

CITY OF SURREY

BY-LAW NO. 11656

A by-law to amend the provisions of
"Surrey Land Use Contract No. 92
Authorization By-law, 1976, No. 5007."

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NOW, THEREFORE, the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Land Use Contract No. 92, Authorization By-law, 1976, No. 5007" as amended is hereby further amended as follows:

(a) The CITY OF SURREY is hereby authorized and empowered to enter into an amending Land Use Contract with SATINDER JIT SINGH GREWAL and KULJEET KAUR GREWAL for the development and use of certain lands and premises located within the City of Surrey, in the Province of British Columbia, and more particularly known and described as:

Lot 359, Section 17, Township 2, New Westminster District, Plan 53204

(7044 - 130 Street)

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 amendment to the Land Use Contract which forms Schedule One (1) of By-law 5007.

(b) The said amending Land Use Contract between the CITY OF SURREY and SATINDER JIT SINGH GREWAL and KULJEET KAUR GREWAL 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 City 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. 92.

2. This By-law shall be cited for all purposes as "Surrey Land Use Contract No. 92, Authorization By-law, 1976, No. 5007 Amendment By-law, 1993, No. 11656."

FIRST AND SECOND READINGS this 18th day of January, A.D., 1993.

PUBLIC HEARING HELD this 15th day of February, A.D., 1993.

READ A THIRD TIME on the 17th day of January, A.D., 1994.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 17th day of January, 1994.

_____MAYOR

_____CLERK

SCHEDULE ONE OF BY-LAW NO. 11656

CITY OF SURREY

MODIFICATION OF LAND USE CONTRACT 92

THIS AGREEMENT made the day of 199 .

BETWEEN:

The CITY OF SURREY, a city municipality under the "Municipal Act" of the Province of British Columbia, and having its City Offices at 14245 - 56th Avenue, in the City of Surrey, in the Province of British Columbia.

(hereinafter called the "City")

OF THE FIRST PART:

AND:

SATINDER JIT SINGH GREWAL
KULJEET KAUR GREWAL
(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 City of Surrey, in the Province of British Columbia, being more particularly known and described as:

Lot 359, Section 17, Township 2, New Westminster District, Plan 53204

(7044 - 130 Street)

hereinafter called "the land";

AND WHEREAS the City and PACESETTER HOMES LTD, M.P.R. CONSTRUCTION LTD., ARTHUR STANLEY HAZELL AND DENISE MARY HAZELL entered into a Land Use Contract, designated "Land Use Contract No. 92" respecting the land, which Land Use Contract was adopted by the Council of the City of Surrey on the 11th day of July, 1977, and registered in the Land Title Office, in the City of New Westminster, in the Province of British Columbia, on the 18th day of July, 1977, under Number N72538.

AND WHEREAS pursuant to the provisions of the said Land Use Contract No. 92, filed under Number N72538 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 City 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 N72538 be amended as hereinafter provided and has made application to the City to initiate such change;

AND WHEREAS the Council of the City having given due regard to the considerations set forth in Sections 956 to 959 and Section 982 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 City 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 982 of the "Municipal Act" and of the "Surrey Land Use Contract Procedure By-law, 1973, No. 4053," and

the City and the Developer mutually acknowledge and agree that the Council of the City cannot enter into this agreement for the Modification of Land Use Contract No. 92, 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 City to enter into this agreement for the Modification of Land Use Contract No. 92;

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

1. The City and the Developer acknowledge and agree that the terms and provisions set forth in Land Use Contract designated as "Land Use Contract No. 92", filed under Number N72538 shall apply, mutatis mutandis, to this agreement and to the land and shall continue to apply thereto save and except as hereinafter provided in Clause 2.
2. Schedule "H" attached to Land Use Contract No. 92 shall be deleted in its entirety and shall be wholly replaced by Schedule "H", hereinafter set forth which shall be attached to an form part of the said Land Use Contract.

CITY OF SURREY

LAND USE CONTRACT NO. 92

SCHEDULE "H"

Subdivision Plan:

Parcels to be created: Fifteen (15) consisting of Fourteen (14) lots and including One (1) lot fragment which fragment is to be consolidated with Lot Seventy-Four (74), North West Quarter, Section Seventeen (17), Township Two (2), Plan 44269, New Westminster District.

Area, Shape and: Approximately as shown on the

Dimensions draft subdivision plan which is attached hereto and forms part of this Schedule.

Highways, etc.: The Developer covenants and agrees to dedicate land for road use in the following manner, all as approximately shown on the attached plan of subdivision hereinbefore referred to:

- (a) a strip of land 33 feet wide and terminating in a half cul-de-sac at the west end thereof, adjacent to the southerly boundary of the land approximately as shown and marked "New Road A.;

