



## CITY OF VANCOUVER

# A6

### ADMINISTRATIVE REPORT

Report Date: May 9, 2006  
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Meeting Date: May 30, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: 820 Granville Street - Acquisition of Air Space Parcel 1 Block 63 District Lot 541 Air Space Plan 1

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to enter into agreements and execute documents as required to complete acquisition by the City of [PID 004-321-863] Air Space Parcel 1 Block 63 District Lot 541 Air Space Plan 1, for a nominal fee, in order to conclude the retirement of the enclosed bridge structure over City lane east of Granville Street south from Robson Street.
- B. THAT Council authorize the Director of Legal Services to make an application to the Registrar of Land Titles, pursuant to Part 8 of the Land Title Act (Cancellation of Plans) to cancel the whole of Air Space Plan 1 and consolidate it with the underlying lane parcel being [PID 015-464-440] That Part of the Lane in Reference Plan 12490, Except Part in Air Space Plan 1, Block 63 District Lot 541 Plan 210.
- C. THAT no legal right or obligation shall be created and none shall arise hereafter, until the documents are executed to the satisfaction of the Director of Legal Services.

#### COUNCIL POLICY

The Vancouver Charter provides that Council may acquire real property as may be required for the purposes of the City.

Council approval is required to acquire or dispose of civic properties.

## PURPOSE

The purpose of this report is to obtain Council authority to acquire Air Space Parcel 1 Block 63 District Lot 541 Air Space Plan 1 (the "Air Space Parcel") for a nominal fee.

## BACKGROUND

The Capital Six Theatres connected their theatre entrance and business frontage area on Granville Street with their movie theatres fronting on Seymour Street by way of an enclosed bridge structure over the lane east of Granville Street south from Robson Street (the "Granville Lane").

The Air Space Parcel was created to contain the bridge structure over the Granville Lane between Lot 5 Block 63 District Lot 541 Plan 210 (the lot fronting on Granville Street), and Lot 34 Block 63 District Lot 541 Plan 210 (the lot fronting on Seymour Street). The sketch attached as Appendix "A" illustrates the location of the Air Space Parcel.

Air Space Plan 1 created the Air Space Parcel in 1974; in fact, it was the first air space plan to be registered in the Vancouver Land Title Office. It is uncommon that a fee simple interest in a portion of City road or lane, such as this Air Space Parcel, is conveyed to an outside party in order to authorize an encroachment for a structure that has a limited lifespan. Current standards for encroachment authorization allow staff to work with applicants, without Council involvement, to discharge encroachment related encumbrances when the life of the encroachment comes to an end.

The bridge structure has been entirely removed as part of the preparation for development of Lot 34 and other adjacent properties under Development Permit DE410152 (833 Seymour Street).

Once the Air Space Parcel has been transferred to the City an application will be submitted to the Registrar of Land Titles, pursuant to Part 8 of the Land Title Act (Cancellation of Plans) to cancel the whole of Air Space Plan 1 and consolidate it with the underlying lane parcel being [PID 015-464-440] That Part of the Lane in Reference Plan 12490, Except Part in Air Space Plan 1, Block 63 District Lot 541 Plan 210. The underlying lane parcel and the Air Space Parcel, once consolidated, will be dedicated or established as lane and revert back to their original status as part of the City's overall lane system.

## DISCUSSION

A letter and agreement have been received from the solicitor representing the current owner of the above noted Air Space Parcel 1, confirming the owner's intention to work with the City to transfer the Air Space Parcel to the City for a nominal fee.

The current owner has collaborated with the charge holder (Viacom Canada Inc.) to discharge Section 219 Covenant BV452211, registered against the title of the Air Space Parcel, concurrently with the transfer of the Air Space Parcel to the City.

Other legal encumbrances, Statutory Right of Way F6147 in favour of B.C. Hydro, and Right of First Refusal C12760 in favour of the City of Vancouver, will be discharged after the Air Space Parcel has been transferred to the City.

Hydro guy wires once attached to the bridge exterior have been removed and reattached to standard "H-pole" supports located within the lane.

Any lane encroachment requirements that arise in the future will be facilitated with new agreements prepared in accordance to current City standards.

## **CONCLUSION**

The General Manager of Engineering Services in consultation with the Director of Legal Services recommends approval of Recommendations A through C to facilitate the conveyance and consolidation of the Air Space Parcel.

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PLAN SHOWING AIR SPACE PARCEL 1, BLOCK 63,  
DISTRICT LOT 541, AIR SPACE PLAN 1.

NOT TO SCALE

