

DISTRICT OPERATIONS +BUSINESS SERVICES
Reporting to Public Session Monday, January 22, 2018

1. Byrne Creek Secondary School Easements

The School District has received two requests from an adjacent land owner to the Byrne Creek Secondary School site. First, they are requesting that an easement registered on their site in 1999 be released, and second that the district provide a crane swing easement over part of our parking lot during their construction period. The following map indicates the location of the site.

(a) Byrne Creek Secondary School Telus Easement Release Bylaw, 2018

In 1999, a land covenant was registered against the neighborhood that benefited the school district. The covenant provided that while Telus had a building on site, access to the building fire hydrants would be provided. The covenant indicated that access would remain in place as long as the building exists; it has subsequently been demolished. The land owner is requesting that the Board authorize the release of the covenant as stipulated in the agreement. A review of the Byrne Creek site shows that necessary hydrants exist along the three surrounding roads. Additio

Recommendation

It is recommended that Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 receive three readings at this Board meeting and final adoption.

- Motion 1 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 receive three readings at this Board meeting held January 22, 2018.
- Motion 2 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 be read a first time.
- Motion 3 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 be approved a first time and read a second time.
- Motion 4 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 be approved a second time and read a third time.
- Motion 5 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 be approved a third time.
- Motion 6 THAT Byrne Creek Secondary School Telus Easement Release Bylaw, 2018 having been read a first, second and third time, be finally passed and adopted the 22nd day of January, 2018; 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.

(b) Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018

The adjacent land owner is requesting that a crane swing easement be provided during construction that would allow the back of the crane to extend over the Byrne Creek north west parking area. The attached bylaw would authorize the Secretary/Treasurer to enter into a 52mter

communication, insurance, and compensation. The reasonable compensation to the district to allow the easement is \$10,000 plus reasonable legal expenses are covered.

All lifting of material, storage of material and necessary wires would not occur on or over the school site. Rather, the back of the crane (counter weight) would cross over our property line.

Recommendation

It is recommended that Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 receive three readings at this Board meeting and finally adopted.

Motion 1 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 receive three readings at this Board meeting held January 22, 2018

Motion 2 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 be read a first time.

Motion 3 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 be approved a first time and read a second time.

Motion 4 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 be approved a second time and read a third time.

Motion 5 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 be approved a third time.

Motion 6 THAT Byrne Creek Secondary School Crane Swing Easement Bylaw, 2018 having been read a first, second and third time, be finally passed and adopted the 2nd day of January 2018; 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.

Attachments 2

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

BYRNE CREEK SECONDARY SCHOOL TELUS EASEMENT RELEASE BYLAW, 2018

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*

NOW THEREFORE be it resolved as a Bylaw of the Board that the Board release the Telus Easement.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver a release of the Telus Easement in registrable form, and all related and ancillary documents required to complete the release of the Telus Easement

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

BYRNE CREEK SECONDARY SCHOOL CRANE SWING EASEMENT BYLAW, 2018

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act* and, including any right, title or estate in it of any tenure;

AND WHEREAS:

- (i) LM Precedence Homes Ltd. **Precedence** proposes to acquire from the City of Burnaby lands legally described as PID: 004-346-521 Lot 2 Except Part Dedicated Road on Plan BCP7569 **Lot 2** adjoining **Property** owned by The Board of **Board** ;
- (ii) Precedence proposes to place two cranes on Lot 2 to assist in the development of Lot 2, and has asked the Board to grant to Precedence a temporary crane swing easement (the **Precedence Crane Swing Easement**

Secretary-Treasurer may consider advisable, and all related and ancillary documents required to complete the granting of the Precedence Crane Swing Easement.

This bylaw may be cited as School District No. 41 (Burnaby) Byrne Creek Secondary School Crane Swing Easement Bylaw

READ A FIRST TIME THE 22nd DAY OF JANUARY, 2018

READ A SECOND TIME THE 22nd DAY OF JANUARY, 2018

READ A THIRD TIME, PASSED AND ADOPTED THE 22nd DAY OF JANUARY, 2018

Board Chair

Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original School District No. 41 (Burnaby) Byrne Creek Secondary School Crane Swing Easement Bylaw adopted by the Board the 22nd day of January, 2018.

Secretary-Treasurer

SCHEDULE A



