to my attention as soon as possible. If you wish to discuss the foregoing matter in greater detail, please contact me directly 660-8748.

Yours truly,

Randal W. Wenger  
Property Agent

/rww  
Enc.

City of Burnaby  
Planning Department

OCT - 6 1993

Req. No. 15048

cc: Terry Walton, Project Manager, MoTH

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PROVINCE OF BRITISH COLUMBIA  
MINISTRY OF TRANSPORTATION AND HIGHWAYS

Barnet/Hasting People Moving Project(Inlet Drive)  
PROJECT NO: 0-8729-0000

AGENT: R.W. Wenger  
PHONE: 660-8729

LICENCE FOR CONSTRUCTION ACCESS

LICENSOR:  
City of Burnaby  
4949 Canada Way  
Burnaby, B.C.  
V5G 1M2

*Attachment B*

LICENSEE:  
Her Majesty the Queen in Right of the  
Province of British Columbia as  
represented by the Minister of  
Transportation and Highways

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GRANT:

1. For and in consideration of the promise by the Licensee to pay the sum of ONE DOLLAR (\$1.00), (receipt of which is hereby acknowledged by the Licensor) being sufficient consideration in full, the Licensor grants the Licensee together with the Licensee's machinery, vehicles, supplies, and equipment, a right to enter upon and occupy the following described lands and premises:

Parcel Identifier: (see Schedule "A" attached hereto)  
Legal Description: (see Schedule "A" attached hereto)  
Civic Address: (see Schedule "A" attached hereto) (the "Property")

and conduct the Activities (as hereinafter described) on the following terms and conditions:

COVENANT NOT TO REVOKE:

1. For and in consideration of the promise by the Licensee to pay the sum of ONE DOLLAR (\$1.00) (receipt of which is hereby acknowledged by the Licensor) being sufficient consideration in full, the Licensor covenants not to revoke this Licence.

ACTIVITIES:

2. The Licensee has, for the Term of this Licence, the right to enter and occupy the Property for purposes of completing the following project: The Barnet/Hasting People Moving Project (Inlet Drive), Project No. 0-8729-0000 (the "Project"), and all things pertinent and incidental to the Project, including without limitation, clearing, constructing, restoring the Property, adjusting slopes, grades, constructing and maintaining a public work, roadway, street, curb, gutter, sidewalk, fencing, sewer line, water line, or drainage basin (the "Activities").

Licensor \_\_\_\_\_ Licensee RA

**TERM:**

3. The right to enter, occupy, and conduct the Activities upon the Property shall be for a term of two years commencing on the 1st day of January 1994 and ending on the 30th day of December, 1995 (the "Term").

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**OPTION TO RENEW:**

4. The Licensor covenants to renew this Licence on the same terms and conditions upon receipt of a notice from the licensee, prior to the expiry of the Term.

**RESTORATION:**

5. Upon expiry of the Term, the Licensee will repair or replace all underground services disturbed, damaged, or destroyed in completing the Project. The Licensee will clean up the Property, dispose of all debris resulting from the Licensee's Activities and grade and vegetate the Property.

**NO WARRANTIES:**

6. There are no commitments representations, warranties, guarantees, promises, or agreements, other than those contained herein.

**FUTURE DISPOSITIONS OF THE PROPERTY:**

7. The Licensor covenants not to transfer, assign or otherwise dispose of the Property without giving Notice to the Licensee, and until the Licensee has obtained a similar licence from the proposed transferee. The Licensor covenants to obtain a similar licence between the Licensee and any proposed transferee. The Licensor will not be released from these obligations until the licence has been executed with the proposed transferee.

**CROWN FUNDS:**

8. For the purpose of the Canadian Excise Tax Act, R.S.C. 1985, c. E-15, and the Goods and Services Tax, this is to certify that the Property and/or the services ordered and/or acquired hereby are for the use of, and are being acquired with Crown funds, by the British Columbia Ministry of Transportation and Highways.

**NUMBER AND GENDER:**

9. In this Licence any reference to a party includes the party's heirs, executors, administrator, successors, assigns, servants, agents and employees, singular includes plural, and masculine includes feminine and neuter as the case may be.

**RELEVANT LAW:**

10. This Licence will be governed by and construed in accordance with the laws of the Province of British Columbia.

**NOTICE:**

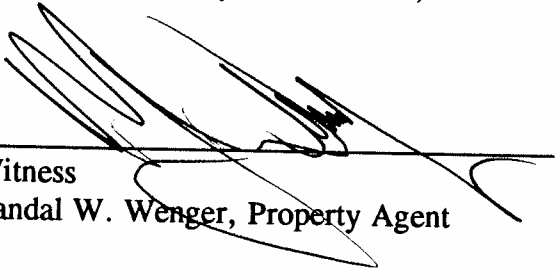
11. Any notice required or permitted to be given hereunder will be delivered or mailed by prepaid registered mail to the addresses herein or at such other address as either party may from time to time designate by notice in writing to the other. Any notice delivered will be deemed to be given upon acceptance by the receiving party. Any notice mailed by prepaid registered mail will be deemed to be given 72 hours after mailing.

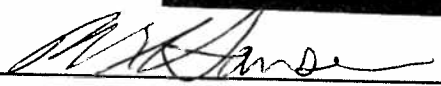
**SCHEDULE "A" & DRAWING NO. R1-189-02:**

12. The Licensor and Licensee acknowledge and agree that pages 1 to 3, inclusive, of Schedule "A" and sheets 2 to 14, inclusive, of Right of Way Acquisition Drawing No. R1-189-02 form part of this Licence.

Dated this 13th day of December, 1993.

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 \_\_\_\_\_  
 Witness  
 Randal W. Wenger, Property Agent

  
 \_\_\_\_\_  
 Ron Hansen, Manager, Property Services  
 Authorized Signatory for Her Majesty the  
 Queen in Right of the Province of British  
 Columbia as represented by the Minister of  
 Transportation and Highways  
 #310 - 625 Agnes Street,  
 New Westminster, B.C. V3M 5Y4

#310 - 625 Agnes Street,  
New Westminster, B.C. V3M 5Y4

The Licensor hereby accepts the above Licence and agrees to the terms and conditions set forth herein, on this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
 Witness  
 \_\_\_\_\_  
 Address

\_\_\_\_\_  
 City of Burnaby  
 By Its Authorized Signatory  
 4949 Canada Way  
 Burnaby, B.C. V5G 1M2

\_\_\_\_\_  
 Witness  
 \_\_\_\_\_  
 Address

\_\_\_\_\_  
 City of Burnaby  
 By Its Authorized Signatory

*Handwritten stamp: 601/14*

## SCHEDULE "A"

- 1) Parcel Identifier: 012-129-267  
That 9.0 square meter portion of Part (Statutory Right of Way Plan 24587) Lot 2 Block 9 District Lot 206 Group 1 New Westminster District Plan 1379
- 2) Parcel Identifier: 012-129-275  
That 42.1 square meter portion of Part (Statutory Right of Way Plan 24587) Lot 3 Block 9 District Lot 206 Group 1 New Westminster District Plan 1379.
- 3) Parcel Identifier: 011-260-289  
Civic Address: 6950 Hastings Street, Burnaby, B.C.  
That 702 square meter portion of Lot "A" Except: Part Subdivided by Plan 7848; District Lot 206 Group 1 New Westminster District Plan 7547
- 4) Parcel Identifier: 011-016-981  
Civic Address: 7002 Hastings Street, Burnaby, B.C.  
That 57.7 square meter portion of Lot 1 Block 5 District Lot 207 Group 1 New Westminster District Plan 4043
- 5) Parcel Identifier: 011-016-990  
Civic Address: 7006 Hastings Street, Burnaby, B.C.  
That 36.6 square meter portion of Lot 2 Block 5 District Lot 207 Group 1 New Westminster District Plan 4032
- 6) Parcel Identifier: 014-005-158  
That 88.3 square meter portion of Lot 6 Except: Part on Plan with Bylaw Filed 60847, Block 1 District Lot 207 Group 1 New Westminster District Plan 4032
- 7) Parcel Identifier: 011-016-671  
That 34.9 square meter portion and that 249 square meter portion of Lot 5 Except: Part Lying South and East of Highway Shown on Statutory Right of Way Plan 15900; Block 1 District Lot 207 Group 1 New Westminster District Plan 4032
- 8) Parcel Identifier: 011-016-655  
That 84.5 square meter portion and that 280.1 square meter portion of Lot 4 Except: Part Lying South and East of Highway Shown on Statutory Right of Way Plan 15900; Block 1 District Lot 207 Group 1 New Westminster District Plan 4032
- 9) Parcel Identifier: 011-016-621 and 003-092-003  
Civic Address: 7050 and 7040 Pandora Street, Burnaby, B.C.  
That 80.5 square meter portion and that 301.1 square meter portion of the East Half and West Half of Lot 3 Except: Part (Statutory Right of Way Plan 15900); Block 1 District Lot 207 Group 1 New Westminster District Plan 4032

Licensor \_\_\_\_\_ Licensee BA

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COPY



## SCHEDULE "A"

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- 10) Parcel Identifier : 009-797-904  
Civic Address: 7070 Pandora Street, Burnaby, B.C.  
That 5.4 square meter portion, that 224.3 square meter portion and that 27.2 square meter portion of Lot 1 Except: Part Red on Statutory Right of Way Plan 15900; District Lot 207 Group 1 New Westminster District Plan 13300
- 11) Parcel Identifier: 009-797-963  
Civic Address: 7080 Pandora Street, Burnaby, B.C.  
That 111.5 square meter portion of Lot 2 Except: Part Red on Statutory Plan 15900; District Lot 207 Group 1 New Westminster District Plan 13300
- 12) Parcel Identifier: N/A  
Certificate of Indefeasible Title No. 155775E  
That 35.9 square meter portion and that 2,721.4 square meter portion of Block 2 Except Firstly: Parcel "J" (Explanatory Plan 11574), Secondly: Part Subdivided by Plan 11055, Thirdly: Part on Statutory Right of Way Plan 15900; District Lot 216 Group 1 New Westminster District Plan 3083
- 13) Parcel Identifier: 012-129-496  
Civic Address: 395 Cliff Avenue, Burnaby, B.C.  
That 197.8 square meter portion and that 167.4 square meter portion of Lot 21 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
- 14) Parcel Identifier: 012-129-488  
Civic Address: 385 Cliff Avenue, Burnaby, B.C.  
That 273.0 square meter portion and that 174.2 square meter portion of Lot 20 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
- 15) Parcel Identifier: 012-129-356  
Civic Address: 365 Cliff Avenue, Burnaby, B.C.  
That 235.8 square meter portion and that 178.2 square meter portion of Lot 19 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
- 16) Parcel Identifier: 012-129-330  
Civic Address: 325 Cliff Avenue, Burnaby, B.C.  
That 122.9 square meter portion and that 170.3 square meter portion of Lot 18 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
- 17) Parcel Identifier: 012-129-453 and 003-174-476  
Civic Address: 291 Cliff Avenue, Burnaby, B.C.  
That 14.2 square meter portion and that 124.5 square meter portion of the South Half and the North Half of Lot 17 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379

Licensors \_\_\_\_\_ Licensee RAA

## SCHEDULE "A"

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- 18) Parcel Identifier: 003-174-565  
Civic Address: 261 Cliff Avenue, Burnaby, B.C.  
That 60.3 square meter portion of Lot 16 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
  
- 19) Parcel Identifier: 012-129-399  
Civic Address: 211 Cliff Avenue, Burnaby, B.C.  
That 60.3 square meter portion of Lot 15 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
  
- 20) Parcel Identifier: 012-129-381  
Civic Address: 211 Cliff Avenue, Burnaby, B.C.  
That 60.3 square meter portion of Lot 14 Block 1 District Lot 206 Group 1 New Westminster District Plan 1379
  
- 21) Parcel Identifier: 003-091-945  
Civic Address: 7010 Pandora Avenue, Burnaby, B.C.  
That 222.6 square meter portion of Lot 1 District Lot 207 Group 1 New Westminster District Plan 4032
  
- 22) Parcel Identifier: 008-967-806  
Civic Address: 151 Cliff Avenue, Burnaby, B.C.  
That 1,096.3 square meter portion of Lot 1 District Lot 217 Group 1 New Westminster District Plan 27151

**NOTE: The areas described above are all shown on the attached Right of Way Acquisition Drawing No. R1-189.**

**END OF DOCUMENT**

Licensor \_\_\_\_\_ Licensee RS

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