

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 11573

A by-law to amend the provisions of
"Surrey Land Use Contract No. 208
Authorization By-law, 1976, No. 4963."

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NOW, THEREFORE, the Municipal Council of The Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Land Use Contract No. 208, Authorization By-law, 1976, No. 4963" is hereby amended as follows:

(a) The Corporation of the District of Surrey is hereby authorized and empowered to enter into an amending Land Use Contract with HOLLY PARK LANE ESTATES LTD., for the development and use of certain lands and premises located within the Municipality of Surrey, in the Province of British Columbia, and more particularly known as described as:

Strata Lot 1 of Sections 19 and 20, Block 5 North, Range 1 West, New Westminster District, Strata Plan NW1018, together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

(10503 Holly Park Lane)

which said development shall be carried out and completed in accordance with the terms of the contract, a copy of which is attached to and forms a part of this By-law, and is marked Schedule "One (1)" to this By-law, and which contract becomes an addition to the Land Use Contract which forms Schedule One (1) of By-law 4963.

(b) The said amending Land Use Contract between the Corporation of the District of Surrey and HOLLY PARK LANE ESTATES LTD. shall have the force and effect of a Restrictive Covenant running with the hereinbefore described lands and shall be registered in the Land Title Office by the Corporation of the District of Surrey.

(c) The Mayor and Clerk are hereby authorized and empowered to sign and affix the Corporate Seal to the amending Land Use Contract and to do all acts necessary and incidental to the completion of the said amending Land Use Contract No. 208.

2. This By-law shall be cited for all purposes as "Surrey Land Use Contract No. 208, Authorization By-law, 1976, No. 4963, Amendment By-law, 1992, No. 11573."

FIRST AND SECOND READINGS this 7th day of December, A.D., 1992.

PUBLIC HEARING HELD this 4th day of January, A.D., 1993.

READ A THIRD TIME on the 11th day of January, A.D., 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 27th day of July, 1993.

_____MAYOR

_____CLERK

THE CORPORATION OF THE DISTRICT OF SURREY

MODIFICATION OF LAND USE CONTRACT 208

THIS AGREEMENT made the day of 199 .

BETWEEN:

THE CORPORATION OF THE DISTRICT OF SURREY, a District Municipality under the "Municipal Act" of the Province of British Columbia, and having its Municipal Offices at 14245 - 56th Avenue, in the Municipality of Surrey, in the Province of British Columbia.

(hereinafter called the "Municipality")

OF THE FIRST PART:

AND:

Holly Park Lane Estates Ltd., a body corporate, duly incorporated and subsisting under the laws of the Province of British Columbia, with registered office at 17th Floor, 1075 West Georgia Street, in the City of Vancouver, in the Province of British Columbia.

(hereinafter called the "Developer")

OF THE SECOND PART:

WHEREAS the Developer is the registered owner of an estate in fee simple of all and singular those certain

parcels or tracts of land and premises situated, lying and being in the Municipality of Surrey, in the Province of British Columbia, being more particularly known and described as:

Strata Lot 1 of Sections 19 and 20, Block 5 North, Range 1 West, New Westminster District, Strata Plan NW1018, together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

hereinafter called "the land";

AND WHEREAS the Municipality and Abacus Cities entered into a Land Use Contract, designated "Land Use Contract No. 208" respecting the land, which Land Use Contract was adopted by the Municipal Council of The Corporation of the District of Surrey on the 8th day of November, 1976, and registered in the Land Title Office, in the City of New Westminster, in the Province of British Columbia, on the 9th day of November, 1976, under Number M106367.

AND WHEREAS pursuant to the provisions of the said Land Use Contract No. 208, filed under Number M106367 the land was granted a permitted subdivision plan with the number of parcels to be created as set out in Schedule "H" and draft plan of subdivision which is attached to and forms part of the said Land Use Contract;

AND WHEREAS the Municipality and the Developer agree that certain of the requirements, conditions, covenants and agreements set out and expressed in the said Land Use Contract are not properly applicable to the desired development of the land;

AND WHEREAS the Developer has proposed that the said Land Use Contract filed under Number M106367 be amended as hereinafter provided and has made application to the Municipality to initiate such change;

AND WHEREAS the Council of the Municipality having given due regard to the considerations set forth in Sections 963 to 969 and Section 976 of the "Municipal Act," and of the "Surrey Land Use Contract Procedure By-law, 1973, No. 4053," and the Surrey Official Community Plan, has agreed to the terms, conditions and considerations herein contained.

AND WHEREAS a Land Use Contract is deemed to be a Zoning By-law for the purposes of the "Controlled Access Highways Act" and if the land is so situated that it is subject to such "Act", the approval of the Minister of Highways to the use set forth in this Contract must first be obtained before the Municipality can enter into same;

AND WHEREAS a Land Use Contract may not deal with any lands designated flood plain on the Official Regional Plan, until the said Contract is approved by the Minister of Municipal Affairs;

AND WHEREAS the Developer acknowledges that he is fully aware of the provisions and limitations of Section 976 of the "Municipal Act" and of the "Surrey Land Use Contract Procedure By-law, 1973, No. 4053," and the Municipality and the Developer mutually acknowledge and agree that the Council of the Municipality cannot enter into this agreement for the Modification of Land Use Contract No. 208, until the Council has held a Public Hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at

such hearing, and unless a majority of all the members of the Council present at the meeting at which the said amendment is considered, vote in favour of the By-law authorizing the Municipality to enter into this agreement for the Modification of Land Use Contract No. 208;

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

1. Schedule "C" attached to Land Use Contract No. 208 shall be deleted in its entirety and shall be wholly replaced by Schedule "C", hereinafter set forth which shall be attached to and form part of the said Land Use Contract.

Schedule "E" attached to Land Use Contract No. 208 shall be deleted in its entirety and shall be wholly replaced by Schedule "E", hereinafter set forth which shall be attached to and form part of the said Land Use Contract.

THE CORPORATION OF THE DISTRICT OF SURREY

LAND USE CONTRACT NO. 208

SCHEDULE "C"

Siting:

Site Area: 13.41 acres (approximately)

Number of dwelling units: 186

Density: 13.87 units per acre

Setbacks: (approximate distances)

From 148 Street: 37 feet

From 105 Avenue: 36 feet

From east boundary
of the land: 30 feet

From north boundary

of the land: 30 feet

Building coverage: Approximately 13.5% of site area

Parking and Driveway coverage: Approximately 20.27% of site area

Landscaping coverage: Approximately 66% of site area

THE CORPORATION OF THE DISTRICT OF SURREY

LAND USE CONTRACT NO. 208

SCHEDULE "E"

Off-Street Parking

Number of off-street parking

spaces which shall be provided: 359

Minimum size of each parking space: 8.5 feet x 20 feet

Surface treatment: Asphaltic or concrete pavement

All as shown on drawing numbered 75-RZ-110(A) which is attached to and forms part of this Land Use Contract, and which shall be completed to the satisfaction and approval of the Chief Inspector.

2. The Municipality and the Developer acknowledge and agree that the terms and provisions set forth in Land Use Contract designated as "Land Use Contract No. 208", filed under Number M106367, shall apply, mutatis mutandis, to this agreement and to the land and shall continue to apply thereto save and except as amended herein.
3. Upon the execution of this Agreement by the parties hereto and registration thereof at the Land Title Office, in the City of New Westminster, Land Use Contract No. 208 and filed under Number M106367, shall stand amended as herein provided;
4. The Developer has obtained the consent of all persons holding any registered interest in the land as set out in the consents to the use and development of the land as set forth herein, which consents are attached hereto.

