



CITY OF VANCOUVER

A2

Administrative Report

Date: January 14, 2005
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RTS No.: 04823
CC File No.: 5753
Meeting Date: February 1, 2005

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 South of West 8th Avenue, East
Of Fir Street

RECOMMENDATION

- A. THAT Council close, stop-up and convey to the abutting owner all that portion of lane south of West 8th Avenue east of Fir Street adjacent to Lot 4, Block 330, District Lot 526, Plan 8781, shown within the bold outline 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 1.2 square metres (13 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 abutting Lot 4, Block 330, District Lot 526, Plan 8781 to the satisfaction of the Director of Legal Services and the Approving Officer;
 4. The City to take back a surface right-of-way for public passage over the closed lane as identified in Appendix "A", to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
 5. The abutting owner to be responsible for any necessary plans, documents and Land Title Office fees;

6. Any agreements are to be to the satisfaction of the Director of Legal Services;
 7. 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 be credited to the Administration Fee Account 422020.
- C. THAT the Director of Legal Services be authorized to execute all plans, transfers and documents required to complete the conveyance, including executing the plan to allow for the dedication of the balance of the lane to the west and south of said Lot 4, which portions were established by DF20934 and DF20673 all of Block 330 Plan 590, on behalf of the City.

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 south of 8th Avenue east of Fir Street, and to dedicate as lane the established portions of the lane to the west and to the south of said Lot 4.

BACKGROUND

On July 24, 2003 development permit DE407049 was issued to construct an eleven (11) storey residential building containing 59 dwelling units and 2 ½ levels of underground parking. Building Permit BU425544 was issued on September 5, 2003 allowing the construction to commence.

DISCUSSION

On December 15, 2004 the City received a letter from the Project Manager for the development indicating that a small portion of the foundation wall at the southwest corner of the subject property, for one level of underground parking, had been built encroaching a total of 1.2 square metres (13 square feet) onto the lane. The owner has sought to validate this encroachment with an agreement registered on title of said Lot 4, pursuant to the Encroachment By-law.

The owner intends to strata title the building, once the construction is 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 said Lot 4, taking into consideration that the encroachment onto the "corner-cut" of the lane is below grade. The 1.2 square metre (13 square feet) encroachment will not adversely affect the turning radius for which the corner-cut was originally sought. The City has also requested (and the owner has agreed) to register a statutory right of way over the encroachment at grade for public passage.

As part of the process to clean up the titles of the established lanes abutting Lot 4, the applicant has agreed to include the portions of lane to the west and south of Lot 4, established by DF20934 and DF20673 all of Block 330, Plan 590, in the subdivision of Lot 4, thereby dedicating as lane the portions of the established lane still required for lane purposes.

The Director of Real Estate Services is of the opinion that 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 noting that there is no additional density being attributed to this closure. 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 encroachment is below grade. Therefore the General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of the Recommendation.

* * * *

APPENDIX A



WEST 8TH AVENUE

FIR STREET

LMS
328

LANE

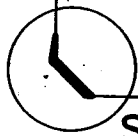
Bk 300

8781

4

D.L. 526

LANE



PLAN

SEE DETAIL

LANE

REM.
23

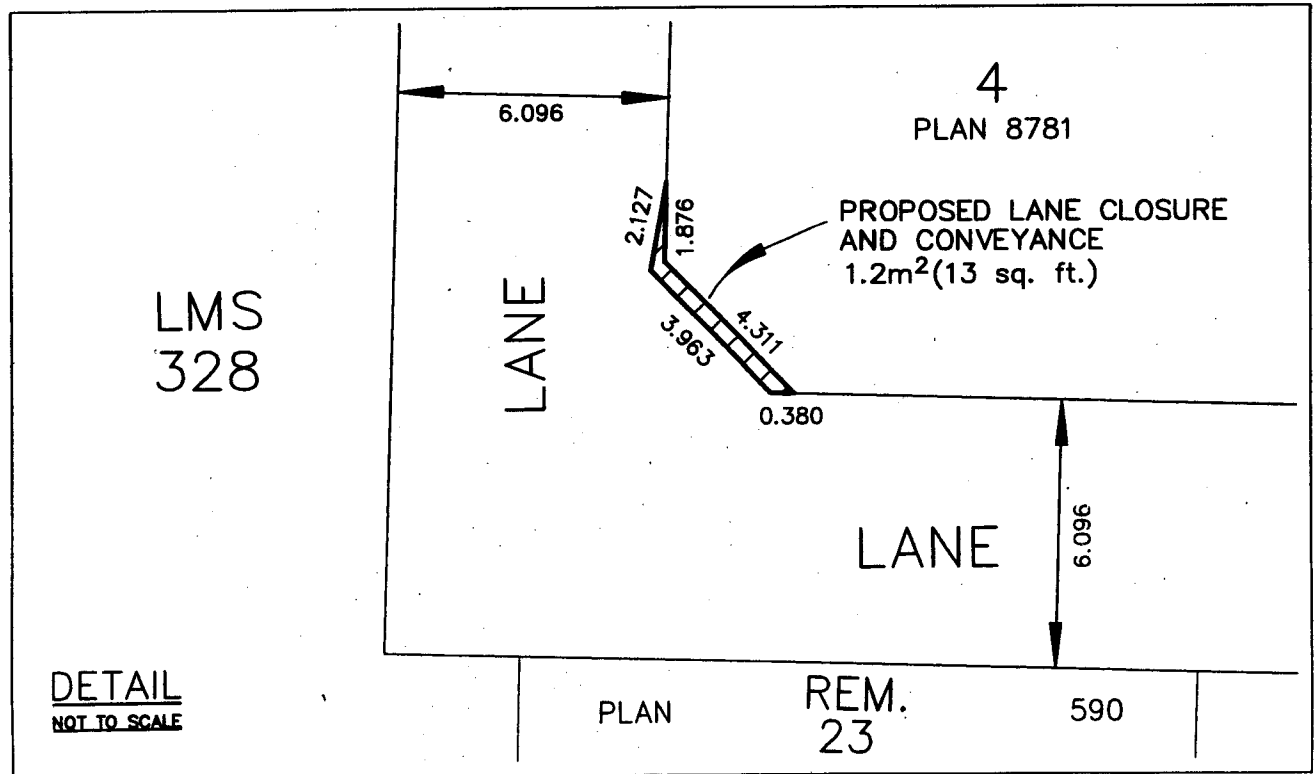
REM.
22

REM.
21

REM.
20

590
REM.
19

PLAN



LMS
328

LANE

4
PLAN 8781

PROPOSED LANE CLOSURE
AND CONVEYANCE
1.2m² (13 sq. ft.)

LANE

6.096

DETAIL
NOT TO SCALE

PLAN

REM.
23

590