



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: June 13, 2005
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Phone No.: 873-7156
RTS No.: 05315
CC File No.: 4151
Meeting Date: June 28, 2005

TO: Vancouver City Council

FROM: General Manager of Engineering Services in Consultation
with the Directors of Real Estate Services, Legal Services and the General
Manager of Parks and Recreation

SUBJECT: Queen Elizabeth Park - Road Dedication and Subdivision

RECOMMENDATION

- A. THAT Council **rescind** the July 22, 1983 resolution to designate Block 807, District Lot 526, Plan 19375 (Queen Elizabeth Park) as permanent public park, subject to approval of Recommendation D.
- B. THAT Council authorize the Director of Legal Services to proceed with a subdivision application to the Approving Officer, dedicating as road all that portion of Block 807, District Lot 526, Plan 19375 (Queen Elizabeth Park), being the same as shown cross-hatched on the plan attached hereto as Appendix "A".
- C. THAT Council authorize the Director of Legal Services to execute all plans and required documentation ancillary to the subdivision, on behalf of the City.
- D. THAT Council designate the newly created parcel as permanent public park subject to charges and reservations as noted in Appendix "D".

Recommendation A requires not less than 2/3 affirmative vote of the Board of Parks and Recreation and Council as per Section 488 (1) of the Vancouver Charter.

Recommendations A to D should be approved as a package.

COUNCIL POLICY

The authority for establishing, laying out, opening, maintaining, and improving streets is set out in Section 291 of the Vancouver Charter.

Real property is designated as permanent public park by a declaration such as a resolution or by-law of Council as set out in Section 488(5)(a) of the Vancouver Charter. The designation may be cancelled as set out in Section 488(1) of the Vancouver Charter.

PURPOSE

The purpose of this report is to seek Council authority to dedicate as road a portion of Queen Elizabeth Park, legally described as Block 807, District Lot 526, Plan 19375 which is encroached upon by a portion of Cambie Street.

BACKGROUND

The current boundaries of Queen Elizabeth Park were established by the deposit of Plan 19375 on June 18, 1982 in the Land Title Office. The plan was a consolidation plan of several lots and included former road allowance. As the plan of consolidation was an Explanatory Plan, there were no posts set in the ground to delineate the boundaries of the newly created Block 807.

On July 22, 1983 Council approved the recommendation contained in a report from the "Supervisor of Properties" to designate various parks within the City as "permanent public parks" pursuant to Section 488(5)(a) of the Vancouver Charter. A number of the Parks had underground utilities passing through the lands and others were affected by City road requirements. Appendix "A" of the afore-mentioned report listed the various "charges" and "reservations". The charges and reservations for Queen Elizabeth Park were several registered Rights-of-Way in favour of the Greater Vancouver Water District and the City of Vancouver as well as five (5) proposed Rights-of-Way in favour of the City of Vancouver. One of the proposed rights-of-way was a legal portion of Queen Elizabeth Park in which a physically constructed portion of Cambie Street lay. The area was shown as Right of Way (Part 1) on Engineering Plan marginally numbered LE5777 attached hereto as Appendix "A". The area has been cross-hatched on Appendix "A" to highlight it. The area has physically been road as long as records exist and is seen to be road by the general public, and in accordance with the 1983 Council recommendation should have been placed under a right-of-way for road purposes.

Notwithstanding that the area is legally a part of Queen Elizabeth Park it appears as road to all concerned.

DISCUSSION

While the City Engineer could proceed with the registration of the originally contemplated Right-of-Way on the title of Block 807, it is clear that the area reads as road and should be such, see aerial photograph attached as Appendix "B". The dedication of the subject portion of Block 807 is the most expeditious method to resolve an outstanding matter from the 1983 Council approval, and to make road that which is physically road and Park that which is physically Park by way of a Subdivision Plan. A benefit of the survey work, to produce a subdivision plan to dedicate the road, will be that the boundaries of Queen Elizabeth Park will be posted on the ground. The dedication of the afore-mentioned portion of Block 807 will not result in any physical changes to Queen Elizabeth Park.

The Park Board will consider this report at its June 27, 2005 meeting and Council will be advised of its decision.

In order to proceed with the dedication of the afore-mentioned portion of Queen Elizabeth Park, it will be necessary to rescind the 1983 recommendation which designated Queen Elizabeth Park as "permanent public park", as the dedication for road purposes does not comply with Section 488(1) which requires that "such areas shall remain as permanent public parks". City Council and the Park Board may cancel the designation of permanent public park, each by no less than 2/3 majority vote of the members.

Upon completion and registration of the subdivision plan, the new boundaries of Queen Elizabeth Park would then be designated as permanent public park again, subject to the existing registered encumbrances (see Appendix "D") and registration, on the title of the newly created parcel, of the other four rights-of-way to allow the Greater Vancouver Water District watermains as outlined on Appendix "A" as required and the registration of a right-of-way for currently existing internal City communication ducts as outlined on Appendix "C".

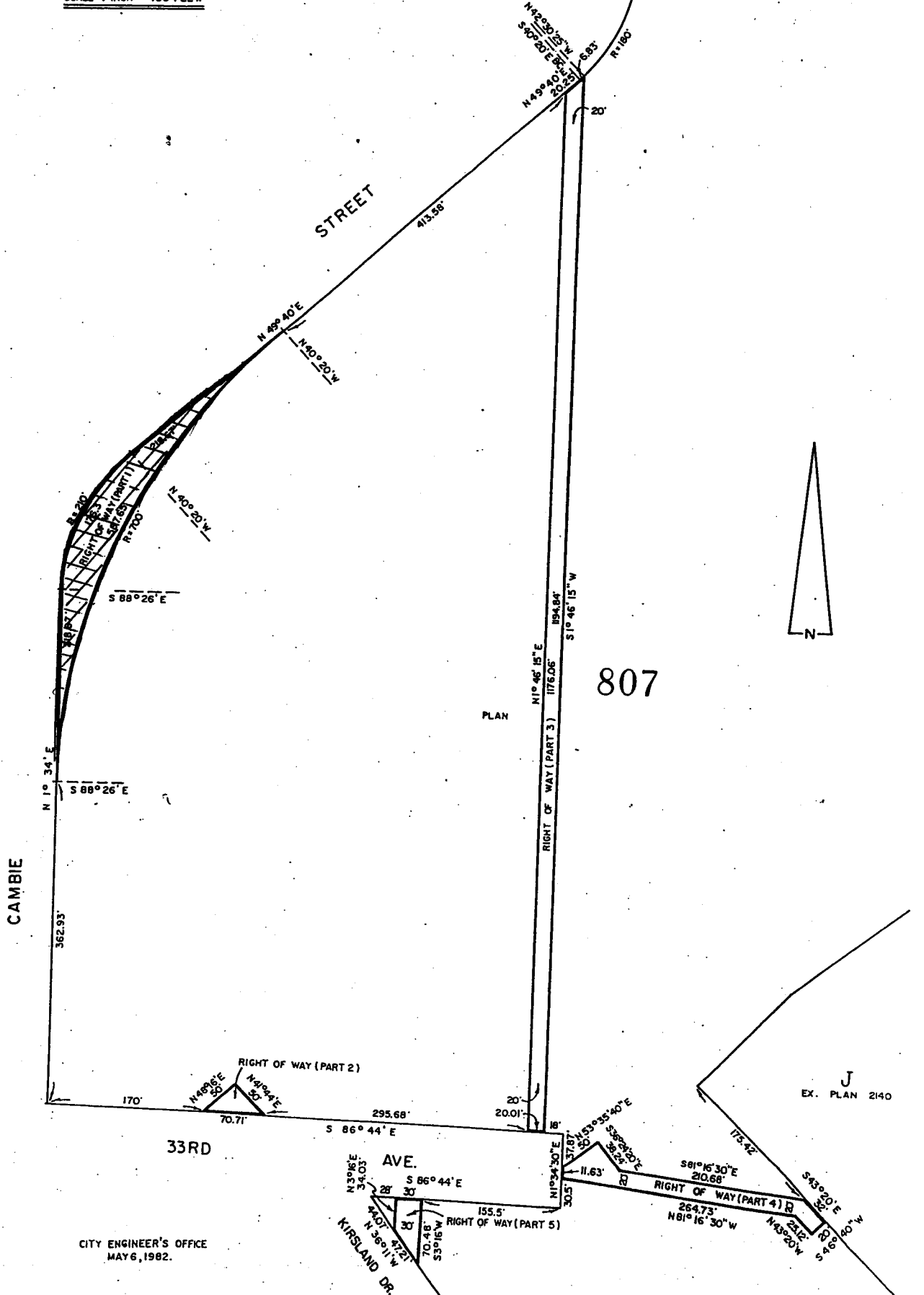
CONCLUSION

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, the Director of Legal Services and the General Manager of Parks and Recreation recommends approval of Recommendations A, B, C and D.

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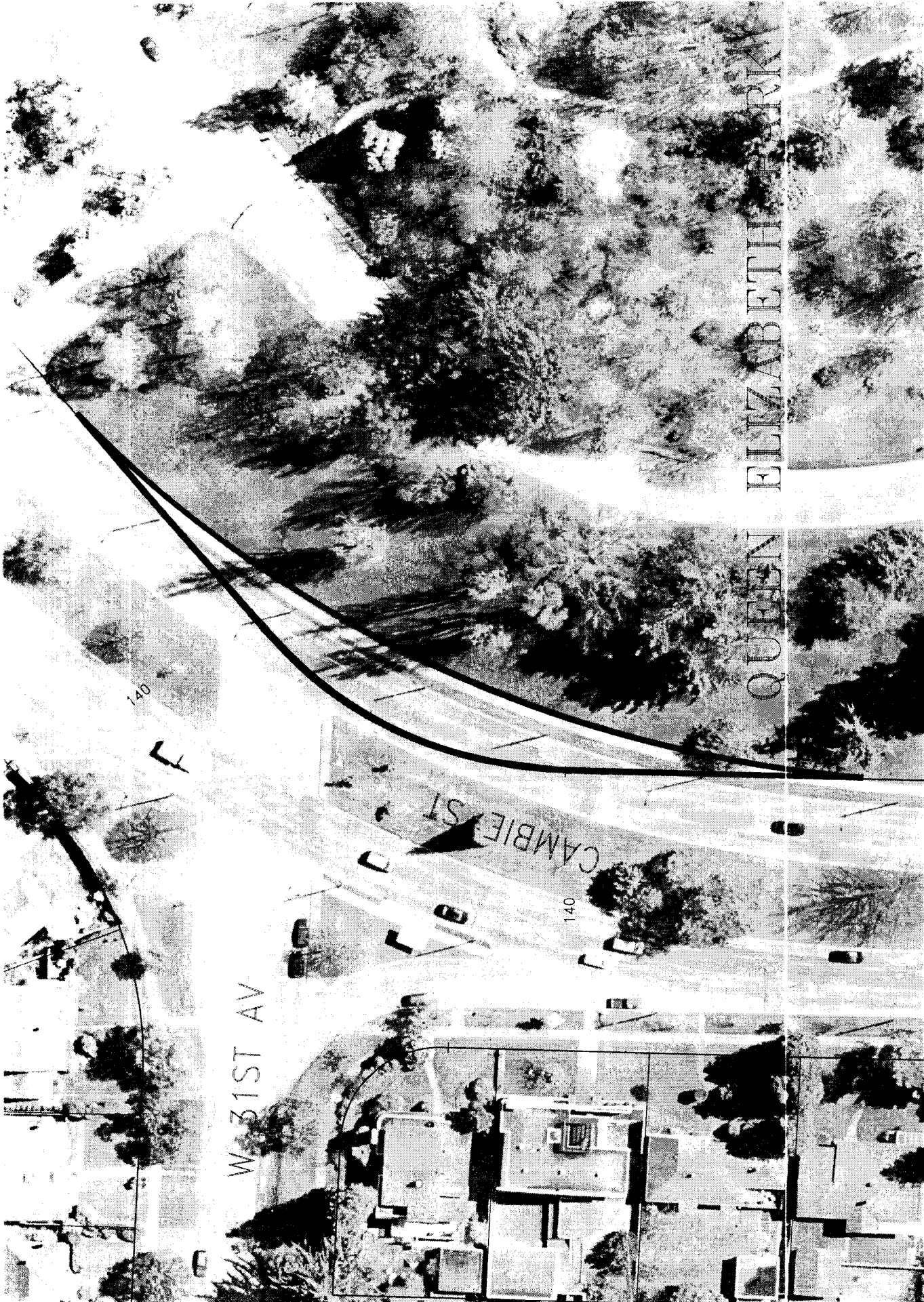
PLAN SHOWING RIGHTS OF WAY OVER PORTIONS
OF BLOCK 807, DISTRICT LOT 526, GR ONE,
N.W.D., PLAN

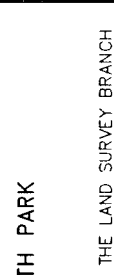

SCALE 1 INCH = 100 FEET.



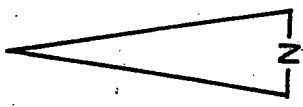
CITY ENGINEER'S OFFICE
MAY 6, 1982.

APPENDIX B



	CITY OF VANCOUVER ENGINEERING SERVICES <small>THE CITY OF VANCOUVER ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF INFORMATION SHOWN ON THIS MAP</small>		SCALE N.T.S.	DATE 13-JUN-2005	QUEEN ELIZABETH PARK <small>THIS DIGITAL MAP WAS PRODUCED BY THE LAND SURVEY BRANCH</small>
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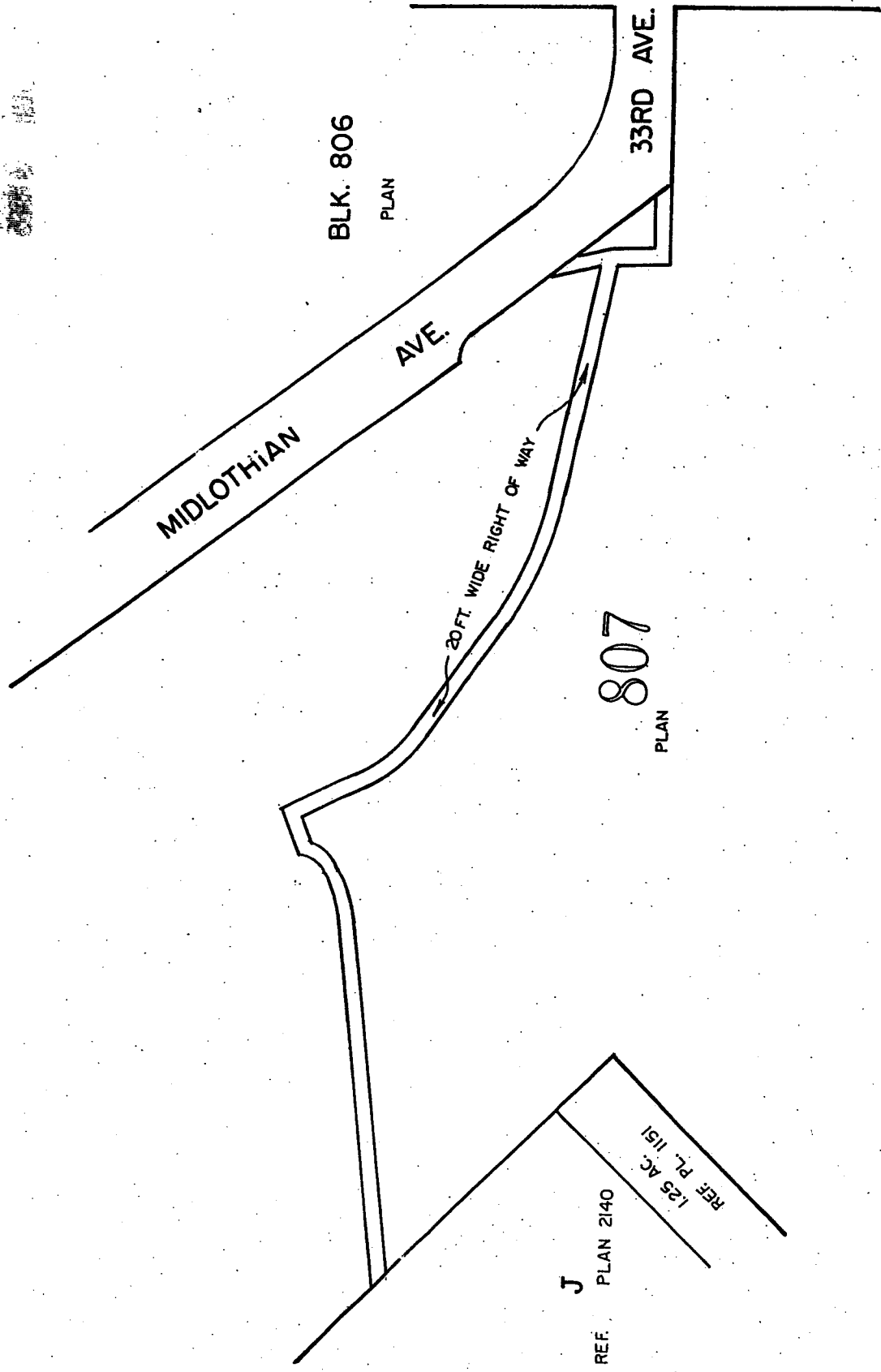
505



ST. ONTARIO

PLAN SHOWING RIGHT OF WAY OVER PORTION OF BLOCK 807,
DISTRICT LOT 526, GR. ONE, N.W.D., PLAN

SCALE 1 INCH = 200 FEET



BLK. 806
PLAN

33RD AVE.

MIDLOTHIAN AVE.

20 FT. WIDE RIGHT OF WAY

807
PLAN

J
REF. PLAN 2140
1.25 AC
REF. PL. 1151

CITY ENGINEER'S OFFICE
MAY 6, 1982.

16201 J

HES 50C.D.

Appendix “D”

Charges presently registered on the title of Block 807, District Lot 526, Plan 19375:

- 1. Right of Way 268447M - in favour of the Greater Vancouver Water District;**
- 2. Right of Way 388334M - in favour of the Greater Vancouver Water District;**
- 3. Right of Way 482030M - in favour of the Greater Vancouver Water District;**
- 4. Right of Way 482324M - in favour of the Greater Vancouver Water District;**
- 5. Statutory Right of Way K38062 - in favour of the City of Vancouver;**
- 6. Statutory Right of Way GB101503A - in favour of the Greater Vancouver Water District;**
- 7. Statutory Right of Way BV52676 - in favour of the Greater Vancouver Water District;**

Charges not yet registered on the title of Block 807:

- 8. Rights of Way (Part 2), (Part 3), (Part 4) and (Part 5) all as shown on Appendix “A” to be registered concurrently with the subdivision plan in favour of the City of Vancouver as required; and**
- 9. Right of Way as shown on plan LF10291 as shown on Appendix “C” to be registered concurrently with the subdivision plan in favour of the City of Vancouver.**