



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: May 31, 2006  
Author: Joe Dingwall  
Phone No.: 604.871.6471  
RTS No.: 06048  
VanRIMS No.: 13-2000-20  
Meeting Date: July 11, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services in consultation with the Director of Legal Services

SUBJECT: Right-of-Way Agreement for City Anchor Rods at 2345, 2355 & 2365 Clark Drive

#### RECOMMENDATION

- A. THAT Council authorize the General Manager of Engineering Services to enter into agreements with the land owners at 2345, 2355 & 2365 Clark Drive, in forms satisfactory to and to be signed by the Director of Legal Services, to acquire registered rights of way for the installation and maintenance on those lands of anchor rods and related equipment to provide support for a City retaining wall at the easterly limit of the lands, and to pay to such land owners up to \$1,000 for expenses actually and reasonably incurred to obtain independent legal advice in relation to such agreements.
- B. THAT Council give to the General Manager of Engineering Services a standing authority to enter into agreements with owners of lands adjacent to City street and lane, in forms satisfactory to and to be signed by the Director of Legal Services, to acquire registered rights of way for the City to install and maintain on such lands anchor rods and related equipment to provide physical support for equipment, structures and/or ground features on City lands and to pay such land owners up to \$1,000 each (plus an amount for inflation at any time after the year of this resolution, as measured by reference to the B.C. Consumer Price Index) for expenses actually and reasonably incurred to obtain independent legal advice in relation to such agreements.

## COUNCIL POLICY

There is no Council policy directly attributable to the matter.

## PURPOSE

The purpose of this report is to seek Council authority for the Director of Legal Services to execute a right-of-way agreement and to grant a "Standing Authority" to allow the Director of Legal Services and the General Manager of Engineering Services to deal with agreements related to the installation and maintenance of City-owned anchor rods on private property as a housekeeping matter.

## BACKGROUND

A left-turn bay on Clark Drive at 6<sup>th</sup> Avenue was approved by Council in 2004. Installation of the left-turn bay was facilitated by the installation of retaining walls and anchor rods at 2345, 2355 and 2365 Clark Drive, legally described as:

2345 Clark Drive: Lot 13, Except: Firstly; the West 10 feet, now Lane, Secondly: Part in Plan 4094, Thirdly; Part in Plan BCP14676, Block 112 District Lot 264A Group 1 New Westminster District Plans 442 and 1771;

2355 Clark Drive: Lot 14, Except the West 10 feet, the East 7 feet and Part in Plan 22833 Now Highways, Block 112 District Lot 264A Plans 442 and 1771;

2365 Clark Drive: Lot 15, Except Portions in Plans 4094 and 22833, Block 112 District Lot 264A.

Anchor rods are steel rods used to support an excavation face or to prevent subsidence. The rods are sometimes called soil nails because they effectively nail soil in place, stabilizing embankments. It is anchor rods which permit the near-vertical face excavations one sees at development sites throughout the City.

Construction of the left turn bay on Clark Drive at 6<sup>th</sup> Avenue was facilitated by roadway widening involving the construction of retaining walls along new property lines. Excavation on private property required to build the new walls was minimized by incorporating permanent anchor rods into the wall design.

The City routinely permits the installation of anchor rods, from private developments, on City property in accordance with the terms outlined in the City's Encroachment By-Law.

## DISCUSSION

While the anchor rods were installed with the consent of the property owners, it is necessary to enter into a right-of way agreement to ensure the continued existence, protection of, and maintenance of the City-owned anchor rods located at 2345, 2355 and 2365 Clark Drive.

As a condition of redevelopment, the City will seek to have the properties re-graded to meet street level. At such time, the anchor rods and right of way agreement will no longer be necessary.

Standing authority is recommended to expedite the acquisition of future rights of way for the protection and maintenance of City anchor rods on lands adjacent to City street and lane. Expediting such agreements will allow City Hall to function efficiently and thus provide a high level of service to residents.

#### **FINANCIAL IMPLICATIONS**

It is appropriate to reimburse property owners up to \$1,000 each for their actual and reasonably incurred expenses to obtain legal advice in relation to right of way agreements required to protect City anchor rods on private property. Funding to reimburse the owners of 2345, 2355 and 2365 Clark Drive is available in the 2003-2005 Streets Capital Budget approved for the Clark and 6th left turn bay.

#### **CONCLUSION**

The General Manager of Engineering Services, in consultation with the Director of Legal Services, recommends Council approve both Recommendations "A" and "B".

\* \* \* \* \*