

BY-LAW NO.

A By-law to provide the procedure and basis of assessment for an environmental street treatment project on Crown Street as a local improvement

PREAMBLE

On April 25, 2002, Council resolved to authorize advancement of a project with respect to an environmental street treatment on part of Crown Street as a local improvement, and to authorize preparation of a by-law prescribing the basis of assessment.

On June 11, 2002, Council, sitting as a Court of Revision, approved the project.

The project is now complete.

THEREFORE THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1 INTERPRETATION

Name of By-law

1.1 The name of this By-law, for citation, is the "Crown Street Environmental Street Treatment Local Improvement By-law".

Definitions

1.2 In this By-law:

"flankage" means the side-line frontage of a corner parcel, according to the plan of such parcel registered in the Lower Mainland Land Title Office, and includes any corner cut-off to meet an adjoining frontage of the parcel;

"frontage" means the dividing line between the street and the parcels according to the plan or plans of such parcels registered in the Lower Mainland Land Title Office;

"parcels" mean those parcels of real property fronting or abutting on the street and described in Schedule A;

"project" means the undertaking or proposed undertaking by the city of a project for environmental street treatment including concrete bands along the edge of the strip pavement for support along with landscaped swales and drainage areas allowing surface runoff to percolate into the ground, and all works, improvements, and services necessary and incidental to such installation, as a local improvement; and

"street" means that part of Crown Street between S.W. Marine Drive and 48th Avenue.

Table of contents

1.3 The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

Schedules

1.4 The schedules attached to this By-law form part of this By-law.

Severability

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of this By-law.

Application of Local Improvement Procedure By-law

1.6 The provisions of sections 9.3 to 9.21 inclusive, and Section 10, of the Local Improvement Procedure By-law apply to this By-law, and in applying those provisions, the term "appropriate officer" means the City Engineer or Deputy City Engineer and "project" means the project.

SECTION 2 SPECIAL ASSESSMENTS

Specially benefitted parcels

2.1 Council deems that the project specially benefits the parcels.

Cost of project

2.2 Except as this By-law otherwise provides, taxes based on special assessments imposed upon those parcels that are not exempt from special assessment are to pay for the entire cost of the project including costs that apply to flankage parcels.

Determination of special assessment

2.3 Subject to section 2.4, Council determines the special assessment for each parcel as follows:

- (a) Council deems that parcels abutting the street front the street for the length of the abutment; and
- (b) the assessment is to be proportional to the frontage.

Determination of equitable and fair adjustment

2.4 Despite anything to the contrary in this By-law or in the Local Improvement Procedure By-law, in the case of:

- (a) a corner parcel;
- (b) a triangular or other parcel of abnormal shape or situation; or
- (c) an area included in a right-of-way of a railway or other public utility;

Council may:

- (d) determine what variation, if any, to apply to each such parcel or area; and
- (e) direct specifically the special annual assessment that is to apply to each such parcel or area so that such special annual assessments represent as nearly as possible an equitable and fair adjustment or assessment thereof as compared with other parcels, which special annual assessments need not have reference to frontage measurements, area, or other physical characteristics but may take into consideration the proportion of benefits such parcel or area is to enjoy compared with other parcels.

**SECTION 3
ENACTMENT OF BY-LAW**

3.1 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2006

Mayor

City Clerk

SCHEDULE A

BENEFITING PARCELS OF REAL PROPERTY

Properties fronting on Crown Street:

1. Block 13, District Lot 320, Plan 15174 Ex. Plan 15752 & 18700
* (exempt property - City of Vancouver; Musqueam Park)
2. Lot Q, Block 9, District Lot 320, Plan 22348
3. Lot Q, Block 9, District Lot 320, Plan 22026
4. Lot R, Block 9, District Lot 320, Plan 22026
5. Lot B, Block 9, District Lot 320, Plan 21304
6. Lot A, Block 9, District Lot 320, Plan 21304
7. Lot 42 north half, Block 9, District Lot 320, Plan 3720
8. Lot J Amended, Block 9, District Lot 320, Plan 11732
9. Lot I Amended, Block 9, District Lot 320, Plan 11732
10. Lot H Amended, Block 9, District Lot 320, Plan 11732
11. Lot G Amended, Block 9, District Lot 320, Plan 11732
12. Lot F Amended, Block 9, District Lot 320, Plan 11732
13. Lot S, Block 9, District Lot 320, Plan LMP14098
14. Lot T, Block 9, District Lot 320, Plan LMP14098
15. Lot D, Block 9, District Lot 320, Plan 10404
16. Lot C, Block 9, District Lot 320, Plan 10404
17. Lot U, Block 9, District Lot 320, Plan LMP21408
18. Lot V, Block 9, District Lot 320, Plan LMP21408
19. Lot A, Block 9, District Lot 320, Plan 10404
20. Lot 34 south half, Block 9, District Lot 320, Plan 3720
21. Lot 33 north half, Block 9, District Lot 320, Plan 3720

22. Lot 33 south half, Block 9, District Lot 320, Plan 3720
23. Lot O, Block 9, District Lot 320, Plan 21469
24. Lot P, Block 9, District Lot 320, Plan 21469
25. Block 12, District Lot 320, Plan 15174 Ex. Plan 15750, 15827 & 15828
* (exempt property - City of Vancouver)

EXPLANATION

Local Improvement By-law Crown Street Environmental Street Treatment

On April 25, 2002, Council considered a local improvement project (Owner petition) to provide environmental street treatment on Crown Street between S.W. Marine Drive and 48th Avenue, and, following the Court of Revision on June 11, 2002, approved the project.

This By-law provides the basis of assessment for the project.

This By-law requires a 2/3 vote of all members of Council.

Director of Legal Services
January 17, 2006