

Land Title Act

11 MAY 2001 10 51

ES036076

Form C (Section 219.81)

Province of British Columbia

LAND TITLE OFFICE

GENERAL INSTRUMENT - PART I

(This area for Land Title Office use)

Page 1 of 2 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Jawl & Bundon (c/o Debbie Fielden), Barristers  
and Solicitors, 5331 Cordova Bay Road, Victoria,  
BC V8Y 2L3 Tel: 658-4700

Signature of Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

024-980-536

(LEGAL DESCRIPTION)

LOT 1 SECTION 4 AND PART OF THE BED OF THE PUBLIC  
HARBOUR VICTORIA DISTRICT, PLAN VIP72115

3. NATURE OF INTEREST:\*

DESCRIPTION

STATUTORY RIGHT OF WAY

DOCUMENT REFERENCE

(page and paragraph)

ENTIRE INSTRUMENT

PERSON ENTITLED TO INTEREST

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

D.F. No.

01 01/05/11 10:52:44 01 VI 303456  
CHARGE \$55.00

(b) Express Charge Terms

Annexed as Part 2

(c) Release

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

CAPITAL HEALTH REGION, Memorial Pavilion, 2101 Richmond Avenue, Victoria, BC V8R 4R7

6. TRANSFEREE(S): (including postal address(es) and postal code(s))\*

THE CORPORATION OF THE CITY OF VICTORIA, 1 Centennial Square, Victoria, BC V8W 1P6

7. ADDITIONAL OR MODIFIED TERMS: \* N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges 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.

Officer Signature(s)

2101 Richmond Ave  
Victoria BC  
A Commissioner for taking  
Affidavits  
within BRITISH COLUMBIA  
FRED WORTHINGTON

Execution Date

Y	M	D
2001	04	30

Party(ies) Signature(s)

CAPITAL HEALTH REGION, by its  
Authorized Signatory(ies):

Name and Title RICK ROGER

Name and Title

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. 1979, c. 116, 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. \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

TERMS OF INSTRUMENT - PART 2

The Transferor and the Transferee, for good and valuable consideration, covenant as follows:

1. (1) The Transferee, its officers, servants, agents, licensees and invitees, who shall include the general public, may use the land described as:

024-980-536 THAT PART OF LOT 1 SECTION 4 AND PART OF THE BED OF THE PUBLIC HARBOUR VICTORIA DISTRICT PLAN VIP72115, lying within Area 1 as shown on Explanatory Plan VIP60034 ("right of way area")

as a public highway.

- (2) Without limiting the generality of this grant, the Transferee may
  - (a) construct, erect, maintain, repair and replace pavements, sidewalks, boulevards, curbs, gutters, drains, sewers, utility poles, wires, fences, overhead and underground cables and traffic signals; and
  - (b) plant, sow, maintain and replace trees, shrubs, flowers and grass;

under and on the right of way area without interference or obstruction from the Transferor.

2. This grant is made pursuant to the provisions of Section 218 of the Land Title Act, R.S.B.C., 1996, c. 250, whereby it is necessary for the operation and maintenance of the Transferee's undertaking.
3. (1) The Transferor covenants not to erect any buildings, structure or obstruction on the right of way area except those that are constructed underground at a depth that will not interfere or obstruct the use of the right of way area as a public highway as approved in writing by the City Engineer.  
(2) Where the Transferor in breach of this covenant, erects any building, structure or obstruction, the Transferee shall be at liberty to remove it at the expense of the Transferor.
4. The covenants contained in this grant bind the Transferor and its successors in title to the land comprising the right of way area.

END OF DOCUMENT