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# Board Report

Date: December 04, 2020  
To: Board of Education – Regular Meeting  
From: Russell Horswill, Secretary Treasurer  
Subject: Parkcrest Elementary School Property Right-of-Way and Covenant Bylaw 2020

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## **Background:**

The Board of Education 2019-20214 Strategic Plan contains the following goals under the “**A Modern, Safe and Sustainable Learning Environment**” key priority:

- 2) Develop and implement a multi-year strategy to seismically mitigate all schools with a “High” (H1, H2, or H3) government rating.

In order to facilitate the Preliminary Project Approval (PPA) and Building Permit (BP) for the Parkcrest Elementary School Partial Replacement seismic project, the City and school district continue to finalize necessary conditions to affect the property sub-division plan. At the June 2020 Regular Meeting, the Board of Education approved a Parkcrest Land Exchange Bylaw 2020 that authorized the land exchange with the City of Burnaby.

The sub-division requires the following Statutory Right-of-Way (SRW) or Covenants to be registered on title in order to achieve final reading of the City sub-division bylaw:

- SRW for BC Hydro and Telus infrastructure
- SRW for City to establish connecting property walkways
- SRW for City to protect existing infrastructure
- Covenant for City to register site storm water management plan.

Approval of this bylaw completes the school district sub-division requirements and will allow the City to complete their approval processes.

## **Recommendation:**

It is recommended that the Board of Education consider the following bylaw motions:

- |          |   |
|----------|---|
| Motion 1 | THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 receive three readings at this Board meeting held December 8, 2020. |
|----------|---|

Motion 2        THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 be read a first time.

Motion 3        THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 be approved a first time and read a second time.

Motion 4        THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 be approved a second time and read a third time.

Motion 5        THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 be approved a third time.

Motion 6        THAT Parkcrest Right-of-Way and Covenant Bylaw 2020 having been read a first, second and third time, be finally passed and adopted the 8th day of December, 2020; that the Chair of the Board and the Secretary-Treasurer be authorized to sign the bylaw; and that the bylaw be sealed with the corporate seal of the Board.

## THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 41 (BURNABY)

### PARKCREST RIGHT-OF-WAY AND COVENANT BYLAW 2020

WHEREAS a board of education may dispose of land or improvements owned or administered by the board under the authority of Section 96(3) of the School Act, subject to the Orders of the Minister of Education (the “**Minister**”);

AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the “**Order**”) requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board, but the Order does not require the Minister’s approval of a right-of-way or covenant;

AND WHEREAS Section 65(5) of the *School Act* requires a board of education to exercise a power with respect to the acquisition or disposal of property only by bylaw, and the granting of a statutory right-of-way or a covenant is a disposal of an interest in land;

AND WHEREAS:

- (i) The Board of Education of School District No. 41 (Burnaby) (the “**Board**”) owns land and improvements in Burnaby known as the Parkcrest Elementary School Site (the “**Property**”).
- (ii) The Property is facility number 04141041.
- (iii) The address of the Property is 6055 Halifax Street, Burnaby, B.C., V5B 2P4, and the legal description of the Property is:  
  
Parcel Identifier: 012-220-736 Parcel “B” (Explanatory Plan 21609)  
Lots 112, 113 and 114 Plan 1492.
- (iv) The Board proposes to enter into a land exchange agreement with the City of Burnaby (the “**City**”) pursuant to which the Board would transfer to the City two portions of the Property in exchange for the City transferring to the Board two portions of land adjoining the Property, of approximately the same total area, for consolidation with and reconfiguration of the Property by subdivision (the “**Exchange**”);
- (v) As a condition of the Exchange, the City has asked the Board to grant the following encumbrances (the “**Encumbrances**”) for registration against title to the Property as reconfigured:
  - a. a Statutory Right-of-Way in favour of British Columbia Hydro and Power Authority and Telus Communications Inc. to accommodate utility facilities on the Property as reconfigured;
  - b. a Statutory Right-of-Way and Covenant under Section 219 of the Land Title Act in favour of the City for public access to a pedestrian walkway between the Property and Halifax Street in the area indicated in bold on Explanatory Plan EPP104753, a reduced copy of which is attached hereto as Schedule A;

- c. a Statutory Right-of-Way and Covenant under Section 219 of the Land Title Act in favour of the City for public access to a pedestrian walkway between the Property and Winch Street and Sherban Court in the area indicated in bold on Right of Way Plan EPP104758, a reduced copy of which is attached hereto as Schedule B;
  - d. a Statutory Right-of-Way and a Covenant under Section 219 of the *Land Title Act* in favour of the City for water, sewer, communication and other utility works in the area shown outlined in bold on Statutory Right of Way Plan EPP104754, a reduced copy of which is attached hereto as Schedule C;
  - e. a Statutory Right-of-Way and a Covenant under Section 219 of the *Land Title Act* in favour of the City for water, sewer, communication and other utility works in the area shown outlined in bold on Statutory Right of Way Plan EPP104755, a reduced copy of which is attached hereto as Schedule D;
  - f. a Covenant under Section 219 of the *Land Title Act* in favour of the City in respect of the provision, operation and maintenance of a storm and ground water management system; and
  - g. a Covenant under Section 219 of the *Land Title Act* in favour of the City agreeing not to build on or use the Property as reconfigured until the Board has entered into a servicing agreement with the City and delivered bonding and payments required in connection therewith.
- (vi) The Board is satisfied that the granting of the Encumbrances will not interfere with the use of the Property (as reconfigured) by the Board for educational purposes.

NOW THEREFORE be it resolved as a Bylaw of the Board that the granting of the Encumbrances by the Board be and is hereby authorized, ratified and approved.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized on behalf of the Board to execute and deliver all documents required to complete the granting of the Encumbrances.

This Bylaw may be cited as "School District No. 41 (Burnaby) Parkcrest Right-of-Way and Covenant Bylaw 2020".

Read a first time this \_\_\_\_ day of \_\_\_\_\_ 2020.

Read a second time this \_\_\_\_ day of \_\_\_\_\_ 2020.

Upon unanimous agreement of the Trustees of the Board in attendance, this Bylaw was read a third time on \_\_\_\_\_ 2020, and finally passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 2020

\_\_\_\_\_  
Chairperson of the Board

Corporate Seal

\_\_\_\_\_  
Secretary-Treasurer

I HEREBY CERTIFY this to be a true original of School District No. 41 (Burnaby) Parkcrest Right-of-Way and Covenant Bylaw 2020, adopted by the Board the \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Secretary-Treasurer

# SCHEDULE A

EXPLANATORY PLAN OF  
 STATUTORY RIGHT OF WAY OVER PART OF LOT 1  
 DISTRICT LOT 129 GROUP 1  
 NEW WESTMINSTER DISTRICT PLAN EPP97359

BCGS 925.028  
 FOR PUBLIC ACCESS PURPOSES  
 PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT

PLAN EPP104753



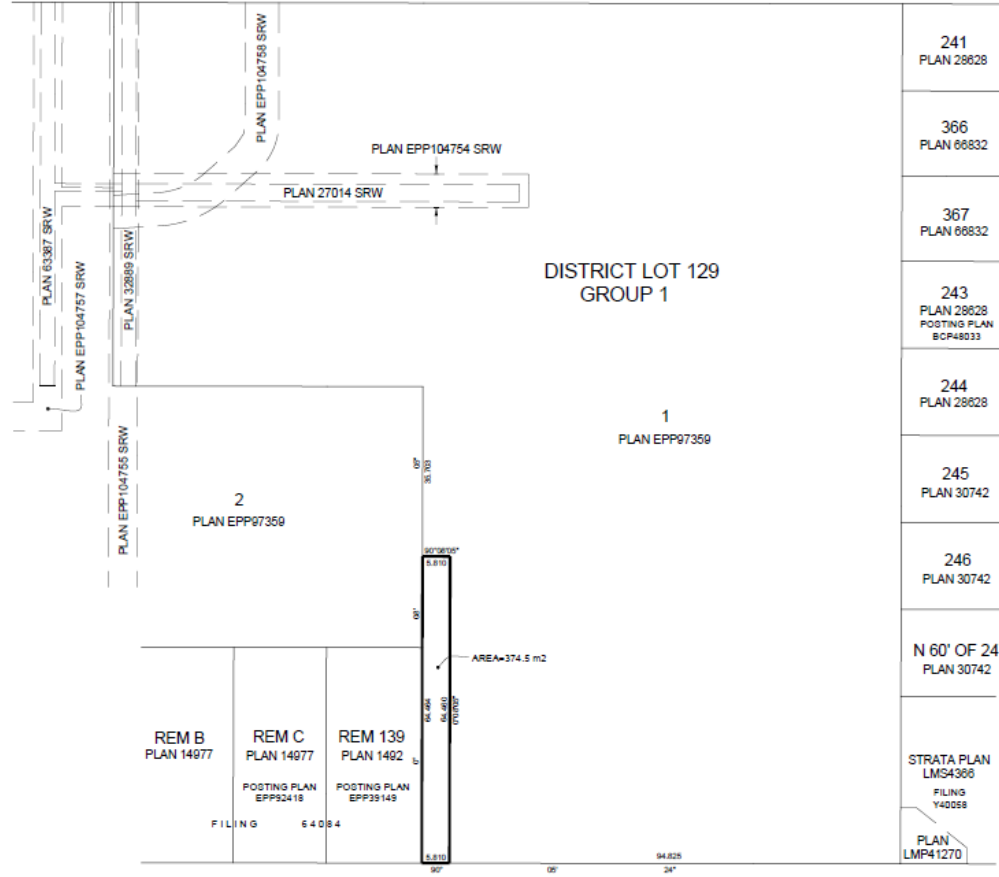
WINCH STREET



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 580 mm IN WIDTH BY  
 432 mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:900  
 THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA No. 25,  
 CITY OF BURNABY, NAD83 (CGRS) 4.0.D.BC.1.MVRD  
 GRID BEARINGS ARE DERIVED FROM PLAN EPP97359

**LEGEND**

m<sup>2</sup> DENOTES SQUARE METRE(S)  
 REM DENOTES REMAINDER



- 241  
PLAN 28828
- 366  
PLAN 68832
- 367  
PLAN 68832
- 243  
PLAN 28828  
POSTING PLAN  
BCP48033
- 244  
PLAN 28828
- 245  
PLAN 30742
- 246  
PLAN 30742
- N 60' OF 247  
PLAN 30742
- STRATA PLAN  
LMS4366  
FLING  
Y40058
- PLAN  
LMP41270

THIS PLAN IS BASED ON THE FOLLOWING LAND  
 TITLE AND SURVEY AUTHORITY OF BC RECORDS:  
 PLANS EPP97359, EPP104754, EPP104755, EPP104757 & EPP104758  
 JACON G. HAMEL, BCLS #21  
 12th DAY OF NOVEMBER, 2020

THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

HALIFAX STREET

MEL/HANNEY ASSOCIATES  
 LAND SURVEYING LTD.  
 Suite 100  
 8937 201 Street  
 Langley BC  
 V2Y 0C8  
 Tel: 604 595 0391  
 OUR FILE NO. 2112-0896042  
 OUR DRAWING NO. V-04-DWG

# SCHEDULE B

STATUTORY RIGHT OF WAY PLAN OVER  
PART OF LOT 1 DISTRICT LOT 129 GROUP 1  
NEW WESTMINSTER DISTRICT PLAN EPP97359

PLAN EPP104758

BCSP 803.008  
FOR PUBLIC TRAIL ACCESS AND MAINTENANCE PURPOSES  
PURSUANT TO SECTION 113 OF THE LAND TITLE ACT



ALL DIMENSIONS ARE IN METERS AND DECIMALS THEREOF

THE INDICATED PLAN SIZE OF THIS PLAN IS SHOWN IN METERS  
IT SHALL BE CORRECTED TO THIS PLAN SIZE AT A SCALE OF 1:500

THIS PLAN LIES WITHIN METRO VANCOUVER REGIONAL DISTRICT  
OF SURREY, BRITISH COLUMBIA

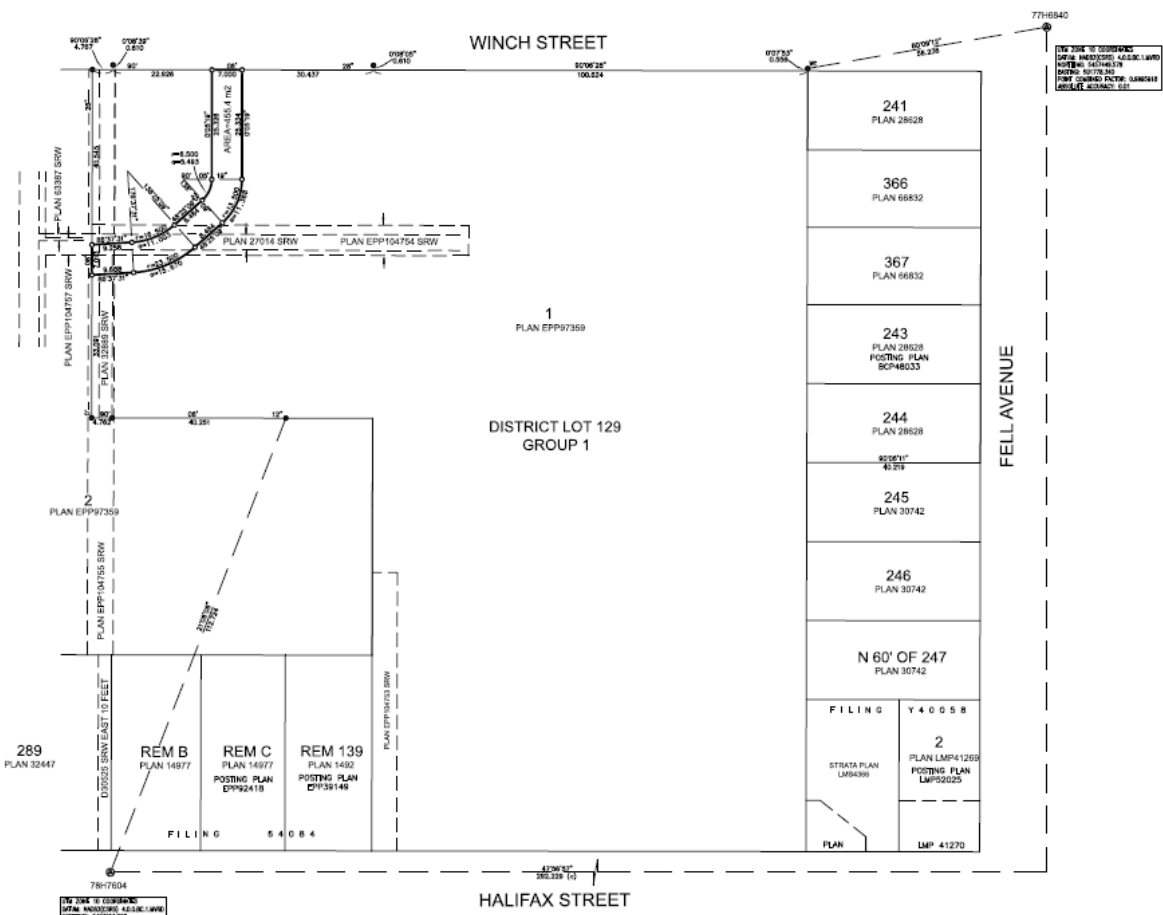
ALL DIMENSIONS AND LOCATIONS FROM OBSERVATIONS BETWEEN  
NEAREST CONTROL MONUMENTS THEREAS AND THEREON  
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE LITE COMPONENTS AND ANTI-COLLISION MEASUREMENTS  
ACQUIRED ARE DERIVED FROM THE MOST PUBLISHED  
CORRECTED AND TERNARY RESOLUTION FOR GENERAL CONTROL  
MONUMENTS 778640 AND 787504.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS  
OTHERWISE SPECIFIED. TO COMPUTE SLOPE DISTANCES, MULTIPLY  
HORIZONTAL DISTANCES BY THE SQUARE ROOT OF ONE PLUS THE SQUARE OF THE  
SLOPE PERCENT. THE HORIZONTAL COMPONENT AND SLOPE DISTANCES  
SHOWN ON THIS PLAN ARE BASED ON THE CONTROL MONUMENTS 778640 AND 787504.

- LEGEND
- PLAND PLACED
- ⊙ CONTROL MONUMENT
  - STATIONED PIN POINT
  - ( ) CENTER CALCULATED
  - ⊕ CENTER SQUARE METERS
  - ⊖ CENTER REHEALED
  - ⊗ CENTER MEASURED

NOTE  
THIS PLAN SHOWS ONE OR MORE PIN POINTS  
WHICH ARE NOT SET ON THE TRAIL CORNER(S)



THE FIELD WORK IS CONDUCTED BY THE PLAN  
AND COMPLETE ON THE DATE OF SIGNATURE 2020  
AND IS IN ACCORD WITH THE  
THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

THE STATE OF BRITAIN COLUMBIA  
LAND MANAGEMENT AND SURVEYING  
ACT, 2008  
AND COMPASS ACT, 1988  
REGULATIONS MADE THEREUNDER  
GEOLOGICAL SURVEY OF CANADA

REGISTERED SURVEYOR LAWRENCE D. GIBSON  
DATE: 2020-05-20 15:02  
FILE: 20-05-001  
NO. 20-05-001  
REG. 20-05-001-001  
EPP INC. 2019-10-001

# SCHEDULE C

STATUTORY RIGHT OF WAY PLAN OVER  
PART OF LOT 1 DISTRICT LOT 129 GROUP 1  
NEW WESTMINSTER DISTRICT PLAN EPP97359

PLAN EPP104754

8055 802108  
FOR STORM AND SANITARY SEWER PURPOSES  
PURSUANT TO SECTION 113 OF THE LAND TITLE ACT



ALL DIMENSIONS ARE IN METERS AND DECIMALS THEREOF

THE HORIZONTAL PLAN SIZE OF THIS PLAN IS SHOWN IN METERS  
BY DIMENSIONS IN METERS (2) AND METERS PLotted AT A SCALE OF 1:500  
THE PLAN LIES WITHIN METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT

GRID COORDINATES AND DISTANCES FROM OBSERVATIONS BETWEEN  
SELECTED CONTROL MONUMENTS THROUGH AND BETWEEN  
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

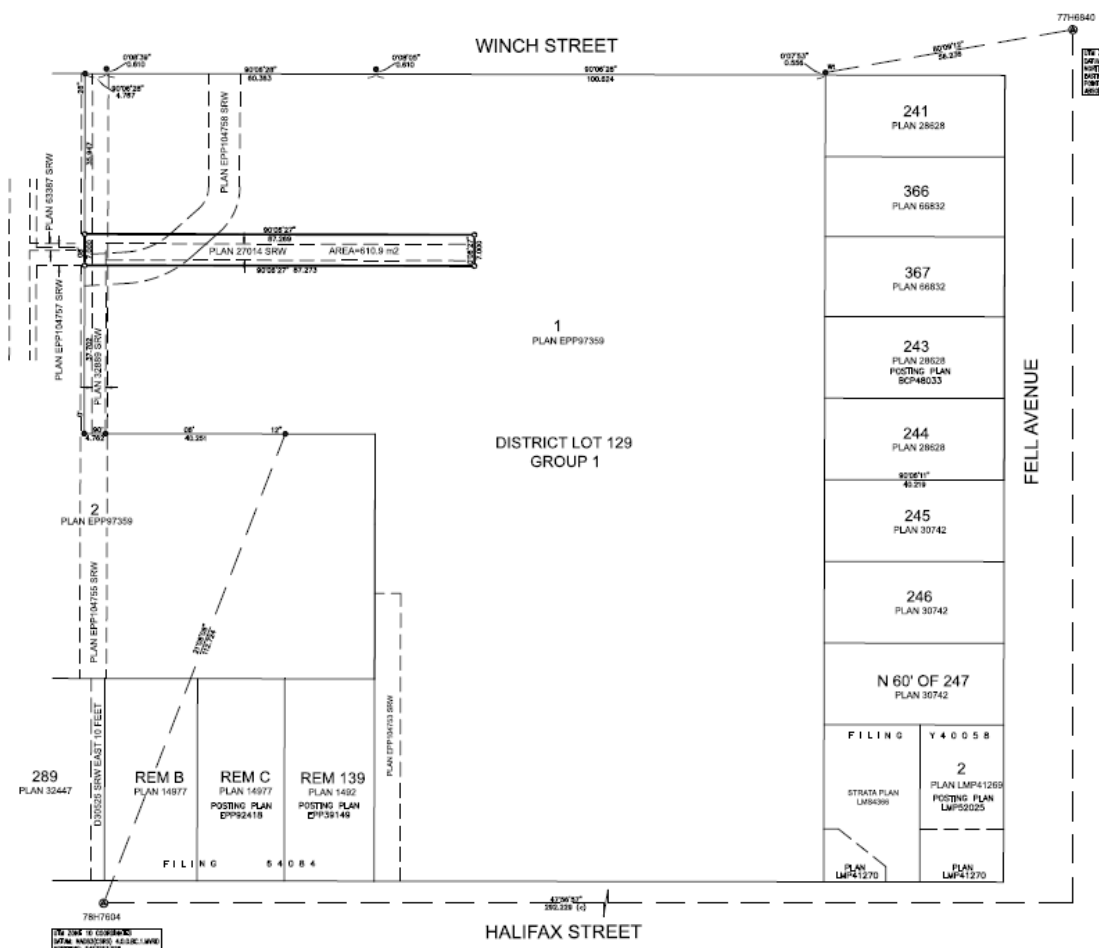
THE UTM COORDINATES AND ABSOLUTE ACCURACY  
ADDED ARE DERIVED FROM THE MOST RECENT  
COMPILED AND STANDARD ELEVATIONS FOR SELECTED CONTROL  
MONUMENTS 776840 AND 780704.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS  
OTHERWISE SPECIFIED TO CORNER AND DISTANCES QUALITY  
GROUND-LEVEL DISTANCES IN THE AVERAGE COMMON PRACTICE OF  
SURVEYING. THE AVERAGE COMMON PRACTICE HAS BEEN DETERMINED  
BASED ON METRIC CONTROL MONUMENTS 776840 AND 780704.

- LEGEND**
- PLANT PLACES**
- ⊙ CONTROL MONUMENT
  - STANDARD IRON POST
  - (i) IDENTIFIED CALCULATED
  - (M) IDENTIFIED IRON NAIL
  - (M) IDENTIFIED IRON NAIL
  - (M) IDENTIFIED IRON NAIL

**NOTES**

THE PLAN SHOWS ONE OR MORE IRON POSTS  
WHICH ARE NOT SET ON THE TITLE CORNERS.



THE DATA TO CORRELATE  
WITH METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT

THE DATA TO CORRELATE  
WITH METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT  
DISTRICT OF BURNABY, METRO VANCOUVER REGIONAL DISTRICT

THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

MELANIE ASSOCIATES LAND SURVEYING LTD.  
SUITE 101, 4601 29 STREET  
VANCOUVER, BC V6N 1C8  
TEL: 604-271-4611  
FAX: 604-271-4612  
REG. 2112-0000-0-01191074  
C.P. INC. 11-80-0001



# SCHEDULE D

PLAN EPP104755

## STATUTORY RIGHT OF WAY PLAN OVER PART OF LOTS 1 AND 2 DISTRICT LOT 129 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP97359

BCGS 92G.026  
FOR STORM PURPOSES  
PURSUANT TO SECTION 113 OF THE LAND TITLE ACT

0 25 50  
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 305mm IN WIDTH  
BY 430mm IN HEIGHT (0.18E) WHEN PLOTTED AT A SCALE OF 1:500

THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA NO.25,  
CITY OF BURNABY, NAD83(CRS)4.0.0.BC.1.MWRD

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETIC CONTROL MONUMENTS 77H6840 AND 78H7604  
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE UTM COORDINATES AND ABSOLUTE ACCURACY  
ACHIEVED ARE DERIVED FROM THE MAGNET PUBLISHED  
COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL  
MONUMENTS 77H6840 AND 78H7604.

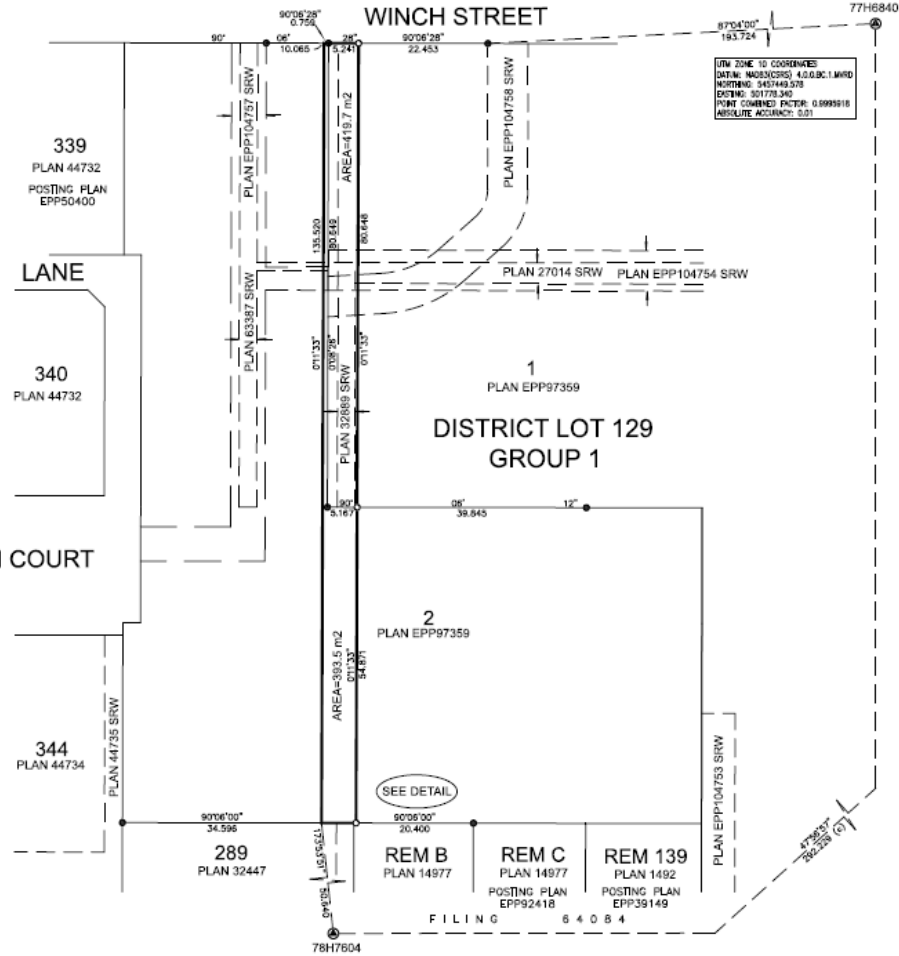
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES, UNLESS  
OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY  
GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF  
0.9999918. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED  
BASED ON GEODETIC CONTROL MONUMENTS 77H6840 AND 78H7604.

### LEGEND

FOUND PLACED

- ⊙ CONTROL MONUMENT
- STANDARD IRON POST
- (c) DENOTES CALCULATED
- m<sup>2</sup> DENOTES SQUARE METRES
- REM DENOTES REMAINDER

LEGAL DESCRIPTION	AREA (m <sup>2</sup> )
ALL OF DISTRICT LOT 129 GROUP 1 N.W.S. PLAN EPP97359	
LOT 1	419.7
LOT 2	393.5



UTM ZONE 10 COORDINATES  
DATUM: NAD83(CRS) 4.0.0.BC.1.MWRD  
NORTHING: 5457449.578  
EASTING: 301778.340  
POINT COMBINED FACTOR: 0.9999918  
ABSOLUTE ACCURACY: 0.01

UTM ZONE 10 COORDINATES  
DATUM: NAD83(CRS) 4.0.0.BC.1.MWRD  
NORTHING: 5457233.928  
EASTING: 301861.433  
POINT COMBINED FACTOR: 0.9999918  
ABSOLUTE ACCURACY: 0.01

MEHANNY ASSOCIATES LAND SURVEYING LTD.  
SUITE 101, 8637 201 STREET  
LANEY, BC V0V 0Z8  
TEL: 604-298-3301  
FAX: 213-2860-7 EPP104755  
EPP DATE: 16-NOV-2022

THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT