

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5387

A BY-LAW to dispose of a certain portion of
highway in exchange for other land.

WHEREAS pursuant to section 509 of the MUNICIPAL ACT the Council may by by-law dispose of any portion of a highway in exchange for such lands as may be necessary for the purpose of improving, widening, straightening, relocating or diverting the highway.

AND WHEREAS all deeds executed under this section have effect as a Crown grant, free of all rights-of-way, and all lands taken in exchange for any portion of a highway under this section are public highways and the title thereto is vested in the Crown.

AND WHEREAS the Council, before adopting this by-law, has caused the required statutory public notice of its intention to be given by advertisement.

AND WHEREAS the Council deems it expedient and in the public interest to stop up and close to traffic those portions of highway more particularly hereinafter described for the purpose of relocating and diverting the said highway.

NOW THEREFORE the Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This by-law may be cited as "BURNABY HIGHWAY EXCHANGE BY-LAW NO. 3, 1968".
2. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to stop up and close to traffic ALL AND SINGULAR, those certain parcels or tracts of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being portions (formerly road) of District Lot Fifty-Eight (58), Group One (1), New Westminster District, according to Plan 3058 deposited, said

portions being more particularly described as follows:

- (a) Commencing at a point on the Easterly boundary of Lot "A" of Block 4, of Block 2, according to Plan 3058, deposited, said point being the intersection of the Easterly boundary of Lot "A", aforesaid, with the Southerly boundary of the Loughheed Highway, according to Plan 4804, deposited;

Thence Eastwardly and following the Eastwardly prolongation of the Southerly boundary of the Loughheed Highway, aforesaid, said prolongation being the arc of a simple curve to the right of radius 2814.93 feet, 47.00 feet, more or less, to a point, said point lying Eastwardly and 47.00 feet perpendicularly distant from the Easterly boundary of Lot "A", aforesaid;

Thence Southwardly and parallel to the Easterly boundary of said Lot "A", 150.00 feet, more or less, to a point;

Thence Westwardly and Southwestwardly and following the arc of a simple curve to the left of radius 55.00 feet, 52.28 feet, more or less, to an intersection with the Easterly boundary of Lot "A", aforesaid;

Thence Northwardly and following a portion of the Easterly boundary of said Lot "A" 168.86 feet, more or less, to the point of commencement, and containing 0.167 of an acre, be the same more or less; and

- (b) Commencing at a point on the Easterly boundary of Lot "A" according to Plan 3058, deposited, said point lying Southwardly and 242.18 feet, more or less, distant from the intersection of the Easterly boundary of Lot "A", aforesaid, with the Southerly boundary of the Loughheed Highway, according to Plan 4804, deposited;

Thence Southeastwardly and following the arc of a simple curve to the left of radius 55.00 feet, 10.87 feet, more or less, to a point of reverse curve;

Thence Southeastwardly and Southwardly and following the arc of a simple curve to the right of radius 20.00 feet, 18.55 feet, more or less, to a point of tangency, said point lying Eastwardly and 16.00 feet, perpendicularly distant from the Easterly boundary of said Lot "A";

Thence Southwardly and parallel to the Easterly boundary of Lot "A", aforesaid, 94.57 feet, more or less, to a point;

Thence Westwardly 16.00 feet, more or less, to an intersection with the Easterly boundary of Lot "A", aforesaid, said intersection lying Southwardly and 117.84 feet distant, more or less, from the point of commencement;

Thence Northwardly and following a portion of the Easterly boundary of said Lot "A", 117.84 feet, more or less, to the point of commencement, and containing 0.040 of an acre, be the same, more or less;

as shown outlined in Green Colour on reference plan prepared

by Donald S. Black, B.C.L.S. sworn the 21st day of June, 1968 and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.

3. The Council is further authorized and empowered to grant and convey the said portions of highway described in Clauses (a) and (b) of Section 2 of this by-law by a good and sufficient deed in fee simple unto Lake City Industrial Corporation Ltd., in exchange for ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia, and being a portion of Lot "A" of Block Four (4), of Block Two (2), of Lots Fifty-seven (57) and Fifty-eight (58), Group One (1), New Westminster District, according to Plan 3058 deposited, and being more particularly described as follows:

Commencing at a point on the Easterly boundary of Lot "A", aforesaid, said point lying Southwardly and 168.86 feet distant, more or less, from the intersection of the Easterly boundary of Lot "A", aforesaid, with the Southerly boundary of the Lougheed Highway, according to Plan 4804, deposited;

Thence Southwestwardly, Southwardly and Southeastwardly and following the arc of a simple curve to the left of radius 55.00 feet, 80.26 feet, more or less, to an intersection with the Easterly boundary of said Lot "A";

Thence Northwardly and following a portion of the Easterly boundary of Lot "A", aforesaid, 73.32 feet, more or less, to the point of commencement, and containing by admeasurement 0.016 of an acre, be the same, more or less as shown outlined in Red Colour on reference plan prepared by Donald S. Black, B.C.L.S., sworn the 21st day of June, 1968 and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.

4. The Council of The Corporation of the District of Burnaby is hereby authorized and empowered to stop up and close to traffic ALL AND SINGULAR, that certain parcel or tract of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia and being a portion (formerly road) of District Lot Fifty-Eight (58), Group One (1), New Westminster District, according to Plan 3058 deposited, said portion being more particularly described as follows:

Commencing at the Northwesterly corner of Lot "A", according to Plan 33225, deposited;

Thence Westwardly and following the Westwardly prolongation of the Southerly boundary of the Lougheed Highway, according to Plan 4804, deposited, said prolongation being the arc of a simple curve to the left of radius 2814.93 feet, 19.01 feet, more or less, to a point, said point lying Eastwardly and 47.00 feet perpendicularly distant from the Easterly boundary of Lot "A", according to Plan 3058, deposited;

Thence Southwardly and parallel to the Easterly boundary of Lot "A", according to Plan 3058, deposited, 150.00 feet, more or less, to a point;

Thence Southeastwardly and following the arc of a simple curve to the right of radius 55.00 feet, 19.94 feet, more or less, to an intersection with the Westerly boundary of Lot "A", aforesaid;

Thence Northwardly and following a portion of the Westerly boundary of Lot "A", aforesaid, 155.11 feet, more or less, to the point of commencement and containing 0.066 of an acre, be the same, more or less as shown outlined in Green Colour on reference plan prepared by Donald S. Black, B.C.L.S. sworn the 21st day of June, 1968 and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.

5. The Council is further authorized and empowered to grant and convey the said portions of highway described in Section 4 of this by-law by a good and sufficient deed in fee simple unto Central Excavating Limited, in exchange for ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Burnaby, in the Province of British Columbia, and being a portion (formerly road) of Lot "A" of Lot Fifty-Eight (58), Group One (1), New Westminster District according to Plan 33225 deposited, said portion being more particularly described as follows:

Commencing at a point on the Westerly boundary of Lot "A", aforesaid, said point lying Southwardly and 155.11 feet distant, more or less, from the Northwestern corner thereof;

Thence Southeastwardly, Southwardly and Southwestwardly and following the arc of a simple curve to the right of radius 55.00 feet, 111.44 feet, more or less, to a point of reverse curve;

Thence Southwestwardly and Southwardly and following the arc of a simple curve to the left of radius 20.00 feet, 18.55 feet, more or less, to an intersection with the Westerly boundary of said Lot "A";

Thence Northwardly and following a portion of the Westerly boundary of Lot "A", aforesaid, 108.99 feet, more or less, to the point of commencement, and containing by admeasurement 0.049 of an acre, be the same, more or less as shown outlined in Red Colour on reference plan prepared by Donald S. Black, B.C.L.S.

sworn the 21st day of June, 1968 and deposited in the Land Registry Office at New Westminster, a copy of which is hereunto annexed.

6. The said deeds in fee simple shall be executed on behalf of the Municipality by the Mayor and Clerk and shall have effect as a Crown grant, free of all rights-of-way, and the lands hereinbefore described taken in exchange shall be a public highway and the title thereto shall be vested in the Crown.

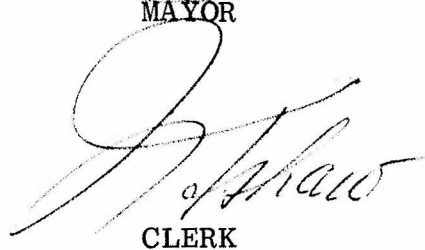
Read a first time this 5th day of August, 1968.

Read a second time this 5th day of August, 1968.

Read a third time this 5th day of August, 1968.

Reconsidered and adopted this 23rd day of September, 1968.




MAYOR

CLERK