

CITY OF SURREY

BY-LAW NO. 15493

A by-law to amend provisions of "Elim Housing Agreement
Authorization By-law, 2000 No. 13964"

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WHEREAS the City of Surrey has received an application to enter into an amendment to the Elim Housing Agreement;

AND WHEREAS Section 905 of the Local Government Act, R.S.B.C. 1996, c. 323, as amended, empowers the Council or the City of Surrey to enter into or amend a housing agreement;

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

1. Elim Housing Agreement, Authorization By-law, 2000, No. 13964 is amended as follows:

(a) The City of Surrey is hereby authorized and empowered to enter into an amendment of the housing agreement authorized by Elim Housing Agreement, Authorization By-law, 2000, No. 13964 (Elim Housing Agreement) with the following parties:

ELIM MANAGEMENT CORPORATION

(Incorporation No. 504143)
213 - 12837 - 76 Avenue
Surrey, B.C. V3W 2V3

(hereinafter called "Elim")

AND

ELIM HOUSING SOCIETY

200 - 17619 - 96 Avenue
Surrey, B.C. V4N 4A9

(hereinafter called the "Society")

to regulate the use of certain land and premises located within the City of Surrey, in the Province of British Columbia and being more particularly known and described as:

Parcel Identifier: 025-494-155
Lot 1 Section 35 Township 2 New Westminster District Plan BCP1012

8987 – 160 Street

Parcel Identifier: 024-803-944
Lot B Except: Firstly: Part Plan BCP1012; Secondly: Part Plan BCP9829; Section 35 Township 2 New Westminster District Plan LMP46358

9055 – 160 Street

Parcel Identifier: 024-803-936
Lot A Section 35 Township 2 New Westminster District Plan LMP46358

9010 – 158 Street

Parcel Identifier: 025-872-826
Lot 1 Section 35 Township 2 New Westminster District Plan BCP9829

9080 – 158 Street

Parcel Identifier: 025-690-493
Lot 1 Section 35 Township 2 New Westminster District Plan BCP 5936

8980 – 158 Street

(hereinafter referred to as the “*Lands*”)

the regulation of which shall be carried out and completed in accordance with the terms of the amendment of the Elim Housing Agreement (the "Amendment of Elim Housing Agreement"), a copy of which is attached to and forms a part of this By-law, and is marked Schedule "One (1)";

- (b) The Amendment of Elim Housing Agreement between the City of Surrey and Elim and Society shall have the force and effect of a Restrictive Covenant running with the Lands and shall be registered in the Land Title Office; and
- (c) The Mayor and Clerk are hereby authorized and empowered to sign and affix the Corporate Seal to the Amendment of Elim Housing Agreement and to do all acts necessary and incidental to the completion of the amendment of the Elim Housing Agreement.

2. This By-law shall be cited for all purposes as "Elim Housing Agreement, Authorization By-law, 2000, No. 13964, Amendment By-law, 2004, No. 15493."

PASSED THREE READINGS on the 7th day of September, 2004.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 25th day of July, 2005.

_____MAYOR

_____CLERK

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CITY OF SURREY

AMENDMENT OF ELIM HOUSING AGREEMENT

THIS AGREEMENT dated for reference the ____ day of _____, 20 ____.

BETWEEN:

CITY OF SURREY
14245 - 56th Avenue
Surrey, B.C., V3X 3A2

(hereinafter called the "City")

OF THE FIRST PART

AND:

ELIM MANAGEMENT CORPORATION, a company duly incorporated under the laws of the Province of British Columbia (Incorporation No. 504143) having an address at 213 - 12837 - 76 Avenue, Surrey, B.C. V3W 2V3

(hereinafter called "Elim")

OF THE SECOND PART

AND

ELIM HOUSING SOCIETY, a society duly incorporated under the Society Act of the Province of British Columbia, having an office at 200 - 17619 - 96 Avenue, Surrey, B.C. V4N 4A9

(hereinafter called the "Society")

OF THE THIRD PART

A. **WHEREAS** Elim Housing Agreement, Authorization By-law, 2000, No. 13964 was adopted by the Council of the City on May 29, 2000 and registered in the New Westminster Land Title Office, under Number _____ ("Elim Housing Agreement") with:

BURNABY LAKE GREENHOUSES LTD., a company duly incorporated under the laws of the Province of British Columbia (Incorporation No. 48984) having a business address at 17250 - 80 Avenue, Surrey, B.C. V3S 5X7

(hereinafter called "Burnaby Lake")

AND

**WILLEM JACOB TIMMER and
HERMIJNTJE TIMMER** both retired and both of
9069 - 160 Street, Surrey, B.C. V3R 4N4

(hereinafter together called "Timmer")

AND

ELIM MANAGEMENT CORPORATION a company
duly incorporated under the laws of the Province of British
Columbia (Incorporation No. 504143) having an address at
213 - 12837 - 76 Avenue, Surrey, B.C. V3W 2V3

(hereinafter called "Elim")

AND

ELIM HOUSING SOCIETY, a society duly incorporated
under the Society Act of the Province of British Columbia,
having an office at 200 - 17619 - 96 Avenue, Surrey, B.C.
V4N 4A9

(hereinafter called the "Society")

respecting the land and premises known and described as:

Parcel Identifier: 009-556-281
Lot 1 Section 35 Township 2 New Westminster District Plan 76723

Parcel Identifier: 003-468-640
Lot 8 Except: Parcel A (Explanatory Plan 9771) Block 2 Section 35 Township 2
New Westminster District Plan 5281

Parcel Identifier: 009-556-290
Lot 2 Section 35 Township 2 New Westminster District Plan 76723

(the "land")

B. **AND WHEREAS** Burnaby Lake and Timmer have transferred their rights in the land to the
Society.

C. **AND WHEREAS** through subdivision and consolidation the legal description of the land has changed and is now as follows:

Parcel Identifier: 025-494-155
Lot 1 Section 35 Township 2 New Westminster District Plan BCP1012

Parcel Identifier: 024-803-944
Lot B Except: Firstly: Part Plan BCP1012; Secondly: Part Plan BCP9829; Section 35
Township 2 New Westminster District Plan LMP46358

Parcel Identifier: 024-803-936
Lot A Section 35 Township 2 New Westminster District Plan LMP46358

Parcel Identifier: 025-872-826
Lot 1 Section 35 Township 2 New Westminster District Plan BCP9829

D. **AND WHEREAS** Society has now purchased land and premises known and described as:

Parcel Identifier: 025-690-493
Lot 1 Section 35 Township 2 New Westminster District Plan BCP5936

NOW THEREFORE this Amendment of Elim Housing Agreement witnesses that in consideration of One (\$1.00) Dollar and other good and valuable consideration paid by each of the parties to each other (the receipt and sufficiency of which each party hereby acknowledges) the parties hereby covenant and agree with each other as follows:

A. The Elim Housing Agreement applies to the lands and premises known and described in Recital C and the additional lot described in Recital D which, collectively, are now known as the "Lands".

B. **Due Execution**

The parties hereby represent and warrant to each other that this Amendment of Elim Housing Agreement has been duly authorized and executed by the parties and that delivery of this Amendment of Elim Housing Agreement has been duly authorized by all necessary corporate action on the part of the parties.

C. **Full Force and Effect**

The parties hereby agree that the Elim Housing Agreement shall hereinafter be read and construed in conjunction with this Amendment of Elim Housing Agreement and be regarded as being amended only to the extent herein provided that all the terms, covenants, provisos, conditions and provisions of the Elim Housing Agreement, as amended hereby, shall continue to be in full force and effect and nothing herein contained shall operate or be construed to modify or otherwise affect the rights and obligations created by the Elim Housing Agreement and the Amendment of Elim Housing Agreement as amended hereby.

D. Enurement

This Agreement shall enure to the benefit of and be binding upon the respective successors and permitted assigns of the parties.


IN WITNESS WHEREOF the parties have executed this Amendment of Elim Housing Agreement as of the date set out above.

CITY OF SURREY
by its authorized signatories


D.W. McCALLUM, Mayor

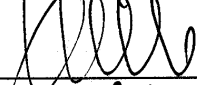
MARG JONES, City Clerk

ELIM MANAGEMENT CORPORATION
by its authorized signatories



ELIM HOUSING SOCIETY
by its authorized signatories





T. VanBoga.

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