

TO: CITY MANAGER February 24, 1998
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 8.640
SUBJECT: Willingdon On-Ramp Relocation: Licence for Construction Access

PURPOSE: To request Council approval of a Licence for Construction Access for the Ministry of Transportation and Highways over City owned property at the intersection of Willingdon Ave. and Still Creek Drive to facilitate the construction of the new Willingdon on-ramp at Highway 1.

RECOMMENDATION:

1. **THAT** Council grant the Ministry of Transportation and Highways a Licence for Construction Access under the terms and conditions as outlined in *Attachment A* of this report.


REPORT

1.0 BACKGROUND

As part of the construction of the new Willingdon on-ramp this year, the Ministry of Transportation and Highways will be constructing a sidewalk on the Grandview Highway extending from Willingdon Ave. to Ingleton Ave. To facilitate this construction near the intersection of Willingdon Avenue and Grandview Highway, the Ministry requires a working easement over City owned property as shown in *Figure 1*. The Licence for Construction Access documents shown in *Attachment A* would allow the Ministry contractor access over City owned lands for purposes of construction according to the following terms and conditions:

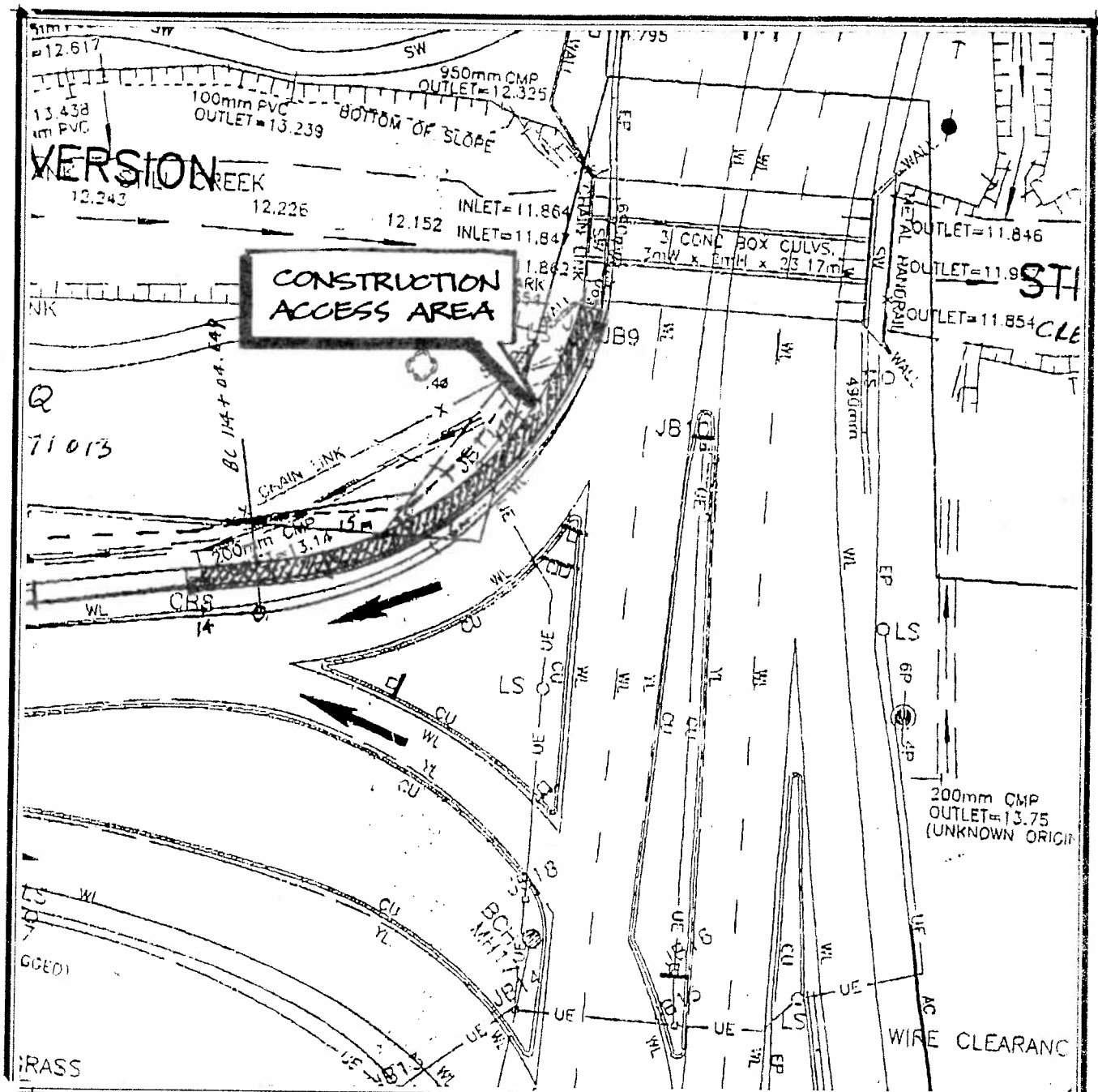
1. Right to enter and occupy lands for the purpose of constructing the project including clearing, restoring, adjusting slopes, removing existing pathway, aligning grades, constructing sidewalks, and reinstating the chain link fence and steps.
2. Covers the period from 1998 April 1 to 1998 December 31 with an option to renew for a further six months if necessary.
3. Property to be restored upon conclusion of project.

The City Solicitor has reviewed the document and it is recommended that Council grant the Licence for Construction Access to the Ministry of Transportation to permit the Willingdon on-ramp project to proceed.


D.G. Stenson, Director
PLANNING AND BUILDING

Attachments
RG\sk

cc: Director, Engineering



Date:	FEB 24 1998
Scale:	NTS
Drawn By:	



City of Burnaby
 Planning & Building Dept

FIGURE 1

WILLINGDON/GRANDVIEW HIGHWAY
 LICENSE FOR CONSTRUCTION ACCESS



Project: Willingdon Weave
File: 100419

February 11, 1998

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

Attention: Bruce Rose
Legal Department

Dear Mr. Rose

Re: License for Construction Access
T.C.H. Willingdon - Grandview Ramp Relocation
Lot Q District Lot 70 Group 1 NWD Plan 71013

RECEIVED
FEB 12 1998
LEGAL DEPARTMENT

As part of the Willingdon-Grandview Ramp Relocation project it will be necessary for some upgrading to take place at the corner of Willingdon Ave. and Still Creek. For your information, I have enclosed an information sheet on our contemplated highway project.

The enclosed design drawing R1-358-504R/W indicates an encroachment of 113.2m² for the purposes of sidewalk widening. A further detailed drawing indicates the location of sidewalk in yellow highlight. As the City of Burnaby has requested a sidewalk at this location, it is considered that a working easement covered by a *License for Construction Access* should adequately cover our permission for construction entry. Any chain link fencing and wooden staircase affected by our works will be reinstated at this location. It is also understood that under a maintenance agreement, the City of Burnaby is expected to maintain the enclosed drainage, curb and sidewalk.

The anticipated period of time for which we will require access to the area for the construction activities is for the period April 1st to December 31st, 1998. Under the license, the Ministry may enter upon the area of occupation lawfully as permitted by the Licensor and may carry out the permitted activities within the authority granted by the License. The works undertaken are for the benefit of all parties concerned; therefore, nominal compensation acknowledgment for the activities to be carried out on the subject lands under the License is considered adequate and sufficient.

Please review the enclosed *License for Construction Access* together with enclosed drawings and if you have any questions or other concerns in this regard, do not hesitate to contact me. If there are no further concerns, and you are in concurrence with the agreement, please obtain the appropriate signatures and return to our offices.

Thank you for your assistance and co-operation in this matter.

Yours truly,



Marlyne Mandziak
Property Agent

Enclosures



Province of
British
Columbia

Ministry of
Transportation
and Highways

**LICENSE FOR
CONSTRUCTION ACCESS**

PROJECT: 09575
DATE: February 11th, 1998

FILE: 100419
AGENT: Marlyne Mandziak

LICENSOR: City of Burnaby

LICENSEE: Her Majesty the Queen in
Right of the
Province of British
Columbia,
as represented by
The Minister of
Transportation and
Highways
(hereinafter called
the Licensee)

(hereinafter called the
Licensor)

GRANT: For and in consideration of the sum of ONE Dollar (\$1.00), (Receipt of which is hereby acknowledged), being sufficient consideration in full, to be paid within 30 days of signing this agreement the Licensor grants the Licensee and the employees, contractors, agents and invitees of the Licensee together with their machinery, vehicles, supplies, and equipment, a right to enter upon and occupy the following described lands:

Legal Description: All those portions of Parcel Identifier No. 003-164-179, Lot Q, District Lot 70 Group 1 New Westminster District Plan 71013 shown as 113.2m² working easement on schedule "A" attached.

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

1.00 COVENANT NOT TO REVOKE:

1.01 For and in consideration of the promise by the Licensee to pay the sum of One Dollar (\$1.00), being sufficient consideration in full, the Licensor covenants not to revoke this License.

2.00 ACTIVITIES:

2.01 The Licensee has, for the Term of this License, the right to enter and occupy the Property for purposes of completing the following project: Trans Canada Highway: Willingdon-Grandview Ramp Relocation (the "Project"), and all things pertinent and incidental to the Project, including without limitation, clearing, restoring the Property, adjusting slopes, removing existing pathway, aligning grades, construction of sidewalk, reinstating the chain link fence and steps. (the "Activities").

3.00 TERM:

3.01 The right to enter, occupy, and conduct the Activities upon the Property shall commence on the 1st day of April, 1998 and end on the 31st day of December, 1998 (the "Term").

4.00 OPTION TO RENEW:

4.01 The Licensor covenants to renew this license for six months only on the same terms and conditions except this clause 4.01 upon receipt of a notice from the Licensee, prior to the expiry of the Term.

5.00 RESTORATION:

5.01 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 and dispose of all debris resulting from the Licensee's Activities and restore the Property ready for landscaping.

6.00 LIMITATION OF FURTHER CLAIMS:

6.01 In consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Licensee to the Licensor, the receipt and sufficiency of which is hereby acknowledged by the Licensor, the Licensor further agrees to release the Licensee including the employees, servants, agents, of the Licensee from any and all claims, actions, demands, losses, damages, costs, and expenses under the *Expropriation Act*, S.B.C. 1987, c.23, the *Highways Act*, R.S.B.C. 1979, c.167, and the *Ministry of Transportation and Highways Act*, R.S.B.C. 1979, c.280, based upon or arising out of or in connection with the Activities of the Licensee, its employees, servants, agents, under this License and in accordance with this License.

7.00 NO WARRANTIES:

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

8.00 FUTURE DISPOSITIONS OF THE PROPERTY:

8.01 The Licensor covenants not to transfer, assign, or otherwise dispose of the Property during the term without obtaining a similar license from the proposed transferee.

9.00 CROWN FUNDS:

9.01 For the purposes of the Canadian Excise Tax Act, R.S.C. 1985, c. E-15, and the Goods and Services Tax("GST"), 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.

10.00 NUMBER AND GENDER:

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

11.00 RELEVANT LAW:

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

12.00 NOTICE:

12.01 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.

In witness whereof the parties have executed this agreement.

Dated this 11 day of FEBRUARY, 1998.

Markyie Manziak
Witness

X M.J.P. Fitzsimmons
M.J.P. Fitzsimmons
Supervisor, Property Acquisitions
Authorized Signatory for Her Majesty the Queen in Right of the
Province of British Columbia as represented by the Minister of
Transportation and Highways

Suite 200, 9718 - 197B Street, Langley, B.C. V1M 3G3
Address

Witness

X _____
Authorized Signatory
City of Burnaby

4949 Canada Way, Burnaby, B.C. V5G 1M2
Address

Willingdon-Grandview Ramp Relocation Project

The Willingdon-Grandview Ramp Relocation Project is a sub-project of the Trans Canada Highway HOV Project, Grandview to Cape Horn. The location where the westbound on-ramp traffic merges with the highway will be relocated to a point west of the Grandview Highway overpass and Ingleton Avenue.

This project will eliminate a cross-weave pattern that currently exists between the Grandview Highway-bound traffic exiting the Trans Canada Highway and the traffic that enters the freeway from Willingdon Avenue.

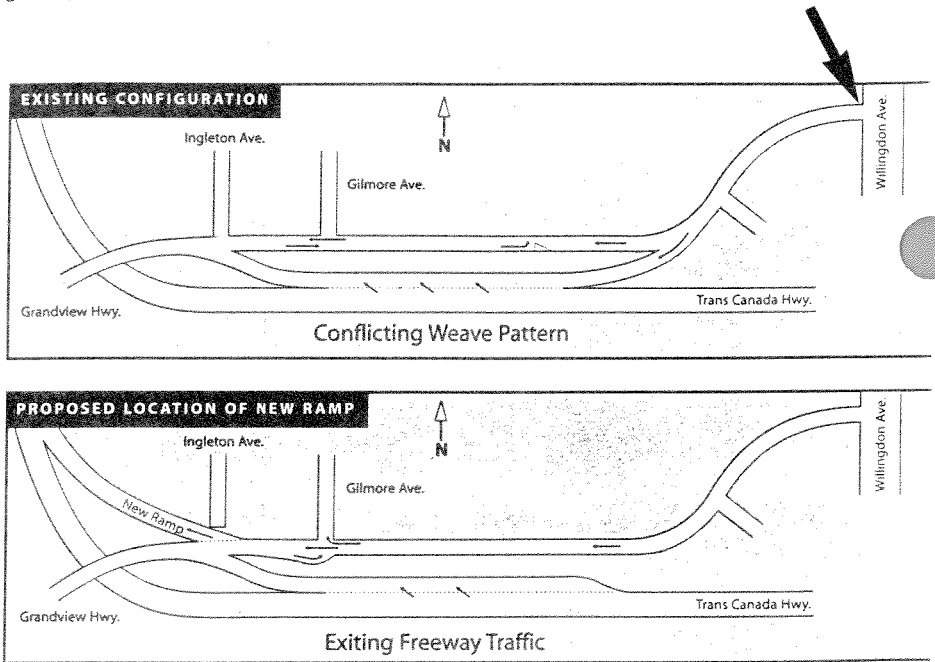
Schedule and Costs

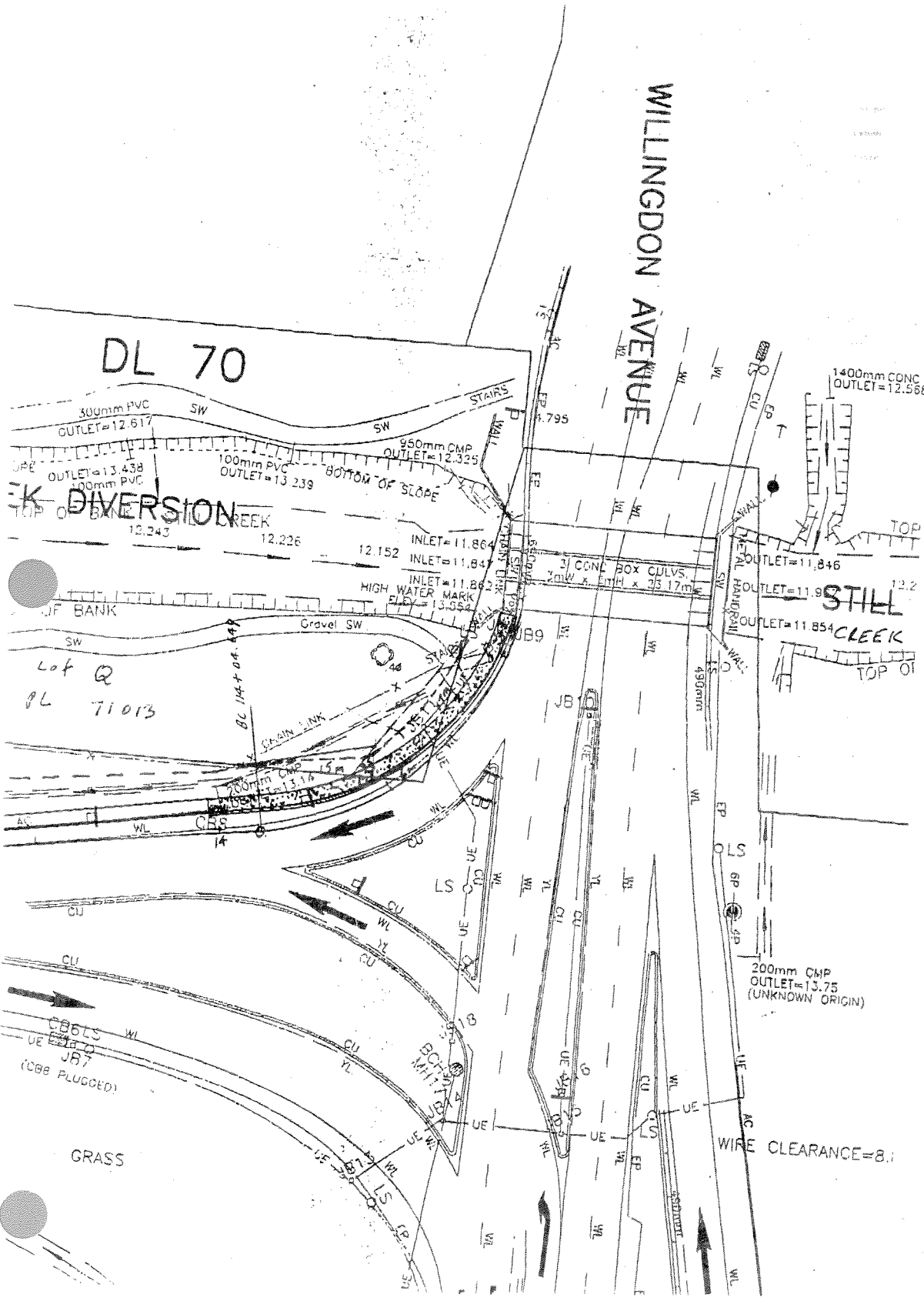
Construction will be underway from April to September 1998, in conjunction with the opening of the Trans Canada Highway HOV Project, Grandview to Cape Horn.

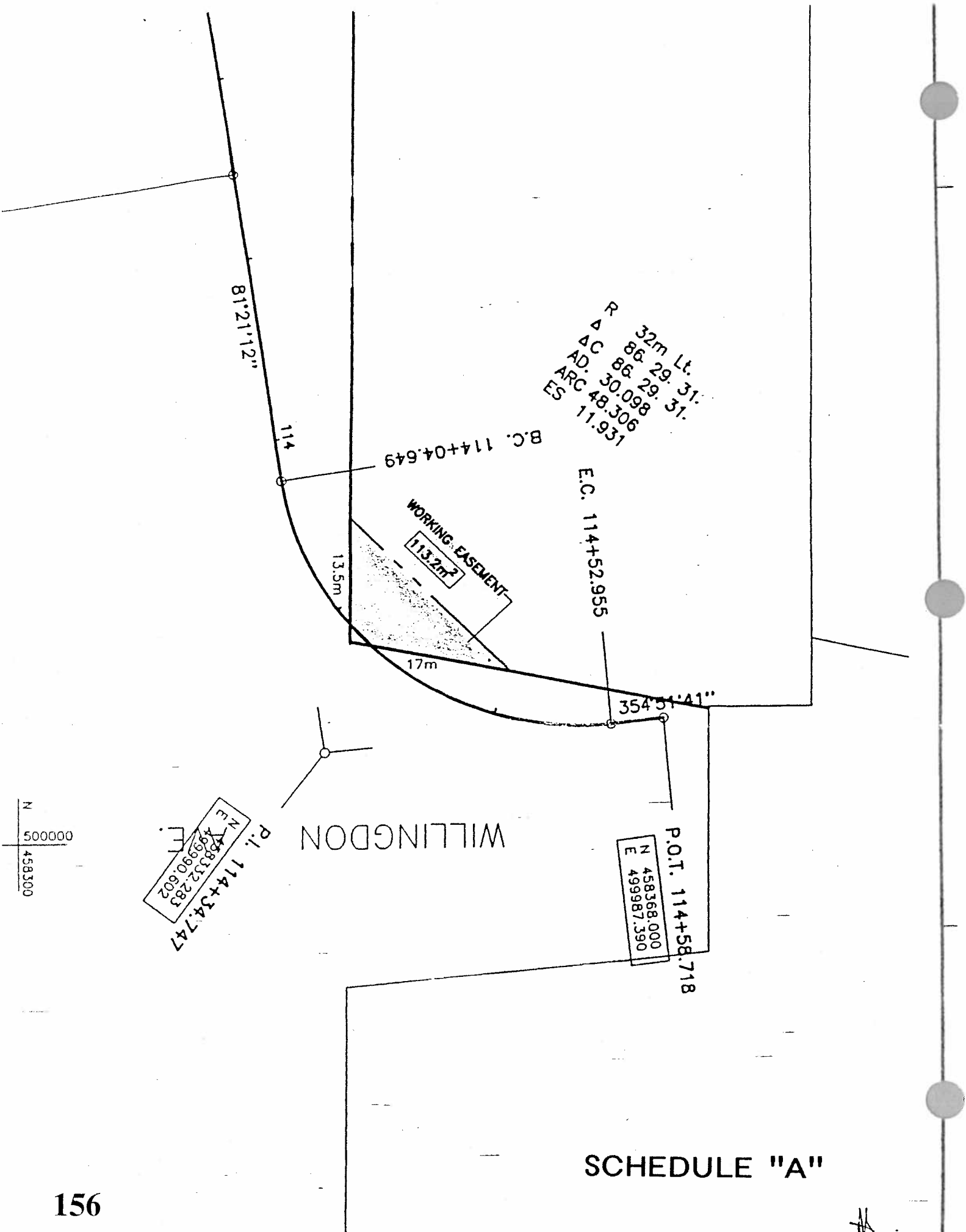
The project budget is approximately \$4.6 million including property acquisition, design and construction. The project is being funded by the British Columbia Transportation Financing Authority. In addition, the City of Burnaby will cost share for some municipal requested items.

The Project Involves:

- *improving traffic safety by eliminating the weave of conflicting off-ramp and on-ramp traffic;*
- *improving the traffic flow for traffic exiting and entering the Trans Canada Highway; and*
- *constructing urban features including curb and gutter, sidewalk and landscaping along Grandview Highway.*







R 32m Lt. 31.
 Δ AC 86.29.31.
 AD. 30.098
 ARC 48.306
 ES 11.931
 196.11

B.C. 114+04.649

E.C. 114+52.955

WORKING EASEMENT
 113.2m²

13.5m

17m

354°51'41"

WILLINGDON

P.O.T. 114+58.718

N 458368.000
 E 499987.390

P.I. 114+34.747
 N 458332.283
 E 499990.602

N 500000
 E 458300

SCHEDULE "A"

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