

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 3470

A By-law to provide for the holding, use and improvement, operation, maintenance and management of certain real property owned by the Corporation, for the purpose of providing public off-street parking facilities in commercial areas of the Municipality, and to regulate, charge and collect fees and rents for such use.

WHEREAS the Corporation is the owner of the real property hereinafter described;

AND WHEREAS it is deemed expedient that such real property be held, used and improved for the purpose of public off-street parking facilities;

AND WHEREAS it is necessary that the Council have authority to improve such real property and from time to time as it may deem requisite, acquire and hold additional real property and construct buildings and structures thereon and to equip them for such purpose;

AND WHEREAS it is also necessary to provide for the operation, maintenance and management of all real property and facilities so held and used under this by-law;

AND WHEREAS it is deemed equitable that fees or rents for the use of any space in, or portion of, or the use of, any of the real property held under this by-law shall be charged and collected and that the Council have authority to enter into agreements with other persons for the leasing and sub-letting of any of such real property;

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

1. This By-law may be cited for all purposes as "Surrey Off-Street Parking Facilities By-law, 1971, No. 3470".

2. The following described real property owned by the Corporation shall from and after the final adoption of this by-law, be held, used and improved for the purpose of providing off-street parking facilities for the use of the public:

In the Municipality of Surrey, Province of British Columbia, and more particularly known and described as:

- (a) Lots Eleven (11) and Twelve (12) of Block Three (3) of the South East Quarter of Section Seven (7), Township Eight (8), Plan 1839, New Westminster District.
- (b) Parcel "M" (Plan D.D. 8600F) EXCEPT the West Eight (8') Feet thereof and Parcel "N" (Reference Plan 2), EXCEPT the West Eight (8') Feet thereof, both of South West Quarter of Section Eight (8), Township Eight (8), New Westminster District, AND
The North Half of Lot "A" of Block Five (5) of the South West Quarter of Section Eight (8) Township Eight (8), Plan 5627, said North Half of Lot "A" being all that portion lying to the North of a straight line bisecting the East and West boundaries thereof, EXCEPT the West Eight (8') feet thereof.
- (c) Lots One (1) and Two (2) of Block Four (4) of the South West Quarter of Section Eight (8) Township Eight (8), Plan 2107, SAVE AND EXCEPT the West Sixteen (16') feet thereof, New Westminster District, AND Lot Sixty-three (63) of the South West Quarter of Section Eight (8), Township 8, Plan 30992, New Westminster District.

3. Every parcel of the real property described in Section 2 hereof shall be paved and divided into parking spaces before it shall be made available to the public for off-street parking. Each parking space shall have the minimum area required by the "Surrey Zoning By-law" in effect at the date of this by-law and with regard to future acquired properties of the area required by the By-law in effect at that date and the boundaries thereof

shall be clearly identified by lines painted on the pavement or by other means indicating such boundaries.

The driveways providing access to and/or egress from every such parcel shall be limited in number and may be controlled by automatic devices.

4. The Council may, from time to time, and as deemed expedient, construct buildings and structures or any and all of the lands described in Section 2 hereof and on any after acquired property and equip the same for the purpose of providing public off-street parking facilities.

5. The Municipal Manager shall be responsible for the operation, maintenance and management of all real property held and used pursuant to this by-law.

6. (1) The Corporation is hereby authorized to enter into an agreement with any person or persons owning real property which is situate within the distance specified by Part XVIII of the "Surrey Zoning By-law" in effect at the date of this By-law and as from time to time amended or repealed from the boundary of any parcel of real property held, used and improved pursuant to this by-law, for the use of any number of parking spaces within such parcel for use by the public as off-street parking in substitution for the provision of such off-street parking on the real property owned by him in accordance with the requirements of the "Surrey Zoning By-law" from time to time in effect, and pursuant to such an agreement the Corporation may grant to such person a permit for the use by the public of such number of parking spaces.

(2) Every such permit granted by the Corporation pursuant to this by-law shall be valid and of full force and effect for a period of thirty (30) years from the date of issue thereof, but shall be subject to automatic cancellation without refund by the Corporation if at any time during such period the building or structure for which such off-street parking has been provided,

is destroyed or is removed from its site and is not replaced by another building or structure having the same off-street parking requirements within a period of one year from the date of such destruction or removal.

(3) As the consideration for the granting of every such permit on a particular parcel of real property the applicant therefor shall pay to the Corporation, for every parking space included in the permit, the sum which shall be arrived at as follows:

The cost of the said property plus the costs of improving and equipping the same for off-street parking, plus ten per centum (10%) of the total thereof, divided by the total number of parking spaces contained therein.

(4) The Corporation is hereby empowered to provide such parking spaces on the ground or in a building or structure placed upon such real property and further is empowered the right to charge and collect fees or charges for the use of such parking facilities.

(5) No such permit or agreement under this by-law shall be construed to convey or vest any property or rights in such parking spaces or real property, in the person to whom such permit is issued, nor shall any such permit or agreement entitle such person to any allocation of specific parking spaces on said real property or to any marking thereof indicating that such spaces have been licenced to him. All obligations of the Corporation under this by-law shall be limited to the provision of the required number of off-street parking spaces for which permits are issued pursuant to this by-law.

7. (1) A reserve fund, which shall be known as the "Surrey Off-street Parking Reserve Fund" is hereby established pursuant to the provisions of Section 303 of the "Municipal Act", being Chapter 255 R.S.B.C. 1960 as amended, and the Treasurer shall annually, on or before the 31st day of December of each year, pay into such fund all monies received by the Corporation pursuant to Section 6 of this by-law.

(2) The monies set aside in such reserve fund, together with any interest earned thereon, shall be used only for:

(a) A Capital expenditure for the improvement of real property held by the Corporation for the purpose of providing public off-street parking, the construction of buildings and structures and the equipping of them for such purpose and use, and the acquisition of additional real property to be held, improved and used for such purpose.

(b) Redeeming any debentures issued by the Corporation in respect of the Capital expenditures specified in clause (a) hereof.

8. Whenever the Council may deem it expedient that the Corporation recover any costs incurred by it in the operation, maintenance and management of the off-street parking facilities provided pursuant to this by-law, it shall be lawful for the Council to close to the free use by the public the whole or any portion of the real property described in Section 2 hereof, and notwithstanding the provisions of Section 6 hereof to fix and charge fees or rents for the use of any space in

or portion of such real property sufficient to recover such costs, such fees or rents shall be fixed and charged by the Corporation's annual "Tax for Special Services By-law".

PASSED by the Municipal Council this 2 day of August A.D. 1971.

RECONSIDERED AND FINALLY ADOPTED signed by the Mayor and Clerk and sealed with the Corporate Seal, this 9th day of August A.D. 1971.

J. A. Dunster, Alderman
Mayor
[Signature]
DEPUTY Clerk

*Approved by
C. W. 3710*

THE CORPORATION OF THE DISTRICT OF SURREY

"SURREY OFF-STREET PARKING FACILITIES BY-LAW, 1971, No. 3470"

PERMIT

THIS AGREEMENT made the _____ day of _____, A.D. 197 .

BETWEEN:

THE CORPORATION OF THE DISTRICT OF SURREY,
A Municipal Corporation, pursuant to the
"Municipal Act, and having its offices at
14245 - 56th Avenue, in the Municipality of
Surrey, Province of British Columbia,

(hereinafter called the "Corporation")

OF THE FIRST PART

AND:

(hereinafter called the "Applicant")

OF THE SECOND PART

WHEREAS the Applicant is the owner in fee simple
of that certain parcel or tract of land and premises, situate
lying and being in the Municipality of Surrey, Province of
British Columbia, and more particularly known and described
as:

(hereinafter referred to as the "said lands");

AND WHEREAS the said lands are not of sufficient
area to permit the applicant to provide the off-street parking
facilities required by the "Surrey Zoning By-law", currently
in force;

AND WHEREAS in pursuance of the provisions of "Surrey
Off-Street Parking Facilities By-law, 1971, No. 3470" the
Corporation holds and has improved a parcel of real property
(hereinafter referred to as the "Parking Facility"), for the
purpose of providing off-street parking facilities for the use

of the public and said parking facility is situate within that distance from the said lands prescribed by the "Surrey Zoning By-law";

AND WHEREAS the said Applicant desires to provide the required off-street parking for said lands within the parking facility in substitution for the off-street parking upon his lands, and has made application to the Corporation for a permit therefor pursuant to the provisions of "Surrey Off-Street Parking Facilities By-law, 1971, No. 3470" and the Corporation has agreed to grant such permit in the form and to the extent hereinafter provided;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the payment of the sum of now paid by the applicant to the Corporation, the receipt of which is hereby acknowledged, the parties hereto covenant and agree each with the other as follows:

1. (a) The Corporation agrees, pursuant to the authority of Section 6 of "Surrey Off-Street Parking Facilities By-law, 1971, No. 3470", and subject to all limitations and provisions of said by-law in that behalf, and hereby grants to the applicant this permit to use parking spaces within the aforesaid parking facility, in substitution for the same number of off-street parking spaces which the said applicant is required to provide by the "Surrey Zoning By-law", for the building or structure situate on the said lands of the applicant and hereinbefore defined, and such parking spaces shall be for the free use by the public.

(b) This permit shall be valid notwithstanding any change in the ownership of said lands, and shall remain attached to the said lands and provide substantial compliance with the require-

ments of the "Surrey Zoning By-law" for off-street parking facilities for the building or structure thereon, to the same extent and subject to the same limitations as though the said off-street parking facilities had been provided on the said lands; and shall be subject to the provisions of clauses (a) and (c) of this section.

(c) The permit hereby granted shall be subject to:

(i) termination by the Corporation at any time upon 30 days notice without refund by the Corporation; and (ii) automatic cancellation without refund by the Corporation, if at any time during the term thereof, the building or structure on the said lands and for which such off-street parking has been provided, is destroyed or is removed from said lands and is not replaced by another building or structure having the same off-street parking requirements, within a period of one (1) year from the date of such destruction or removal.

(d) This permit shall not be construed to convey or vest any property or rights in such parking spaces or real property, in the applicant or his successor in title to the said lands, nor shall the applicant be entitled to any allocation of specific parking spaces or to any marking thereof indicating that such spaces have been licenced to him. All obligations of the Corporation under this permit shall be limited to the provision of the number of off-street parking spaces within the parking facility for which this permit is issued.

2. The applicant agrees with the Corporation to accept this permit subject to the terms and conditions of Section 1 hereof, the provisions of "Surrey Off-Street Parking Facilities By-law, 1971, No. 3470" and the "Surrey Zoning By-law", currently in force, and to be bound by the same.

3. The applicant agrees with the Corporation that if at any time the Municipal Council may deem it expedient to recover any costs incurred by the Corporation in the operation, maintenance and management of the off-street parking facilities provided pursuant to "Surrey Off-street Parking Facilities By-law 1971, No. 3470", the Corporation shall have the unrestricted right and liberty to close to the free use by the public the parking facilities and the parking spaces therein, subject to this permit and to fix and to charge fees or rents for the use of any parking space in such parking facility.

IN WITNESS WHEREOF the Corporation has hereunto affixed its Corporate Seal attested by the hands of its duly authorized officers and the Applicant has hereunto set his hand and seal the day and year first above written.

The Corporate Seal of THE CORPOR-)
 ATION OF THE DISTRICT OF SURREY)
 was hereunto affixed in the)
 presence of:)

_____)
 MAYOR)

_____)
 CLERK)

SIGNED, SEALED AND DELIVERED by)
 the Applicant)

in the presence of:)

Name _____)

Address _____)

_____)
 Occupation _____)