
TO: CITY MANAGER **DATE:** 2008 October 15

FROM: DIRECTOR PARKS, RECREATION &
CULTURAL SERVICES

**SUBJECT: CENTRAL PARK /BC PARKWAY - MEMORANDUM OF
UNDERSTANDING AND STATUTORY RIGHT-OF-WAY FOR THE
GVWD BOUNDARY ROAD WATER MAIN NO. 5**

PURPOSE: To obtain authority to enter into a Memorandum of Understanding with GVWD for the restoration, re-alignment and lighting of the Central Park Section of the BC Parkway within city-owned DL 4095 as part of the GVWD BRMN5-3E project and to obtain authority to grant a statutory right-of-way over DL 4095 for the GVWD water main.

RECOMMENDATIONS:

1. **THAT** a Memorandum of Understanding for the restoration, re-alignment and lighting of the BC Parkway as part of the Greater Vancouver Water District Boundary Road Main No. 5 - Phase 3 East project be approved as discussed in this report.
2. **THAT** the granting and execution of a Statutory Right-of-Way over District Lot 4095, Group 1, New Westminster District located within Central Park, in favour of the Greater Vancouver Water District for regional water main purposes be approved, under the terms and conditions outlined in this report.
3. **THAT** a copy of this report be forwarded to the Burnaby Parks, Recreation and Culture Commission, the Burnaby Community Heritage Commission and the Greater Vancouver Water District for their information.

REPORT

INTRODUCTION

In 2006 the Greater Vancouver Water District (GVWD) commenced the planning and preliminary design phase for the Boundary Road Main No. 5 - Phase 3 East project (BRMN5-3E). The purpose of the BRMN5-3E is to replace 9.5 kilometres of aging 1.8 metre (72 inch) water pipe that has reached the end of its service life. The new pipe will connect the regional water supply from the new Seymour Filtration Plant located in the Seymour Conservation

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Reserve in North Vancouver by gravity feed to the GVWD reservoirs located at Burnaby Heights Park and Central Park in Burnaby.

City Staff from the Parks, Planning and Engineering Departments worked with GVWD's Water and Drainage District staff to find a route in the vicinity of Central Park for the south section of its new water main. An acceptable alignment was found which benefits both the City and GVWD utilizing a former rail siding corridor, known as DL 4095, which the City has recently acquired from the British Columbia Hydro and Power Authority (BC Hydro). The route alignment through Central Park for the GVWD's BRMN5-3E is illustrated in Attachment #1.

This alignment provided an opportunity for the City to acquire additional land for Central Park and road purposes (portions are required for Kingsway and Patterson Avenue road dedications); and for GVWD, it provided a route for its water main between Kingsway and Patterson Avenue via a proposed 7.6 m. to 10 m. wide statutory right-of-way corridor over a portion of District Lot 4095.

The granting of the requested statutory right-of-way was subject to GVWD meeting a number of requirements relating to the City's support of the preferred route alignment for the GVWD's BRMN5-3E, including but not limited to the restoration of the existing BC Parkway path and landscaping which will be impacted by the BRMN5-3E project, and its upgrading with lights in conjunction with the City, and submission by GVWD of a suitable plan to protect the Central Park Entrance Gate, a designated city heritage structure as well as a conceptual design for the trail alignment, grading, drainage, lighting and landscaping suitable for bonding purposes.

In place of a bond, a Memorandum of Understanding between GVWD and the City has been prepared and is included here as Attachment #2. The MOU sets out the parties' obligations and authority related to the planning design, development and timing of the water main construction and BC Parkway restoration to ensure facilities are functional, and that public use and other land use development and management issues are addressed during construction and transfer of BC Parkway improvements to the City upon completion of the BRMN5-3E construction by GVWD.

The MOU also includes the form of agreement which has been negotiated for the requested SRW and Temporary Permission to Enter and Construct, and outlines the application requirements for a Heritage Alteration Permit. It is requested that Council's authorization be given to grant and execute the statutory right-of-way agreement subject to GVWD signing the MOU.

BC PARKWAY RESTORATION, RE-ALIGNMENT AND UPGRADING

In June 2007 Translink commissioned a design study to re-design the entire BC Parkway corridor from Vancouver to Surrey, with the goal to improve commuter cycling and pedestrian movement, user safety, way-finding and landscaping along the corridor. The conceptual design work is expected to be completed by early 2009, however, it may be a number of years before the plan is implemented as funding is not currently in place for detailed design and

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implementation of the project. Burnaby has representation on the Technical Advisory Committee directing the consultants in their design work. The re-alignment and lighting of the BC Parkway trail in this key section at Central Park is included in Translink's preliminary plan for the Parkway upgrade.

The Burnaby Parks, Recreation and Culture Commission has hired a consultant team and initiated a public consultation process to prepare a new management plan for Central Park. The preliminary vision for the park calls for a wide lit pedestrian and cycle connection between the Patterson Skytrain Station and Swangard Stadium as well as a strong connection between the main part of the park and the Central Park Triangle at an elevation set by these two sections of the park.

City and Translink staff have consulted on the best alignment, elevation and grade for the BC Parkway re-design through this Central Park section, and it is proposed that two side by side 4.0 metre wide paved paths with an adjacent 1.5 metre planting strip with lighting, be constructed within DL 4095.

The proposed route alignment for the GVWD BRMN5-3E will impact the existing BC Parkway improvements within DL 4095, and therefore there is an opportunity to have GVWD construct one half of this lit and re-aligned segment of the BC Parkway between Kingsway and Patterson Avenue as part of its water main project. GVWD has agreed to restore the BC Parkway within DL 4095 based on the Parkway re-alignment, elevation and grade outlined above, and will be hiring a consulting team to prepare a detailed design of the re-aligned pathway which includes a grading and drainage plan, a trail and landscape plan, a geotechnical assessment, and a lighting plan. The northerly 4.0 metre paved path and 1.5 metre landscape strip with lighting is to be constructed by GVWD as part of the BRMN5-3E project and maintained by Burnaby.

The lighting component is an upgrade to the BC Parkway, and as such is considered an additional cost to the BRMN5-3E project. GVWD has agreed to design and construct the lighting component if the city will reimburse GVWD for half the net design and construction costs of the lighting component within three years. The specific terms of this agreement are outlined in Section 3.0 of the attached MOU.

The re-alignment of the BC Parkway over the new water main within District Lot 4095, combined with a planned signalized crossing at Kingsway and a proposed future re-establishment of a grade separated crossing of Boundary Road by Translink, will result in the trail being more direct for Parkway users and more accessible for Central Park visitors including those accessing Swangard Stadium from the Patterson Skytrain Station. Surveillance opportunities along the BC Parkway from Skytrain, Kingsway and Patterson Avenue will also be improved.

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CENTRAL PARK ENTRANCE GATE, PROTECTED HERITAGE SITE

As a designated heritage site protected by bylaw, all proposed design changes to the Central Park Entrance Gate requires Council approval and authorization of a Heritage Alteration Permit (HAP). The small "wing wall" section of the Central Park Entrance Gate will be impacted by the water main construction project. Currently this section of the entrance gate is in poor condition and will be required to be reconstructed in the future. The proposed MOU includes provisions for the stone components of the wing wall to be dismantled and stored for this future City of Burnaby project. As such, the Community Heritage Commission and Council authorization will be sought for the dismantling of the small section of wall under a separate HAP report. The future conservation and restoration of the Central Park Entrance Gate and reconstruction of the wing wall will be the subject of a future report to Council.

STATUTORY RIGHT-OF-WAY

GVWD has requested that upon acquisition of DL 4095, the City grant it a statutory right-of-way varying in width from 10.0 m. to 7.6 m. along the north side of the 15.24 m wide corridor for its BRMN5-3E works and service access. The form of agreement for the statutory right-of-way and a site plan showing the proposed right-of-way area are included in the attached MOU.

At its Closed meeting of 2008 March 17, Council approved compensation in the amount of \$5.70 per square foot for the requested right-of-way area. Based on an estimated total right-of-way area of 63,579 sq. ft., the value of the proposed statutory right-of-way is estimated at \$362,400. The final area of the right-of-way will be subject to survey.

The granting of the requested right-of-way is subject to the granting of the Heritage Alteration Permit, as well as the signing of an MOU by GVWD as outlined earlier in this report.

SUMMARY

At the suggestion of the City, in its efforts to find a route for its Boundary Road Main No. 5 - Phase 3 - East Section, GVWD contacted BC Hydro to request a statutory right-of-way over a portion of its property, District Lot 4095. B.C Hydro responded that rather than granting a right-of-way, it was prepared to negotiate the sale of its property to either GVWD or the City. The opportunity to acquire this key property was welcomed by the City as it will advance the long held goal to include this key property within Central Park.

The acquisition of the DL 4095, combined with the alignment of the BRMN5-3E through this corridor, also provides the opportunity for the City and Translink to work in partnership with the GVWD to re-align the Central Park section of the BC Parkway to improve it for continued use by commuter cyclists, pedestrians and those attending park events by public transit. For these reasons, it is recommended that Council authorize the City to enter into an MOU with GVWD for the restoration, re-alignment and upgrading of the BC Parkway and to authorize the granting

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and execution of a statutory right-of-way over city owned DL 4095 in favour of GVWD for the Boundary Road Water Main No. 5 - Phase 3 East.

It is also requested that the Parks, Recreation and Culture Commission, the Community Heritage Commission and GVWD be sent a copy of this report for information.



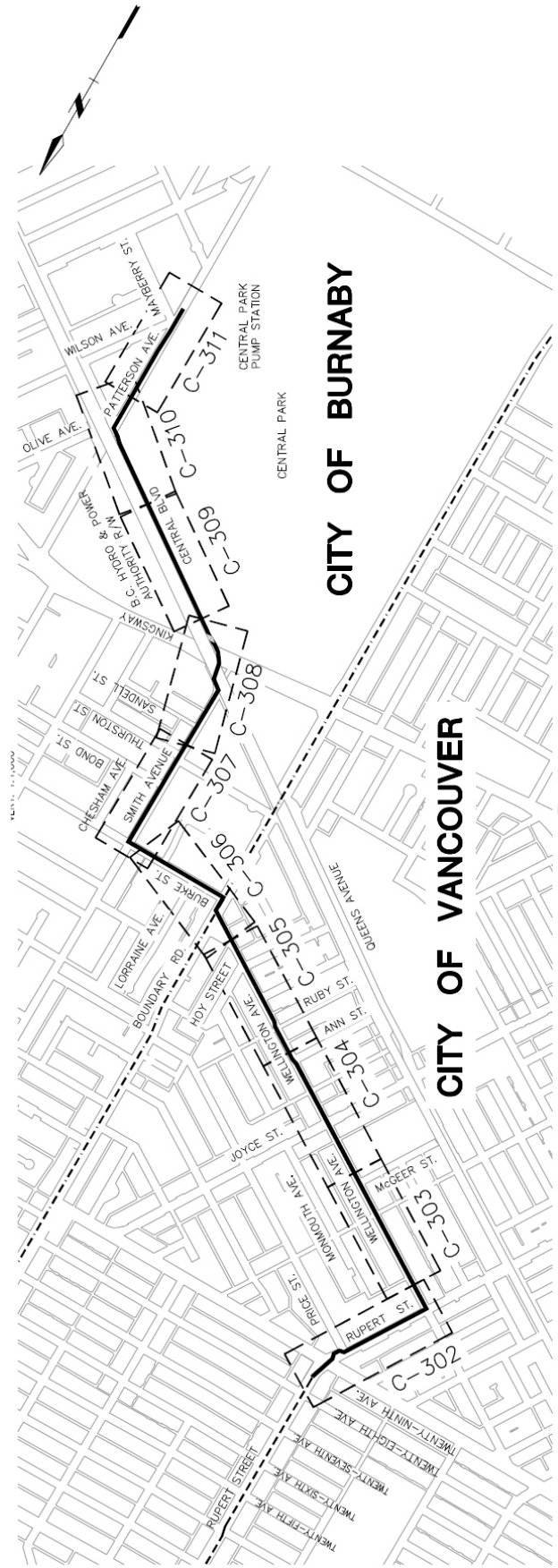
Dave Ellenwood
DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

ATS:ats:tc

Attachments (2)

PK- REVI CENTRAL PARK-BC PARKWAY - MEMORANDUM OF UNDERSTANDING

Copied to: City Solicitor
Director Finance
Director Engineering
Director Planning and Building



**ROUTE ALIGNMENT:
Greater Vancouver Water District
Boundary Road Main No. 5 - Phase 3 - East**

THIS MEMORANDUM OF UNDERSTANDING

Is dated for reference this day of 2008

BETWEEN: CITY OF BURNABY
4949 Canada Way
Burnaby, British Columbia
V5G 1M2

(hereinafter defined as the “City”)

(OF THE FIRST PART)

AND: GREATER VANCOUVER WATER DISTRICT
4330 Kingsway
Burnaby, British Columbia
V5H 4G8

(hereinafter defined as the GVWD”)

RE: BOUNDARY ROAD MAIN NO. 5 – CENTRAL PARK/BC PARKWAY SECTION

WHEREAS:

- The GVWD and the City have agreed to a route alignment for the GVWD’s proposed Boundary Road Main No. 5 – Phase 3-East Section (BRMN5-3E) which benefits both the City and GVWD by utilizing a former rail siding corridor, known as DL 4095, Group 1, NWD, in the vicinity of Central Park;
- The City has acquired DL 4095 for inclusion in Central Park and to facilitate the alignment of the GVWD’s proposed BRMN5-3E water main through DL 4095;
- A section of the BC Parkway Pedestrian and Cycling Trail presently traversing the east half of DL 4095 (and formerly under licence to Translink), will be impacted by the construction of the BRMN5-3E Project and will need to be temporarily re-routed during construction, restored and upgraded with lights (the City desires that the Parkway be lit) in a re-aligned location within DL 4095 after completion of the water main construction by GVWD;
- The concept for this section of the BC Parkway is as two parallel paved 4.0 metre paths with a 1.5 metre landscaped strip with lighting. The pathways, landscape strip and lighting would be located on DL 4095 within the proposed GVWD right-of-way as shown in the attached Appendix A – Site Plan. The northerly of the two 4.0 metre paved paths, lighting and landscape strip is to be constructed by GVWD as part of the BRMN5-3E Project;

- Subject to Council approval, the City has agreed to grant GVWD a Statutory Right-of-way Agreement (SRW), attached as Appendix B – Draft SRW Agreement, for the BRMN5-3E. The granting of the SRW is subject to compensation from GVWD in the amount of \$5.70 per square foot for the requested SRW area (based on fair market value), and restoration and re-alignment of a lit BC Parkway path over the new water main section from Kingsway to Patterson Avenue by GVWD as part of the BRMN5-3E Project in advance of the commencement of the 2009 World Police and Fire Games scheduled for July and August 2009;

This Memorandum of Understanding will set out the parties' obligations and authority related to the planning, design, development and timing of the water main construction and BC Parkway restoration to ensure facilities are functional, and that public use and other land use development and management issues are addressed during construction and transfer of BC Parkway improvements to the City upon completion of the Central Park Corridor section of the BRMN5-3E construction by GVWD.

Now therefore the parties agree as follows:

1.0 BC Parkway Restoration - Planning and Design

- 1.1 GVWD will submit detail design plans for the restoration and re-alignment of a lit BC Parkway path over the new water main from Kingsway to Patterson Avenue within Central Park. The detail design plans are to be prepared in consultation with the City, Translink when appropriate, and their respective consultant teams working on the Central Park Management Plan and BC Parkway Upgrade and Re-alignment Study.
- 1.2 As a component of the detail design plans GVWD will prepare a grading plan for the pathway restoration and realignment which sets the elevation for the majority of the pathway length at the existing higher park elevation along the south side of the Central Park Corridor and brings it down to meet the existing elevation at the east end of the Central Park Entrance Gate Heritage Designation Area in the vicinity of Kingsway;
- 1.3 As a component of the construction design plans GVWD will prepare a drainage plan which satisfactorily addresses the drainage of any existing ditches crossing the new pathway, or in an alignment parallel to or in line with the new pathway to make and keep the pathway functional and to intercept and redirect drainage away from the east end of the Central Park Entrance Gate infrastructure;
- 1.4 GVWD will undertake a geotechnical assessment including consideration of the proposed placement of fill for the trail beside, or over any existing utilities in the Central Park Corridor (i.e. Terasen Gas mains, new Metro Vancouver water main) in order to assess the impact of fill over the existing utilities and be the basis for the detail design plan;
- 1.5 GVWD will prepare and design trail and landscape construction plans showing the northerly 4.0 m paved path and adjacent 1.5 m wide landscape and lighting strip as generally depicted on drawings attached as Appendix C;
- 1.6 GVWD will prepare and design a lighting plan for lighting of the BC Parkway Corridor Central Park Section at approximately 30 metre spacing between light standards in

accordance with the City Standards. Possible use of new LED lighting technology will be considered.

- 1.7 The BC Parkway restoration design and construction plans will be prepared by GVWD and approved by the City, including the alignment, grading, drainage, lighting, site structures (i.e. air valve and blow down chamber) and landscape treatment.

2.0 Heritage Component - Central Park Entrance Gate

- 2.1 The granting of the SRW is subject to GVWD's compliance with the Heritage Alteration Permit process requirements and City Council approval to issue a Heritage Alteration Permit, which requires that GVWD submit a design plan for the water main, service access and parkway path illustrating how the BRMN5-3E Project components will traverse the Heritage Designation Bylaw Area, how drainage in this area will be dealt with, and identification of any potential impacts to the heritage wall;
- 2.2 GVWD agrees to take all necessary steps to protect the designated heritage structure known as the Central Park Entrance Gate;
- 2.3 GVWD agrees to coordinate the removal of the decorative granite capstone from the “wing wall” section and deliver this capstone to a City of Burnaby storage facility;
- 2.4 GVWD agrees to dismantle the cobblestone and granite of the “wing wall” section and pile this stone in an agreed location until required for reconstruction of the “wing wall” by the City;
- 2.5 GVWD agrees to provide protective fencing for the stone pile and remaining Central Park Entrance Gate wall adjacent to the construction site.

3.0 Restoration Works and Funding of Lighting Component

- 3.1 GVWD agrees to design and construct at its cost the entire length of the northerly 4.0 metre width of paved path from Kingsway to Patterson Avenue, and the 1.5 metre landscape strip as per the approved detail design and construction plans as part of the BRMN5-3E Project;
- 3.2 GVWD agrees to design and construct the lighting of the BC Parkway path from Kingsway to Patterson Avenue as per the approved construction and detail design plans as part of the BRMN5-3E Project;
- 3.3 GVWD agrees to pay one half of the net design and construction costs of the BC Parkway lighting and will cover the entire cost of the design and construction upfront. The City agrees to pay one half of the net design and construction costs of the BC Parkway lighting. Re-payment by the City will be made within a three year period and be paid in full by December 31, 2011;
- 3.4 The costs referred to in section 3.3 shall be actual design and construction costs reasonable and necessarily incurred. Any dispute between the parties relating to such

costs which cannot be settled by agreement between them shall be determined by a single arbitrator under the BC Commercial Arbitration Act.

4.0 Temporary Re-routing of BC Parkway Users and Public Notification

- 4.1 The BRMN5-3E Project will impact public use of the existing section of the BC Parkway between Patterson Avenue and Kingsway, and therefore, provisions for the temporary re-routing of the BC Parkway during construction of the BRMN5-3E and its restoration afterwards will be required as a part of the BRMN5-3E Project.
- 4.2 The plans for the temporary relocation of the BC Parkway connection to Patterson Avenue and notification of the public will be prepared by GVWD's pipe installation contractor to the approval of the City, including the alignment and surfacing of the interim connection and trail signage.

5.0 Implementation Process

- 5.1 The GVWD will work cooperatively with the City of Burnaby and other agencies as required to design, build, and manage the Central Park section of the BC Parkway as outlined below while respecting unanticipated delays for land tenure, environmental and regulatory approvals or municipal capital priorities.

| Task | Milestone | Target Timeline |
|------|---|--------------------------|
| A | City supplies to GVWD the Draft Central Park Concept Plan and Conceptual Design Plan for the BC Parkway/Central Park Entrance Gate Kingsway Entry Plaza Area | Early October, 2008 |
| B | GVWD submits conceptual design plans for Heritage Alteration Permit Area for review and approval by City | Submitted April 25, 2008 |
| C | Council approval of the design plan for the Heritage Alteration Permit | October 2008 |
| D | City grants SRW to GVWD for BRMN5-3E upon signing of this MOU by both parties | October 2008 |
| E | GVWD submits strategy, including public notification process, for temporary re-routing of BC Parkway during construction for City review | November 2008 |
| F | GVWD submits detailed plan for temporary re-routing of BC Parkway during construction, and public notification for City review, and implements the plan upon approval by City | November – December 2008 |
| G | GVWD submits preliminary detail design and construction plans for trail, landscaping and lighting of BC Parkway for review and approval by the City | January 2009 |
| H | GVWD submits detail design and construction plans for trail, landscaping and lighting of BC Parkway for approval by City. | Mid-March 2009 |
| I | Final detail design for trail, landscaping and lighting approved by the City of Burnaby | Late March 2009 |

| | | |
|---|---|-----------|
| J | GVWD completes restoration and lighting of BC Parkway | June 2009 |
|---|---|-----------|

5.2 The City acknowledges that the BRMN5-3E Project must be completed and commissioned by April 2009 in order to meet the anticipated requirements of the GVWD and the City and Will work cooperatively with the GVRD to achieve the target timelines above to enable the GVWD to complete the BRMN5-3E Project by that date.

THIS MEMORANDUM OF UNDERSTANDING is signed by the parties below:

CITY OF BURNABY

By its authorized signatories

Per: _____

Print Name: _____

Signature: _____

GREATER VANCOUVER WATER DISTRICT

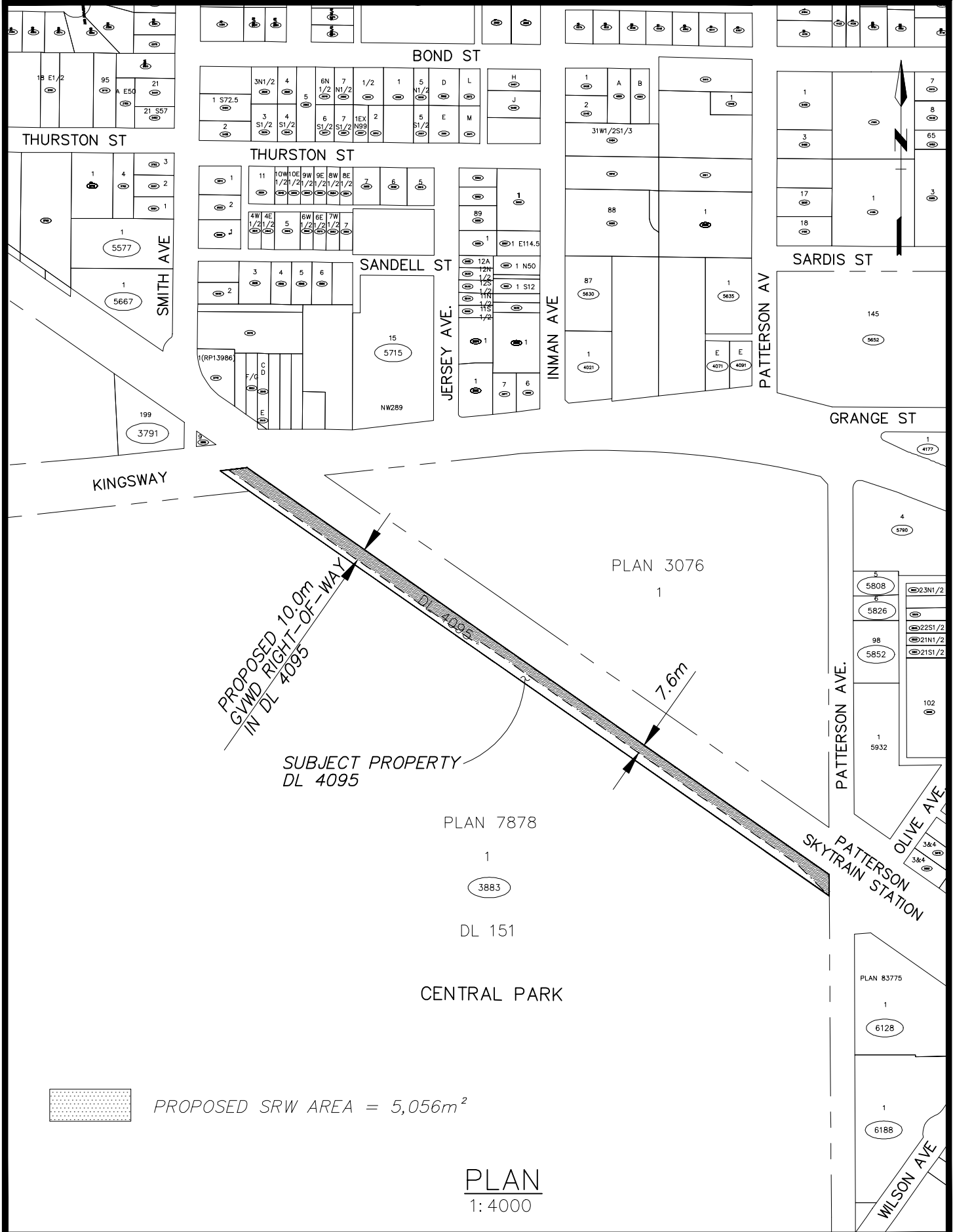
By its authorized signatories

Per: _____

Print Name: _____

Signature: _____

APPENDIX A – SITE PLAN



APPENDIX B

Land Title Act
FORM C
 (Section 233)

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Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office Use)

1. APPLICATION: (Name, Address, Phone Number and Signature of Applicant, Applicant's Solicitor or Agent)
GREATER VANCOUVER WATER DISTRICT Attention:
 4330 Kingsway,
 Burnaby, B.C. V5H 4G8
 Telephone: 432-6480 _____
 W216-040 (signature)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
(PID) (LEGAL DESCRIPTION)
 See Schedule E

3. NATURE OF INTEREST:*

| DESCRIPTION | DOCUMENT REFERENCE | PERSON ENTITLED TO INTEREST |
|---|---------------------------|------------------------------------|
| | (Page and Paragraph) | |
| Statutory Right of Way over part on Plan BCP _____ | Entire Instrument | Transferee |

4. TERMS: PART 2 OF THIS INSTRUMENT CONSISTS OF (SELECT ONE ONLY)

| | | |
|---------------------------------|-------------------------------------|---------------------------------------|
| (a) Filed Standard Charge Terms | <input type="checkbox"/> | D.F. No. |
| (b) Express Charge Terms | <input checked="" type="checkbox"/> | Annexed as Part 2 |
| (c) Release | <input type="checkbox"/> | There is no Part 2 of this instrument |

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):* CITY OF BURNABY, 4949 Canada Way, Burnaby, B.C., V5G 1M2

6. TRANSFEE(S):* (Including Postal Address(es) and Postal Code(s))*
GREATER VANCOUVER WATER DISTRICT, a corporation created by an Act of the
 Legislature of the Province of British Columbia, 4330 Kingsway, Burnaby, B.C. V5H 4G8

7. ADDITIONAL OR MODIFIED TERMS:* n/a

8. EXECUTION(S):** This instrument creates, assigns modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferee(s) Signature(s)
GREATER VANCOUVER WATER DISTRICT by its authorized signatories

| | | |
|----------|----------|----------|
| Y | M | D |
|----------|----------|----------|

DELIA LAGLAGARON

SIGN IN BLACK INK ONLY

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matter set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D Land Title Act

Land Title Act

**FORM D
EXECUTIONS CONTINUED**

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

SIGN IN BLACK INK ONLY

**CITY OF BURNABY
by its authorized signatory(ies)**

| Y | M | D |
|---|---|---|
| | | |

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits of use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Land Title Act

**FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

(PARCEL IDENTIFIER)

(LEGAL DESCRIPTION)

012-918-717

District Lot 4095 Group 1 New Westminster District

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner of the lands more particularly described in Form E (page 3) hereto (the "Lands");
- B. The Transferor has agreed to grant to the Transferee a statutory right-of-way through, under and across that portion of the Lands shown outlined on the right-of-way plan deposited in the Land Title Office under number BCP _____ and containing _____ m² more or less (the "Right-of-Way Area");
- C. It is necessary for the operation and maintenance of the Transferee's undertaking to obtain a statutory right-of-way.

NOW THEREFORE THIS INSTRUMENT WITNESSES:

1. That in consideration of the premises and the covenants, promises and agreements set out below and other good and valuable consideration, the Transferor hereby grants and conveys to the Transferee, its successors and assigns in perpetuity the full, free and uninterrupted easement and right-of-way (the "Right-of-Way") for the Transferee, its servants, employees, agents and licensees at all times:
- (a) to enter and work upon and use the Right-of-Way Area and to pass and repass (with or without equipment, personnel and material) over the Right-of-Way Area for access to and egress from the Works, the Right-of-Way Area and adjoining, adjacent or other lands;
 - (b) to dig and remove and to cover up the soil of the Right-of-Way Area and to lay down, construct and install water works, approximately 600m of 1829mm diameter steel pipe, including without limiting the generality of the foregoing, to lay down, construct and install within the Right-of-Way Area, additional water works adjacent to such works which may have already been installed, and such appurtenances, connections and ancillary works (the "Works") as may be necessary for the Works and to operate, maintain, alter, enlarge, repair, extend, renew, remove, inspect, clean and replace the Works and for such purpose to make such excavations and do such work and construction as may be necessary;
 - (c) to do all things necessary or incidental to the business and undertaking of the Transferee in connection with the foregoing.
2. The Transferee shall do the work that it is entitled to do under this instrument in a workmanlike manner so as to do as little injury as practicable to the surface of the Lands, the Right-of-Way Area and any improvements and upon completion of any work that it is entitled to do under this instrument shall restore

the surface of the Lands, the Right-of-Way Area and any improvements as nearly as possible to the condition they were in prior to the commencement of such work.

3. The Transferee acknowledges that there presently exists within the Right-of-Way Area a stone flanking wall (herein after called the “Wall”) that forms part of a structure known as the “Central Park Entrance Gate” comprising two stone pillars, with adjacent gate posts and low flanking stone walls on either side which has been designated by the Transferor by bylaw as a heritage site and which is subject to the heritage protection provisions of Part 27 of the Local Government Act. The Transferee acknowledges that the Wall will need to be dismantled for the purpose of installing and constructing the Works, but that the Wall must be rebuilt by the Transferee and may at all times remain within the Right-of-Way Area notwithstanding anything else herein contained. The Transferee covenants and agrees not to remove, replace or damage the Wall without first having obtained, and there after carrying out any removal or replacement in accordance with the terms and conditions of, a heritage alteration permit issued pursuant to Part 27 of the Local Government Act.

4. Subject to its rights under Section 15, the Transferor shall not:

- (a) excavate or dig any well, hole, trench, ditch or excavation of any kind or nature;
- (b) erect, build, construct or place any building, structure, erection, pipe, pole, tower, road, concrete, pavement, foundation, improvement or thing of any kind or nature;
- (c) place or remove any soil or other material of any kind or nature;

on, in, under, through or over the Right-of-Way Area without the prior written consent of the Transferee, which consent shall not be unreasonably withheld.

5. If the Transferor does any of the acts referred to in breach of Section 4 the Transferee, in addition to any other right or remedy it has the Transferee may (i) if the Transferor fails to remedy the breach within 30 days after written notice thereof to the Transferor to remedy or (ii) immediately, in the event of an emergency (as determined in the sole discretion of the Commissioner), do all things necessary to remedy the breach without any liability for damages and for such purpose may enter with men and equipment upon the Lands and the Right-of-Way Area. If the Transferee requests, the Transferor shall forthwith pay to the Transferee all reasonable costs, charges and expenses to which the Transferee may be put by reason of a breach of Section 4.

6. Except as provided in this instrument nothing shall be interpreted so as to restrict or prevent the Transferor from using the Right-of-Way Area in a manner which does not interfere with the security or efficient functioning of or unobstructed access to the Works and the Right-of-Way Area.

7. The Transferor shall not do or permit to be done anything which will interfere with or impair the operating efficiency of the Works or obstruct access to and on the Right-of-Way Area by the Transferee and all persons entitled under this instrument to have access on, in, under, through or over the Right-of-Way Area.

8. Without limiting the generality of Section 4, the Transferor shall not grant to any person, firm or corporation

(a) an easement or statutory right-of-way over the Right-of-Way Area, or;

(b) any other interest in land over the Right-of-Way Area which would in the opinion of the Transferee, reasonably exercised, adversely affect the Right-of-Way or the Transferee's rights under this instrument;

without first obtaining the express written consent of the Transferee, such consent not to be unreasonably withheld.

9. The Transferee may peaceably enjoy the Right-of-Way granted by this instrument without hindrance or interruption by the Transferor or any person, firm or corporation claiming by, through, under or in trust for the Transferor.

10. All chattels and fixtures installed by the Transferee on, in, under or through the Right-of-Way Area shall be and remain chattels notwithstanding any rule of law to the contrary and shall belong solely to the Transferee.

11. The covenants in this instrument shall be covenants running with the Lands and shall not be personal or binding on the parties hereto except during such time as the parties hereto shall have any interest in the Lands or the Right-of-Way Area and only in respect of such portion of the Lands or the Right-of-Way Area in which the parties have an interest but the Lands shall nevertheless be and remain at all times charged therewith.

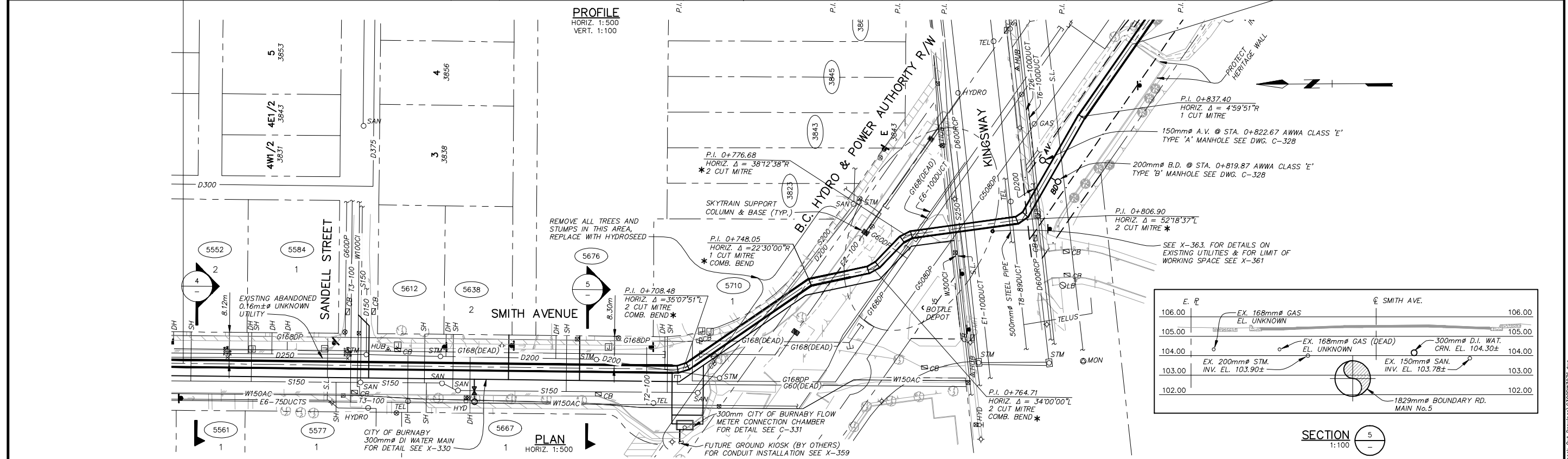
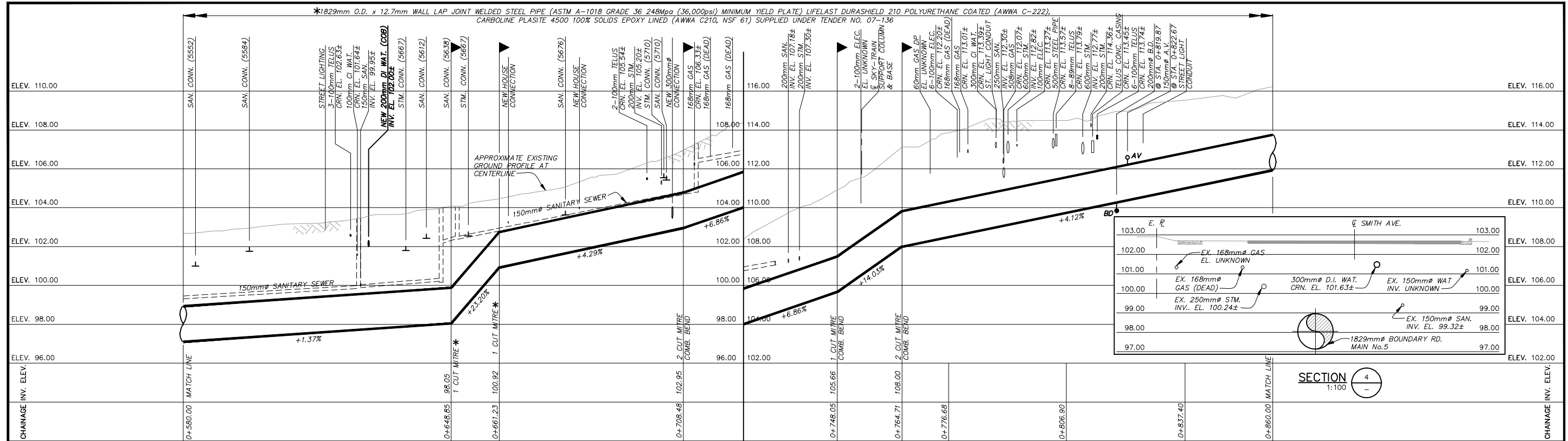
12. This instrument shall enure to the benefit of and be binding upon the respective heirs, executors, administrators and assigns of the parties wherever the context so admits.

13. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

14. The Transferee covenants and agrees with the Transferor:
- (a) not to assign this agreement or its rights hereunder without the prior consent of the Transferor;
 - (b) not to permit any other person to use the Right-of-Way Area or enjoy the benefit of the rights hereby granted;
 - (c) not to use the Right-of-Way Area for any purpose other than those specified in section 1.(b).

15. This agreement shall not entitle the Transferee to exclusive possession of the Right-of-Way Area and the Transferor reserves the right to use the Right-of-Way Area itself, so long as it does not materially affect the exercise of the Transferee's rights hereunder. Notwithstanding anything else herein contained, the Transferor reserves the right to build, install, develop, and use roads, trails, parking lots, sports fields, gardens, landscaping features, lighting fixtures, ditches, culverts, pavers, service connections and other non-structural improvements on all or any part of the surface of the Right-of-Way Area not physically occupied by the Works together with sub-surface drainage works and any necessary placement of fill and so long as they do not interfere with or impair the operating efficiency of the Works and so long as it does not materially affect the exercise of the Transferee's rights hereunder.

END OF DOCUMENT



- NOTES:
1. ALL ELEVATIONS ARE IN METRES AND REFER TO GEODETIC DATUM.
 2. ORIGINAL SURVEY WAS CONDUCTED BY R.F. BINNIE AND ASSOCIATES.
 3. * DENOTES ITEMS SUPPLIED BY THE CORPORATION.
 4. PIPE HATCHES TO BE SPACED AT APPROXIMATELY 300M INTERVALS. LOCATIONS TO BE DETERMINED BY THE ENGINEER.
 5. COMBINED SCALE FACTOR = 0.999582653.
 6. CONTRACTOR TO ASSUME EVERY HOUSE IS SERVICED BY SEWER, WATER, STORM, GAS, ELECTRICAL AND COMMUNICATIONS. ONLY STORM AND SANITARY ARE SHOWN ON GWD DRAWINGS; CONTRACTOR IS TO CONTACT ALL THE UTILITIES TO OBTAIN MOST UP TO DATE RECORDS. ANY RECORDS THE DISTRICT HAS ARE INCLUDED IN THE APPENDICES.
 7. ↓ DEPTH OF CONNECTION AT PROPERTY LINE (THIS INFORMATION WAS PROVIDED BY THE CITY OF BURNABY, BASED ON THEIR CONNECTION RECORDS. THE CORPORATION ASSUMES NO RESPONSIBILITY FOR ACCURACY OF INFORMATION PROVIDED. CONTRACTOR TO CONFIRM IN FIELD AND RELOCATE IF NECESSARY.)

| Issue | Date | Desn | Dr'n | Chkd | App'd | Description |
|-------|-----------|------|------|------|-------|--|
| D | OCT. 08 | BPC | CKL | CDS | SL | ISSUED FOR CONSTRUCTION |
| C | SEP. 08 | BPC | GM | CDS | SL | ISSUED FOR ADDENDUM NO. 1 |
| B | AUGUST 08 | BPC | GM | CDS | SL | ISSUED FOR TENDER NO. 08-004 |
| A | MARCH 08 | BPC | ES | CDS | SL | ISSUED FOR WATERWORKS CONSTRUCTION PERMIT APPLICATION ONLY |

| Design: | Drawn: | Checked: | Approved: | Manager: |
|---------|--------|----------|-----------|----------|
| BPC | ES | CDS | SL | SS |

GREATER VANCOUVER WATER DISTRICT

BOUNDARY ROAD MAIN No. 5
BOUNDARY ROAD TO
CENTRAL PARK PUMP STATION

PLAN AND PROFILE
STA. 0+580.00 TO STA. 0+860.00

SCALE: AS NOTED
DISTRICT FILE W-3076
DOCUMENT CODE C-324

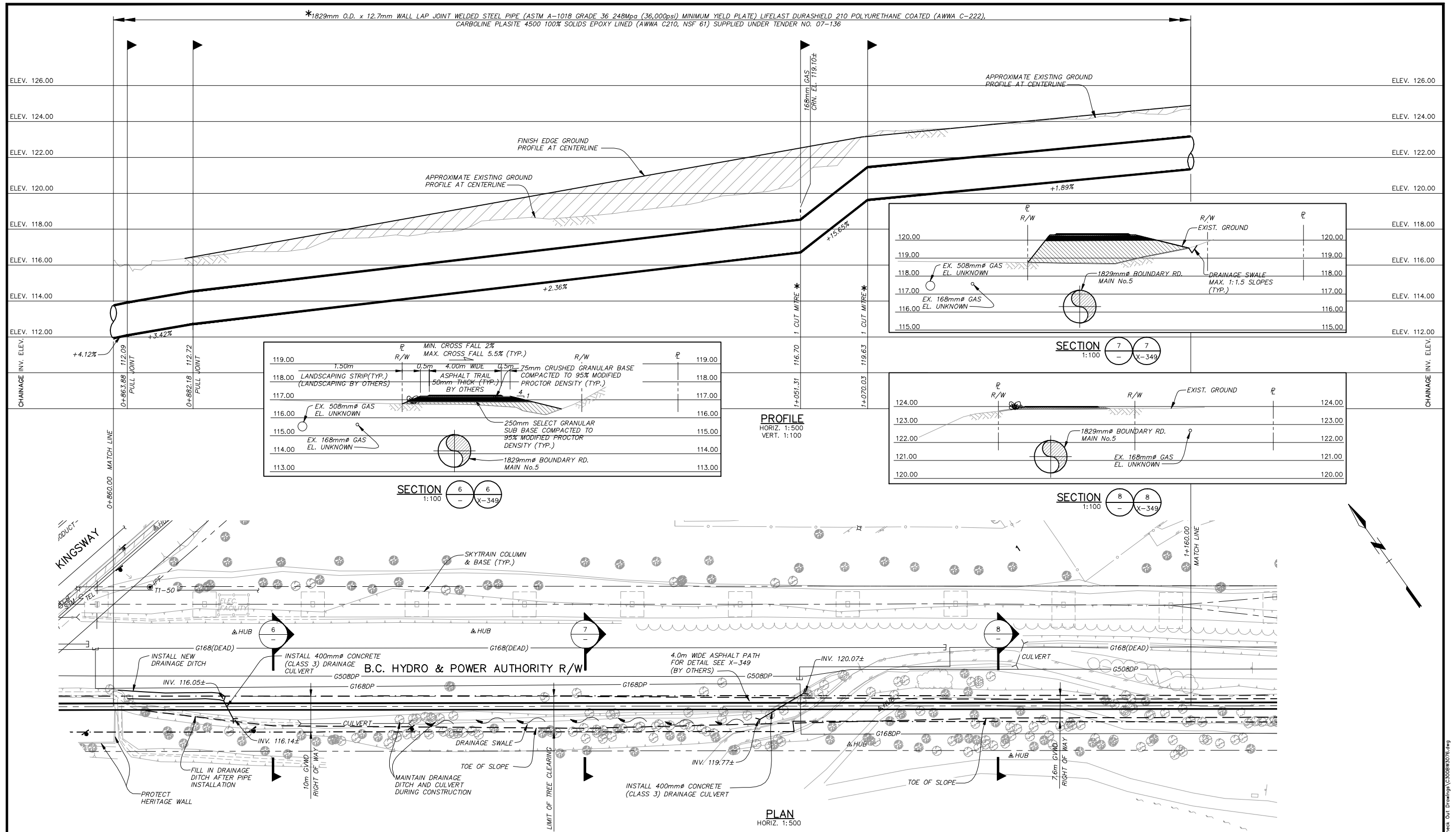
DESIGNER: BPC
DRAWN: ES
CHECKED: CDS
APPROVED: SL
MANAGER: SS

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Professional Seal

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SUPERSEDES PRINTS OF THIS DOCUMENT CODE WITH LETTERS PREVIOUS TO **D**



NOTES:
 1. ALL ELEVATIONS ARE IN METRES AND REFER TO GEODETIC DATUM.
 2. ORIGINAL SURVEY WAS CONDUCTED BY R.F. BINNIE AND ASSOCIATES.
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 5. COMBINED SCALE FACTOR = 0.999582653.

| Issue | Date | Desn | Dr'n | Chkd | App'd | Description |
|-------|-----------|------|------|------|-------|--|
| D | OCT. 08 | BPC | CKL | CDS | SL | ISSUED FOR CONSTRUCTION |
| C | SEP. '08 | BPC | GM | CDS | SL | ISSUED FOR ADDENDUM NO. 1 |
| B | AUGUST 08 | BPC | GM | CDS | SL | ISSUED FOR TENDER NO. 08-004 |
| A | MARCH 08 | BPC | ES | CDS | SL | ISSUED FOR WATERWORKS CONSTRUCTION PERMIT APPLICATION ONLY |

GREATER VANCOUVER WATER DISTRICT

BOUNDARY ROAD MAIN No. 5
BOUNDARY ROAD TO
CENTRAL PARK PUMP STATION

PLAN AND PROFILE
STA. 0+860.00 TO STA. 1+160.00

Design: BPC
 Drawn: ES
 Checked: CDS
 Approved: SL
 Manager: SS

SCALE: AS NOTED
 DISTRICT FILE W-3076
 DOCUMENT CODE C-325

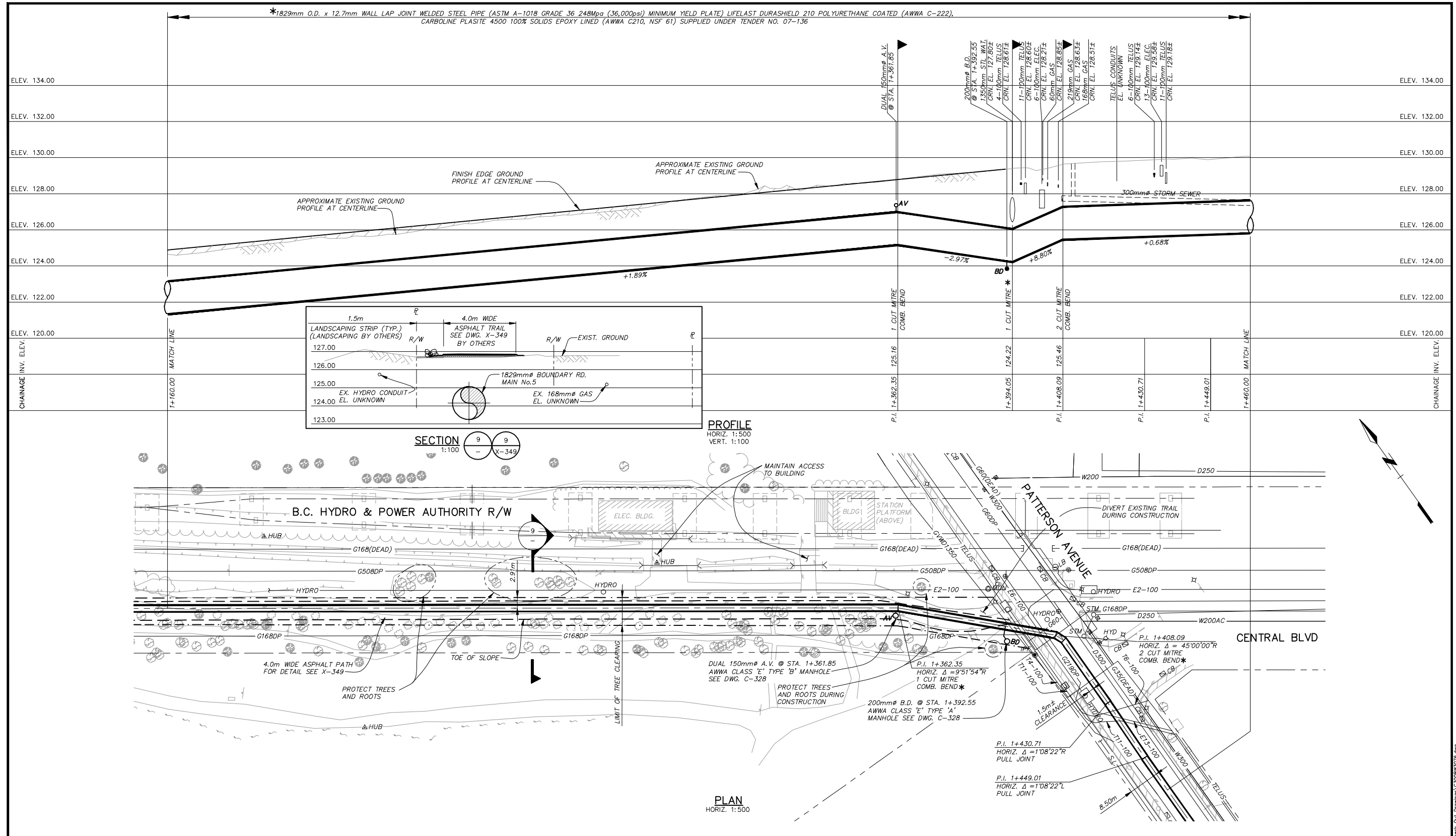
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Professional Seal

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xref files:



NOTES:
 1. ALL ELEVATIONS ARE IN METRES AND REFER TO GEODETIC DATUM.
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| Issue | Date | Desn | Dr'n | Chkd | App'd | Description |
|-------|-----------|------|------|------|-------|--|
| C | OCT. 08 | BPC | CKL | CDS | SL | ISSUED FOR CONSTRUCTION |
| B | AUGUST 08 | BPC | GM | CDS | SL | ISSUED FOR TENDER NO. 08-004 |
| A | MARCH 08 | BPC | ES | CDS | SL | ISSUED FOR WATERWORKS CONSTRUCTION PERMIT APPLICATION ONLY |

GREATER VANCOUVER WATER DISTRICT
BOUNDARY ROAD MAIN No. 5
BOUNDARY ROAD TO
CENTRAL PARK PUMP STATION
PLAN AND PROFILE
STA. 1+160.00 TO STA. 1+460.00

Design: BPC
 Drawn: ES
 Checked: CDS
 Approved: SL
 Manager: SS

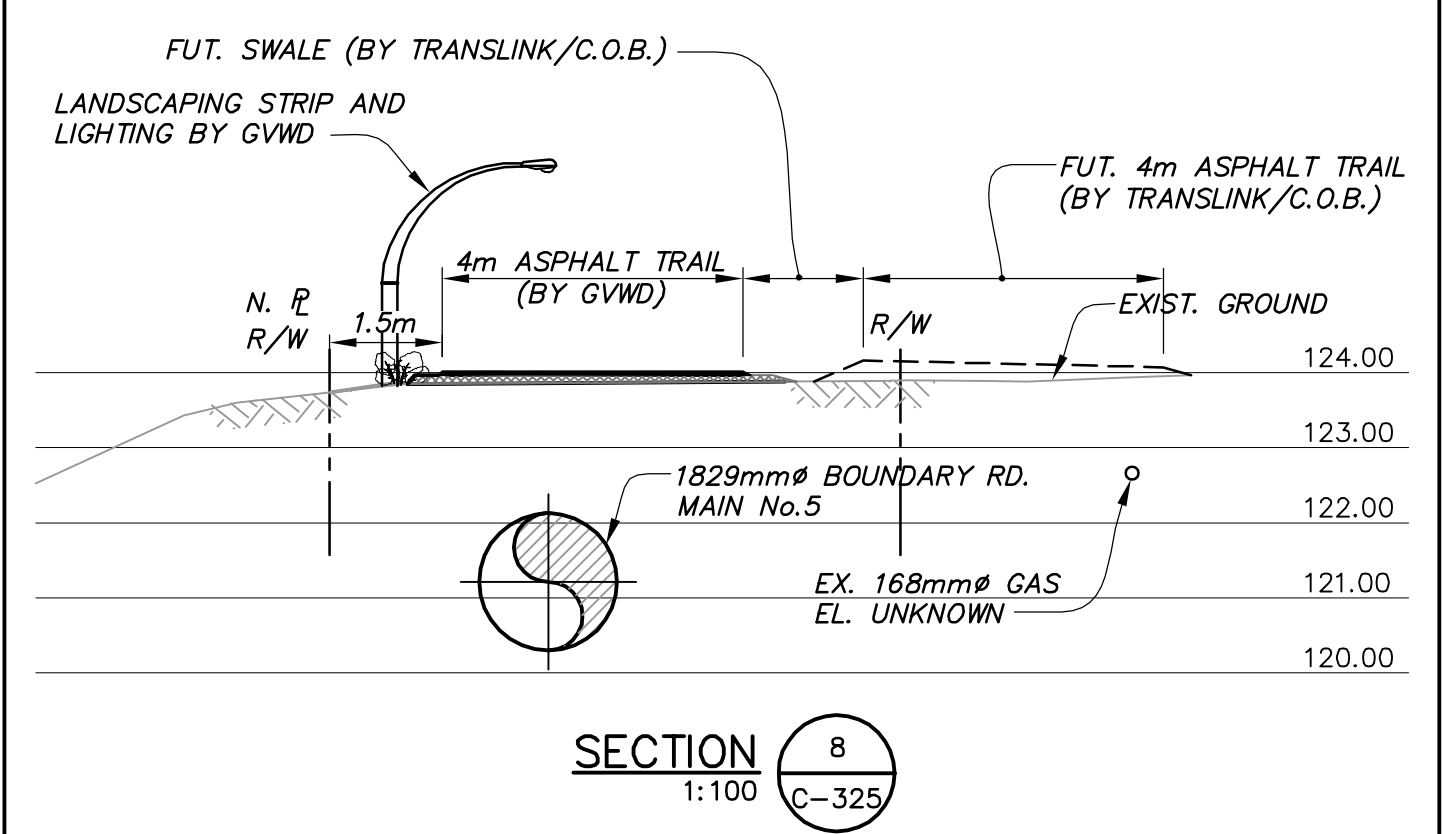
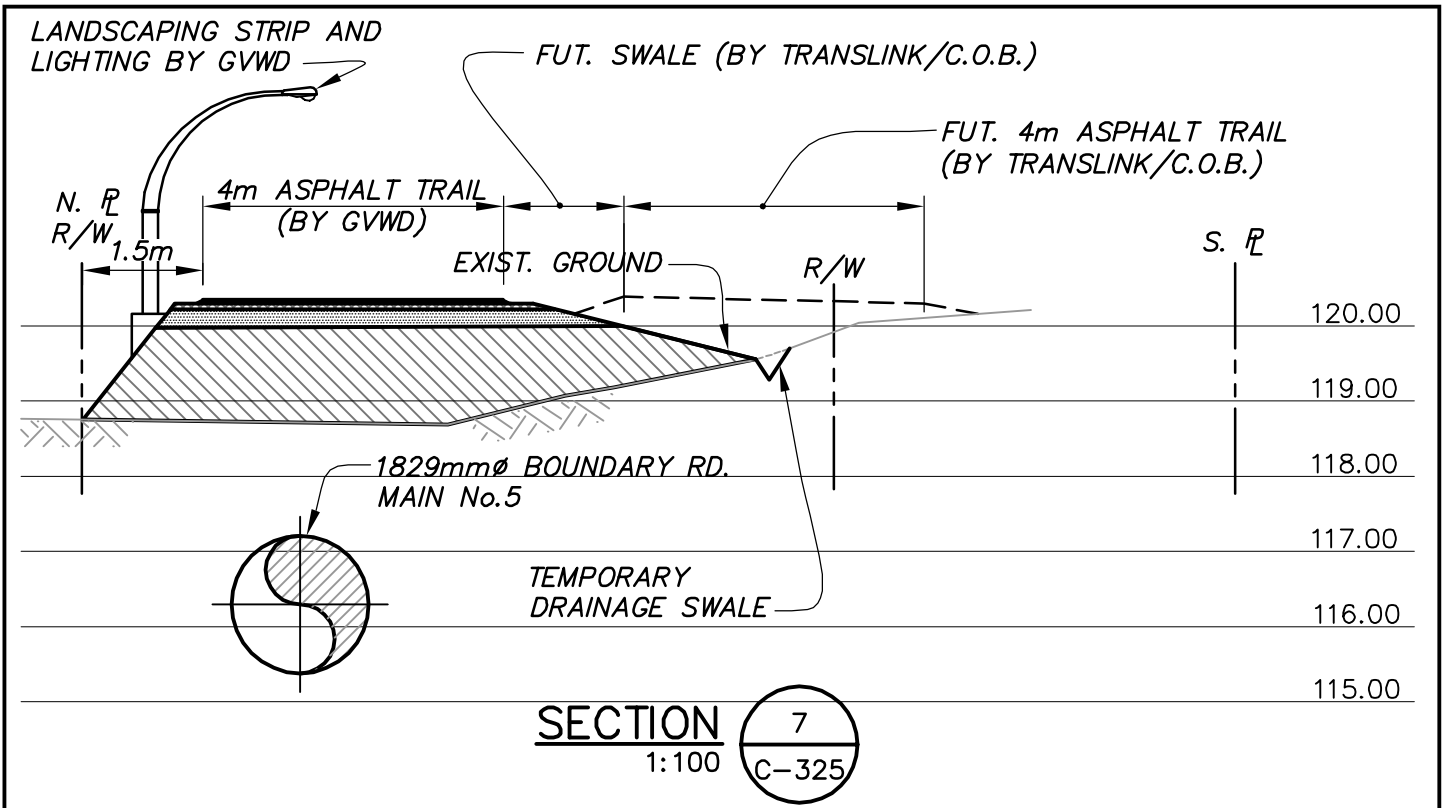
SCALE: AS NOTED
 DISTRICT FILE W-3076
 DOCUMENT CODE C-326

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| Issue | Date | Des'n | App'd | Description |
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| P3 | 10/08/08 | BC | | REVISED AS PER MARK-UP |
| P2 | 09/18/08 | BC | | REVISED AS PER MARK-UP |
| P1 | 09/16/08 | BC | | NEW DRAWING |

| | | |
|---------------------|---|----------------------|
| Design: <u>B.C.</u> | <p align="center">GREATER VANCOUVER WATER DISTRICT BOUNDARY ROAD MAIN No. 5 29TH AVENUE TO BOUNDARY ROAD</p> <p align="center">SECTIONS</p> | SCALE: AS NOTED |
| Drawn: <u>E.S.</u> | | DISTRICT FILE W-3076 |
| Checked: _____ | | DOCUMENT CODE X-374 |
| Approved _____ | | |
| Manager _____ | | |

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