



1. Application

Document Fees: \$78.17

Michelle Lee, Agent for City of Surrey
LTO Client #011477
13450 104 Avenue
Surrey BC V3T 1V8
604-598-5730

File: 7815-0080-00

2. Description of Land

PID/Plan Number	Legal Description
030-904-676	LOT 1 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN EPP58440
030-904-684	LOT 2 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN EPP58440
030-904-692	LOT 3 SECTION 36 BLOCK 5 NORTH RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN EPP58440

3. Nature of Interest

Type	Number	Additional Information
COVENANT		

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

CITY OF SURREY

6. Transferee(s)

CITY OF SURREY
 13450 104 AVENUE
 SURREY BC V3T 1V8

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

SHYAL PRASAD
Commissioner for Taking Affidavits
for British Columbia
(as to the signature of the City Clerk)
13450 104 Avenue
Surrey BC V3T 1V8

YYYY-MM-DD

2023-09-25

CITY OF SURREY
By their Authorized Signatory

Jennifer Ficocelli, City Clerk

Expiry: 31/12/2025

Sam Lau, P. Eng. Director, Land Development

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Michelle Lee
MSFQYC

Digitally signed by
Michelle Lee MSFQYC
Date: 2023-10-03
12:08:51 -07:00

TERMS OF INSTRUMENT - PART 2

**COVENANT: *LAND TITLE ACT* S.219
(Engineering Foundations)**

BETWEEN: CITY OF SURREY
13450 104 Avenue
Surrey, BC V3T 1V8

(the "Owner")

OF THE FIRST PART

AND: CITY OF SURREY
13450 104 Avenue
Surrey, BC V3T 1V8

(the "City")

OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of those lands and premises in the City of Surrey, in the Province of British Columbia, more particularly known and described as:

Parcel Identifier: 030-907-676

Lot 1 Section 36 Block 5 North Range 3 West New Westminster District Plan EPP58440

Parcel Identifier: 030-904-684

Lot 2 Section 36 Block 5 North Range 3 West New Westminster District Plan EPP58440

Parcel Identifier: 030-904-692

Lot 3 Section 36 Block 5 North Range 3 West New Westminster District Plan EPP58440

(together, the "Lands")

- B. Section 219 of the *Land Title Act* (the "*Land Title Act*") provides, inter alia, that a covenant, whether of a negative or positive nature, in respect of use of land in favour of the City may be registered as a charge against the title to that land.
- C. The City has requested that the Owner grant covenants in favour of the City to:
- (a) restrict the placement of any fill upon the Lands;

- (b) require that the foundations of any buildings, houses or other structures be constructed upon the Lands with foundations designed and certified by a Professional Engineer registered in the Province of British Columbia and approved in writing by the City; and
- (c) require the Owner to adhere to the lot grading plan for the Lands as prepared by Coastland Engineering & Surveying Ltd. for City of Surrey project number 7815-0080-00 and accepted by the City as Drawing No. 2 of 7, Revision E, as amended (the "Lot Grading Plan") and attached hereto as Schedule "A" forming part of this agreement.

D. The Owner has agreed to the restrictions on the use of the Lands.

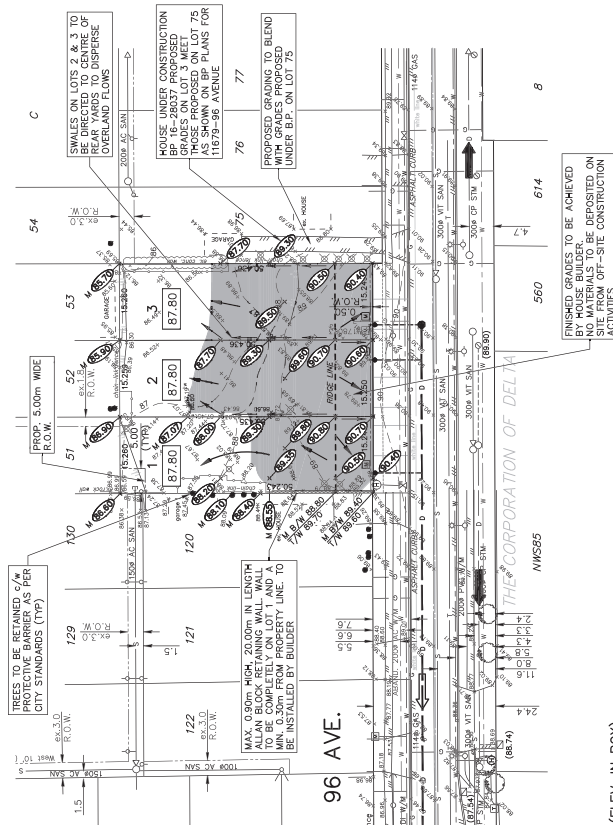
NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the *Land Title Act*, R.S.B.C. 1996 C.250 as amended (the "*Land Title Act*") and in consideration of ONE (\$1.00) DOLLAR now paid to the Owner by the City (the receipt of which is hereby acknowledged) the Owner covenants and agrees with the City as follows:

1. The Owner COVENANTS AND AGREES with the City that:
 - (a) the Owner shall not use or build upon the Lands or cause or permit any soil, dirt, earth, gravel, sand, rock or other fill material of any description to be brought or placed upon the Lands without the prior approval in writing of the City.
 - (b) the Owner shall fully comply and adhere to the Lot Grading Plan. Any proposed amendments to the Lot Grading Plan shall be submitted in writing to the Building Division of the Planning and Development Department of the City for approval and any amendment to the Lot Grading Plan must be so approved in writing by the City before any such amendment is implemented by the Owner.
 - (c) the foundations of any house, building or structure to be constructed or placed upon the Lands shall have foundations designed and certified by a Professional Engineer registered in the Province of British Columbia.
 - (d) the Owner hereby releases, indemnifies and saves harmless the City, its elected and appointed officials, employees and agents from and against any and all liability, actions, causes of actions, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the City arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement or any default of the Owner under or in respect of this Agreement.
 - (e) the Owner hereby covenants and agrees with the City that the City is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.

2. IT IS MUTUALLY UNDERSTOOD AND AGREED by and between the parties that:
- (a) nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered to the Owner;
 - (b) the covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants, the burden of which shall run with the Lands. It is further expressly agreed that this Agreement may only be modified or discharged by agreement of the City pursuant to the provisions of Section 219(9) of the *Land Title Act*;
 - (c) notwithstanding anything contained herein, the Owner shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Owner ceases to have any further interest in the Lands;
 - (d) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic, where the contents or parties so require;
 - (e) this Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns; and
 - (f) the parties shall do and cause to be done all such things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.



SCHEDULE "A"

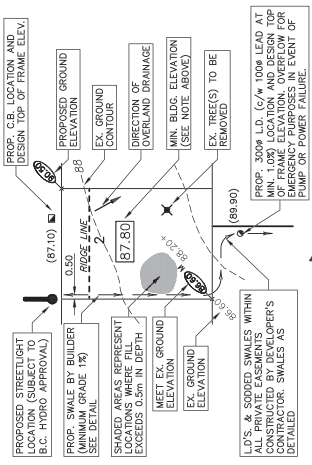


LOT GRADING NOTES:

- 1) ALL ROOF LEADERS ARE TO DISCHARGE ONTO SPLASH-PADS.
- 2) ROUGH LOT GRADING BY GENERAL CONTRACTOR.
- 3) FINISHED LOT GRADING BY HOUSE BUILDER.
- 4) HOUSE BUILDER MAY BE REQUIRED TO CONSTRUCT ADDITIONAL DRAINAGE FACILITIES AS DESIGNED BY A PROFESSIONAL ENGINEER PRIOR TO OCCUPANCY APPROVAL.
- 5) Q(5) IS WITHIN THE PIPES. Q(100) IS ON THE ROADS UNLESS OTHERWISE NOTED.
- 6) MINIMUM BUILDING ELEVATIONS ARE SET BY THE DESIGN ENGINEER. MINIMUM FINISH FLOOR ELEVATIONS ARE 100 YEAR FLOOD LEVELS UNLESS OTHERWISE NOTED.
- 7) HOUSE BUILDERS TO ENSURE THAT OVERFLOWS ARE CLEAR OF ALL STREETLIGHTS AND HYDRANTS BY A MINIMUM OF 1.0m.
- 8) ROUGH LOT GRADING TO BE CERTIFIED UPON COMPLETION BY THE ENGINEER OF RECORD.
- 9) BUILDERS ARE RESPONSIBLE FOR INSTALLING CONCRETE PULL-OUTS FOR ALL FOUNDATIONS. ALL FOUNDATIONS SHOULD BE LOCATED IN A DRIVEWAY, STANDARD DRAWING MM02 5-9.
- 10) RESTRICTIVE COVENANTS TO BE IN PLACE OVER:
 - A) LOTS 1-3 FOR BUILDING DESIGN GUIDELINES INCLUDING SUSTAINABLE DRAINAGE. (PROVIDE A MINIMUM 450mm OF TOPSOIL OVER ALL LANDSCAPING AND GRASSED AREAS).
 - B) LOTS 1 & 2 FOR TREE PRESERVATION.
 - C) LOTS 1-3 FOR ENGINEER FOOTINGS AND FOUNDATIONS.

M.B.E. NOTES: (ELEV. IN BOX)

MINIMUM TOP OF CONCRETE SLAB ELEVATION OR INCREASING OF FLOOR JOISTS ELEVATION IN CRAWLSPACE. CRAWLSPACE SHALL NOT BE USED FOR STORAGE OF GOODS OR EQUIPMENT DAMAGEABLE BY FLOOD WATERS.



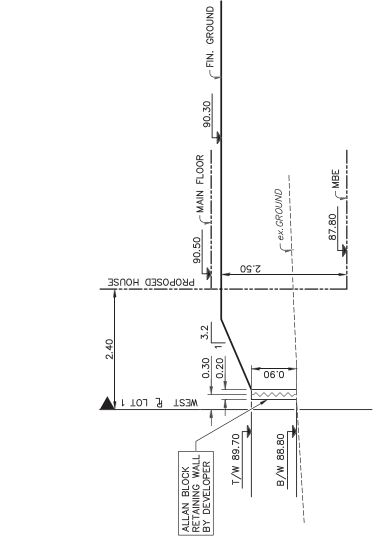
DETAIL OF SWALE

N.T.S.



SECTION - LOT 1 FRONT OF HOUSE & RETAINING WALL

N.T.S.



LOT GRADING LEGEND

N.T.S.



<p>Coastland engineering & surveying ltd. #101, 19252 - 80 Avenue Phone: (604) 532-9700 Fax: (604) 532-9700 Permit to Practice No. 1001893</p>		<p>CITY OF SURREY</p>		<p>CITY OF SURREY REALTY DEPARTMENT 13450 - 104 AVENUE, SURREY, BC, V3T 4V8 CONTACT: paul@cityofsurrey.ca</p>		<p>LOT GRADING PLAN 11659 - 96 AVENUE</p>		<p>SEAL</p>		<p>SCALE: 1:500</p> <p>DESIGNED: JKH</p> <p>DRAWN: JKH</p> <p>REVIEWED: FRY</p>		<p>DATE (YYYY MM): 2017 JANUARY</p> <p>CONTRACT PROJECT NO.: 2472</p> <p>DRAWING NO.: 7</p> <p>SHEET NO.: 2</p> <p>TOTAL SHEETS: 5</p>		<p>SURVEY PROJECT NUMBER: 7815-0080-00</p> <p>DRAWING TYPE: GRADING</p>	
<p>LOCAL: LOT B (B65249) BLOCK 6, SECTION 36, BLOCK 5 NORTH, DISTRICT OF DELTA</p> <p>STANDARD: 90m NORTH OF 96 AVENUE</p> <p>MON 5370 N 447243.948 E 507200.942</p> <p>DATE: 2023.08.27</p> <p>BY: FSI</p> <p>DATE: 2017.04.23</p> <p>BY: AME</p> <p>DATE: 2017.04.07</p> <p>BY: FSI</p> <p>DATE: 2017.02.07</p> <p>BY: AME</p>		<p>DESCRIPTION: ROADWORK REMOVED & DRAWING UPDATED TO CURRENT STD'S</p> <p>REVISIONS: CITY REQUIREMENTS</p> <p>NOTE: ADDED TO EX. LOT 75</p> <p>CITY REQUIREMENTS</p>		<p>REVISIONS:</p>		<p>REVISIONS:</p>		<p>REVISIONS:</p>		<p>REVISIONS:</p>		<p>REVISIONS:</p>		<p>REVISIONS:</p>	