



CITY OF VANCOUVER Administrative Report

Date: February 12, 2004
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CC File No.: 5753
Meeting Date: March 9, 2004

TO: Vancouver City Council

FROM: General Manager of Engineering Services in Consultation
with the Director of Real Estate Services

SUBJECT: Closure of a Portion of Lane, North of 22nd Avenue East
From Oak Street

RECOMMENDATION

- A. THAT Council close, stop-up and convey to the abutting owner the portion of lane north of 22nd Avenue east from Oak Street adjacent to Lot 1, Block 596, District Lot 472, Plan BCP3474, shown within the bold outline and hatched on the plan attached hereto as Appendix "A", subject to the following conditions:
1. The abutting owners to pay a documentation fee of \$1,500.00. The said documentation fee being the same as that charged for volumetric easements pursuant to the Encroachment By-law;
 2. The land value assessed to the 0.42 square metre (4.5 square feet) of lane to be closed to be a nominal \$10.00 in accordance with the recommendation of the Director of Real Estate Services;
 3. The subject lane to be closed is to be consolidated with the adjacent lands, Lot 1, Block 596, District Lot 472, Plan BCP3474 to the satisfaction of the Director of Legal Services and the Approving Officer;
 4. The abutting owner to be responsible for any necessary plans, documents and Land Title Office fees;
 5. Any agreements are to be to the satisfaction of the Director of Legal Services;
 6. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto.
- B. THAT the \$1,500.00 documentation fee is to be credited to the Administration Fee Account 422020.

COUNCIL POLICY

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

PURPOSE

The purpose of this report is to obtain Council authority to close, stop-up and convey a very small portion of the lane north of 22nd Avenue east from Oak Street.

BACKGROUND

On March 11, 2003 development permit DE406967 was issued to construct a four (4) storey commercial/residential building with the commercial component on the ground floor and 1 ½ storeys of underground parking. Building Permit BU423444 was issued on March 24, 2003 allowing the construction to commence.

As a condition of development permit a 10 ft. x 10 ft. (3.05 metre x 3.05 metre) corner cut for lane purposes was dedicated by the deposit of Subdivision Plan BCP3474 on January 27, 2003 to the City at no cost. The plan also consolidated former Amended Lot 1 (see 20684L), Amended Lot 3 (see 54600L) and Lot 4, all of Lots 33 to 36, Block 596, District Lot 472, Plan 2829 into a single parcel. Corner cuts are sought wherever there is a T-lane conjunction and are to provide safer turning radii for larger service vehicles.

DISCUSSION

On August 7, 2003 the City received a letter from the Project Manager of the development indicating that a small portion of the foundation wall at the northeast corner property line, for one level of underground parking and four (4) feet of exposed patio retaining wall had been built encroaching 0.08 metres (0.26 feet) onto the lane. The owner has sought to validate this encroachment with an agreement registered on title of Lot 1, pursuant to the Encroachment By-law.

The owner intends to strata title the building, once complete. The strata title process would require such encroachment to be dealt with through volumetric easements. This procedure is lengthy and very cumbersome for the titles of the resultant strata lots. A simpler process would be to close, stop-up and convey the very small encroachment area to the owner of Lot 1, taking into consideration that the corner cut was originally dedicated to the City from the subject site at no cost. The 0.42 square metre (4.5 square feet) will not adversely affect the turning radius for which the corner cut was originally sought.

The Director of Real Estate Services is of the opinion that the 0.42 square metre (4.5 square feet) has a market value of approximately \$500.00. However the documentation fee of \$1,500.00, which is consistent with the fee charged for volumetric easements pursuant to the Encroachment By-law, would be an appropriate fee to charge. Considerable staff time is involved coordinating the Land Title documentation, plans and conveyance of the small lane piece, which would warrant charging the aforementioned documentation fee.

The applicant will be responsible for all other costs, plans, documents and Land Title Office fees required to complete the conveyance.

CONCLUSION

Engineering Services has reviewed the options available to validate the encroachment and finds that the option to close, stop-up and convey the very small portion of lane is the most practical option for the long term, taking into consideration that the corner cut was originally conveyed to the City at no cost. Therefore the General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of the Recommendation.

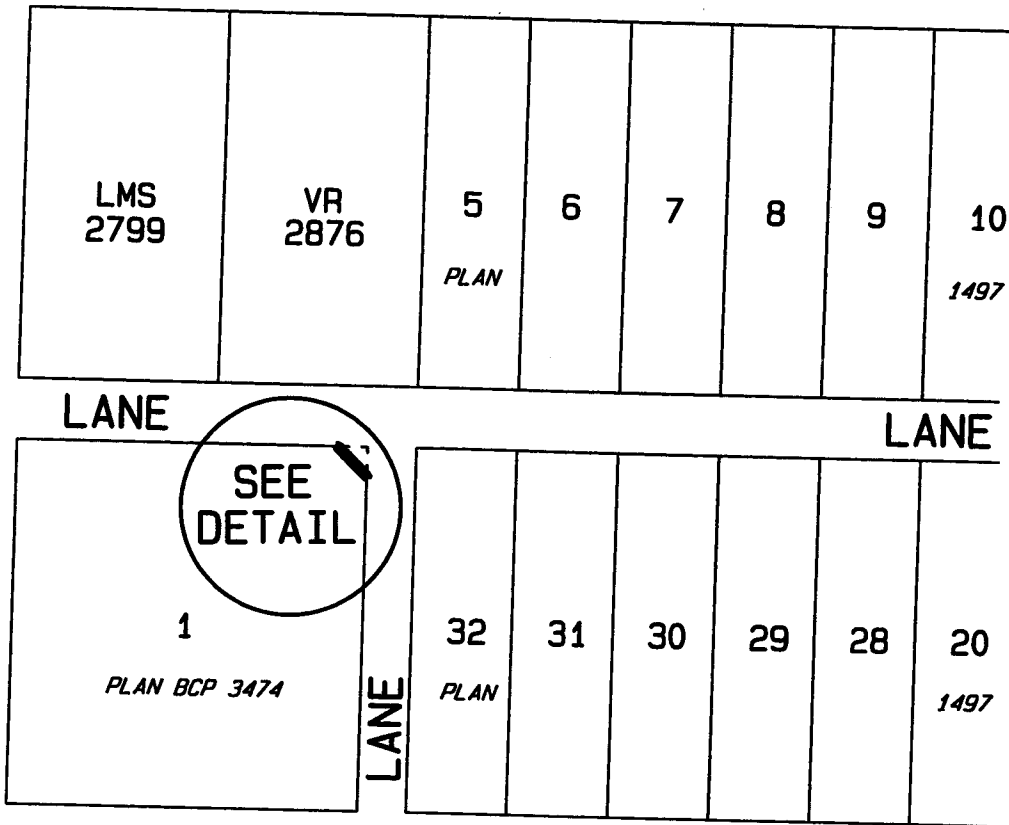
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APPENDIX A

21ST AVENUE



OAK STREET



22ND AVENUE

