



ADMINISTRATIVE REPORT

Report Date: June 8, 2018
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RTS No.: 12647
VanRIMS No.: 08-2000-20
Meeting Date: June 19, 2018

TO: Vancouver City Council

FROM: General Manager of Real Estate and Facilities Management in consultation with the General Manager of Arts, Culture and Community Services

SUBJECT: Donation of 8902 Milton Street to a wholly-owned subsidiary of the Musqueam Indian Band

RECOMMENDATION

- A. THAT Council authorize the General Manager of Real Estate and Facilities Management to negotiate and enter into a binding Donation Agreement with 3770 Investments Ltd. or another wholly-owned subsidiary (the "MIB Company") of the Musqueam Indian Band (the "Musqueam") for the transfer of 8902 Milton Street, legally described as: PID 008-774-927, Lot 32, Block 1, District Lot 318, Plan 12844 (the "Subject Site") for its ongoing heritage and cultural protection, on terms acceptable to the Directors of Real Estate Services and Legal Services;

FURTHER THAT no legal rights or obligations will arise or be created between the City and MIB Company or the Musqueam unless and until a legally binding Donation Agreement is successfully negotiated, executed and delivered by the Musqueam and the City through their authorized signatories, and approved by the General Manager of Real Estate and Facilities Management.

The proposed donation of the Subject Site outlined in Recommendation A represents a grant of \$5,841,700, requiring the affirmative vote of at least two-thirds of the votes cast by Council per *Vancouver Charter S. 206(2)*.

REPORT SUMMARY

The Subject Site sits within the Marpole Midden (the "čəsnaʔəm"), a historically significant area for the Musqueam, and is protected under Section 13(2) of the Heritage Conservation Act (B.C.). As such, the Subject Site is also defined as "protected heritage property" under the Vancouver Charter. This report seeks Council's delegation of authority to the General Manager of Real Estate and Facilities Management to negotiate, execute and approve a Donation Agreement for transfer of the Subject Site to MIB

Company for its ongoing heritage and cultural protection, on terms acceptable to the Directors of Real Estate Services and Legal Services, as per Section 206(2) of the Vancouver Charter.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council may make grants and provide assistance

206 (2) The Council may, by a vote of at least two-thirds of the votes cast and subject to any terms and conditions the Council considers appropriate, provide financial and other assistance for the conservation of property that is

(a) protected heritage property, or

(b) subject to a covenant under section 219 of the Land Title Act that relates to the conservation of heritage property.

The City of Vancouver was designated a City of Reconciliation in July 2014 and by Administrative Report, (RTS NO. 11275), Council approved on January 19, 2016 a Reconciliation Work Plan which includes developing reconciliation projects with City departments and Boards, in partnership with community groups.

On May 2, 2018, Council passed a Motion directing staff to investigate and report back for Council's consideration on how the Subject Site can be transferred for \$1.00 to the Musqueam First Nation to provide for its ongoing heritage and cultural protection, by July 10, 2018.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Real Estate and Facilities Management recommends approval of the foregoing.

REPORT

Background/Context

In 1967, the City created the current configuration of the Subject Site through the closing of portions of Granville Street south of SW Marine Drive and subdivision of the closed roads with adjacent City owned lands. The Subject Site was held by the City to accommodate a major road re-alignment that is no longer necessary. Current transportation plans call for normalization of the intersection at Milton Street and SW Marine Drive and arrangements will be made prior to the transfer to secure a small portion of the Subject Site for the intersection improvements. The design of the improvements will seek to minimize the impact on the Subject Site.

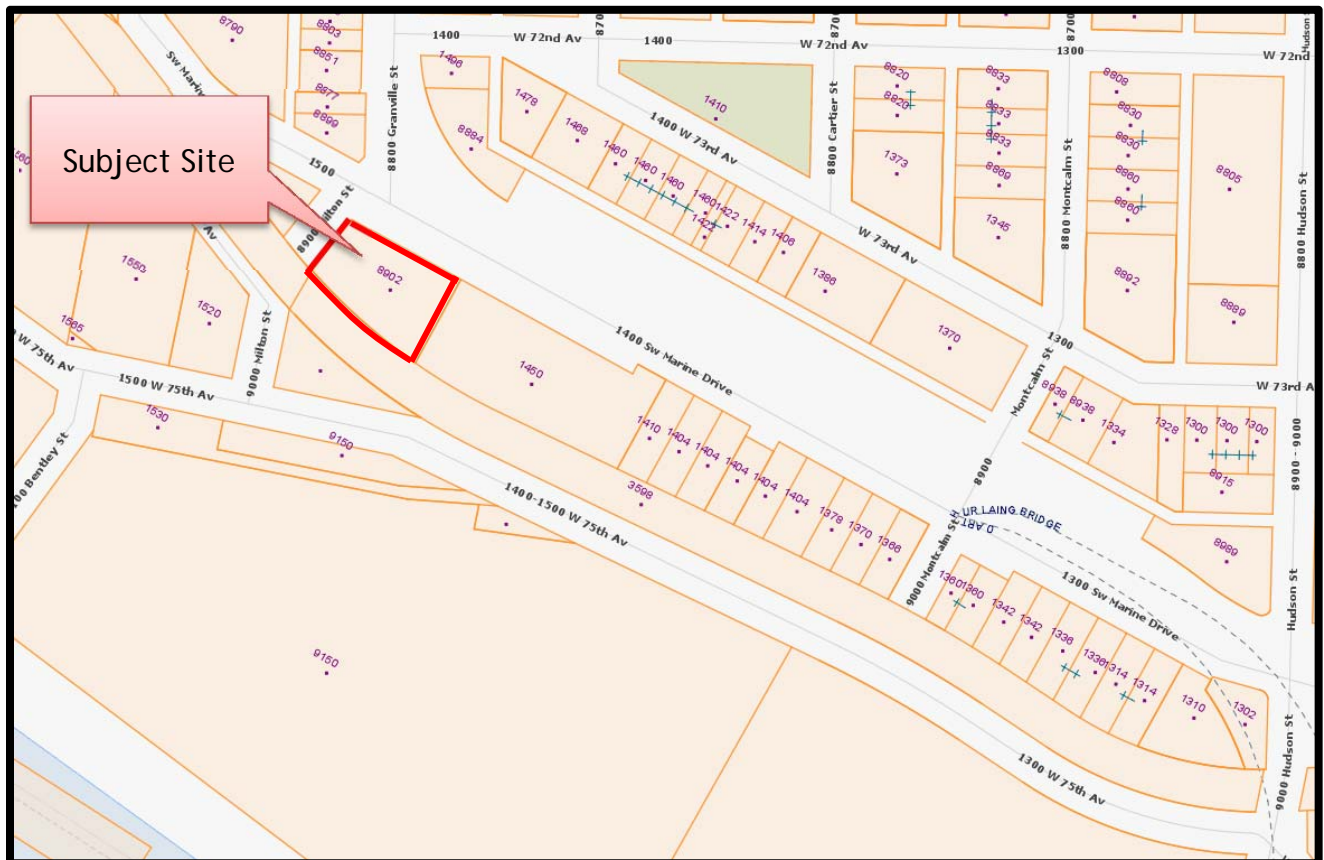
The Subject Site has operated primarily as a parking lot starting in the 1970's; since 1993, it has been leased for parking purposes directly to 3770 Investments Ltd., a company controlled by the Musqueam, which owns and operates the former Fraser Arms Hotel property at 1450 SW Marine Drive (the "Fraser Arms"), located immediately east of the Subject Site.

The Subject Site is located within an ancient and sacred burial site of the Musqueam known as *čəsnaʔəm* and also known as the Musqueam Marpole Village Site (the

“Marpole Midden”). The Marpole Midden is the 1500-2900 year old remains of a winter village and late period Musqueam house site cluster founded at the mouth of the Fraser River (reference: Leonard C. Ham, “Archaeological Potential Model for the Marpole Midden”). The Marpole Midden was designated as a National Historic Site by Canada in 1933 as one of the largest pre-contact middens in Western Canada.

The Marpole Midden is situated to the south of SW Marine Drive and bounded generally by Bentley Street to the west, Hudson Street to the east and the Fraser River to the south, with the Subject Site identified in Figure 1 below.

FIGURE 1 – Subject Site Location



The Subject Site is protected under Section 13(2) of the Heritage Conservation Act (B.C.) and as such, is also a “protected heritage property” as defined in the Vancouver Charter.

Strategic Analysis

The Musqueam intend to acquire and maintain all properties within the Marpole Midden for cultural preservation purposes. To this end, companies controlled by or associated with the Musqueam have acquired multiple properties between Hudson Street to the east and Milton Street to the west, including the Fraser Arms property which neighbours the Subject Site to the east.

The Musqueam have expressed an interest in obtaining the Subject Site and wish to ensure that their ancestral remains are preserved on the Subject Site and that the

Subject Site and the human remains within the Subject Site are protected from any further disturbance. Further, the Musqueam wish to ensure that the Subject Site is recognized and preserved as an ancient and sacred burial place and as a precious link to Musqueam heritage extending back thousands of years.

City Staff are supportive of transferring ownership of the Subject Site to the Musqueam or one of their related companies for cultural and heritage preservation purposes and to this end, seek Council's delegation of authority to the General Manager of Real Estate and Facilities Management to negotiate, execute and approve a Donation Agreement for transfer of the Subject Site to MIB Company for its ongoing heritage and cultural protection, on terms acceptable to the Directors of Real Estate Services and Legal Services, as per Section 206(2) of the Vancouver Charter.

Implications/Related Issues/Risk (if applicable)

Financial

The Director of Real Estate Services considers the 2018 assessed value of the Subject Site of \$5,841,700 to be representative of fair market value, based on recent comparable sales within the Marpole Midden and the impact of same on the development potential of the Subject Site. The transfer of the property is considered a grant at fair market value of the site.

Subject to Council's approval of the foregoing and the successful negotiation and execution of a Donation Agreement between the City and MIB Company for the Subject Site, the Subject Site shall be donated at no cost to MIB Company.

Legal

Under Section 206 (2) of the Vancouver Charter, Council may provide financial or other assistance for the conservation of property that is protected heritage property. The Director of Legal Services is of the opinion that Section 206(2) is the correct legal authority the City can use to assist in the protection of heritage property.

The Donation Agreement and any other associated agreements required to ensure the ongoing preservation of the Subject Site for heritage and cultural purposes shall be drawn to the satisfaction of the Directors of Real Estate Services and Legal Services.

CONCLUSION

The donation of the Subject Site to MIB Company will return an ancient and sacred burial site to its historic custodians, for its ongoing heritage and cultural protection. Accordingly, the General Manager of Real Estate and Facilities Management, in consultation with the General Manager of Arts, Culture and Community Services recommends APPROVAL of Recommendation A.

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