

DISTRICT OPERATIONS – BUSINESS SERVICES
Reporting to Public Session, Tuesday, September 25, 2018

1. SFU Stormwater Management Covenant Bylaw, 2018

The Burnaby Board of Education operates University Highlands Elementary School on property leased from Simon Fraser University pursuant to the terms of a ground lease. The City of Burnaby has requested that the Board and SFU grant a stormwater management covenant in favour of the City pursuant to Section 219 of the *Land Title Act* for the purpose of ensuring the provision, utilization, maintenance and three-year monitoring of the Storm and Ground Water Management System. The covenant includes a consent and priority agreement by which the Board consents to the granting of the covenant and the registration of the covenant in priority to the lease. The granting of the covenant and the priority agreement is subject to the approval of the City Council.

The Buildings and Grounds Committee has reviewed the request for the stormwater management covenant bylaw and the priority agreement and recommends approval by the Board of Education.

Recommendation

It is recommended that SFU Stormwater Management Covenant Bylaw, 2018 receive three readings at this Board meeting and final adoption in accordance with the City of Burnaby Charter.

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| Motion 1 | THAT SFU Stormwater Management Covenant Bylaw, 2018 receive three readings at this Board meeting held September 25, 2018. |
| Motion 2 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be read a first time. |
| Motion 3 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be approved a first time and read a second time. |
| Motion 4 | THAT |

Motion 6 THAT SFU Stormwater Management Covenant Bylaw, 2018 having been read a first, second and third time, be finally passed and adopted the 25th day of September, 2018; that the Chair of the Board and the Secretary-

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

SFU STORMWATER MANAGEMENT COVENANT 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 including any right, title or estate in it of any tenure;

AND WHEREAS:

- (i) the University Highlands Elementary School on property that the British Columbia, pursuant to the terms of a ground lease registered against the Property;
- (ii) The City of Burnaby which is the owner of the Property, pursuant to a Covenant and the registration of the Covenant in priority to the Lease;
- (iii) the Property is facility number 04141069
- (iv) the legal description of the Property is:
Parcel Identifier: 05-571-231
Lot 13 District Lot 211 Group 1 New Westminster District Plan BCP3161;
- (v) the Board is satisfied that the granting of the Covenant and the Priority Agreement will not interfere with the use of the Property for educational purposes

NOW THEREFORE be it resolved as a Bylaw of the Board that the Board grant the Covenant and the Priority Agreement

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