



CITY OF VANCOUVER

A19

ADMINISTRATIVE REPORT

Report Date: November 29, 2006
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RTS No.: 6428
VanRIMS No.: 13-2000-30
Meeting Date: December 12, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of Portions of Street and Lane Adjacent to 528 Beatty Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise titles in the name of the City of Vancouver to the portions of Beatty Street and lane that contain the encroachments by the existing building at 528 Beatty Street, the said portions are shown as Parcel 1 and Parcel 2 on a Reference Plan, a reduced copy of which is attached hereto as Appendix "A".
- B. THAT Council authorize the Director of Legal Services to apply and consolidate Parcel 1 and Parcel 2 with the portions of road included in Plans LMP28687 and LMP28688 to form Parcel A (the "Road") and Parcel B (the "Lane") as shown on a Reference Plan, a reduced copy of which is attached hereto as Appendix "B".
- C. THAT all those volumetric portions of the Road and Lane included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "C", be closed, stopped-up and that easements be granted to the owner of abutting Parcel S Block 39 District Lot 541 Group 1 New Westminster District Plan BCP27343 to contain the portions of the existing building which encroach onto the Road and Lane. The easements to be for the life of the encroaching portions of the existing building on said Parcel S and to be to the satisfaction of the Director of Legal Services.
- D. THAT fees for the document preparation, registration and use of the easements referred to in Recommendation "C" are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.
- E. THAT the Director of Legal Services be authorized to execute all documents and plans required.

- F. THAT the authorities granted in Recommendations "A", "B" "C" "D" and "E" be subject to the Approving Officer granting approval of the application to convert the previously occupied building situated on Parcel S Block 39 District Lot 541 Group 1 New Westminster District Plan BCP27343, to strata title ownership.

If Council approves this report the Formal Resolution to close the portion of Lane will be before Council later this day for approval.

COUNCIL POLICY

The authority for closing and disposing of street and lane is set out in the Vancouver Charter.

PURPOSE

The purpose of this report is to obtain Council authority to grant an easement to contain the encroachments of the building located at 528 Beatty Street.

BACKGROUND

The subject site, Parcel S Block 39 District Lot 541 Group 1 New Westminster District Plan BCP27343 ("Parcel S") has a 1906 former industrial building listed in Category "C" on the Vancouver Heritage Registry. The site is subject to a Heritage Revitalization Agreement and a Heritage Designation Bylaw registered on title respectively as BX244508 and BX226193 obliging the owner to rehabilitate and restore the exterior of the existing building. The building is currently undergoing restoration and renovation, under DE408442, to accommodate 38 residential units and 1 grade level commercial unit and the owner has applied to the City for strata title conversion.

Portions of the building exterior are encroaching onto Beatty Street and the lane easterly of Beatty Street.

The Registrar of Land Titles has taken the position that to satisfy the Strata Property Act, the strata corporation must have control over the portion of street or lane affected by the building encroachment for the life of the building. To accomplish this, the volumetric portion of the lane that contains the encroachment must be closed, stopped-up, and an easement granted.

The adjacent heritage building at 540 Beatty Street (Amended Lot L (See 334702L) Block 39 District Lot 541 Plan 1199), undergoing renovations under DE408200, will require similar volumetric easements arrangements for building exterior encroachments in the near future and therefore Recommendation "A" seeks to raise title to a portions of Beatty Street and lane that are adjacent to Amended Lot L as well the subject Parcel 'S'.

The encroachments attached to the heritage building on 528 Beatty Street (subject Parcel S) extend northerly and southerly, both at Beatty Street and at the lane easterly of Beatty Street, such that the encroachments are adjacent to both the northerly and southerly neighbour properties (Amended Lot L and Strata Plan LMS2445).

The adjacent heritage building at 518 Beatty Street (Strata Plan LMS2445) also encroaches into Beatty Street and lane east of Beatty Street and title was raised to portions of road included in Plan LMP28687 and Plan LMP28868 to facilitate volumetric easement agreements registered in 1996.

For the reasons noted above, and to simplify and clarify, Recommendation B seeks to consolidate the new titles described in this report in Recommendation A with the existing titles adjacent to Strata Plan LMS2445.

DISCUSSION

On the Beatty Street side of Parcel S a portion of the building consisting of the exterior wall including a main floor level cornice and a roof level cornice encroach a maximum of 1.03 metres.

On the lane side of Parcel S a portion of the building consisting of the exterior wall, brick facing, and ledge encroach a maximum of 0.25 metres onto the lane.

It is necessary to seek Council approval to close, stop-up and authorize registration of a volumetric easement over the portions of the Road and Lane described above in Recommendation "C".

We are RECOMMENDING that fees be charged as per the Encroachment By-law. This is consistent with past Council direction.

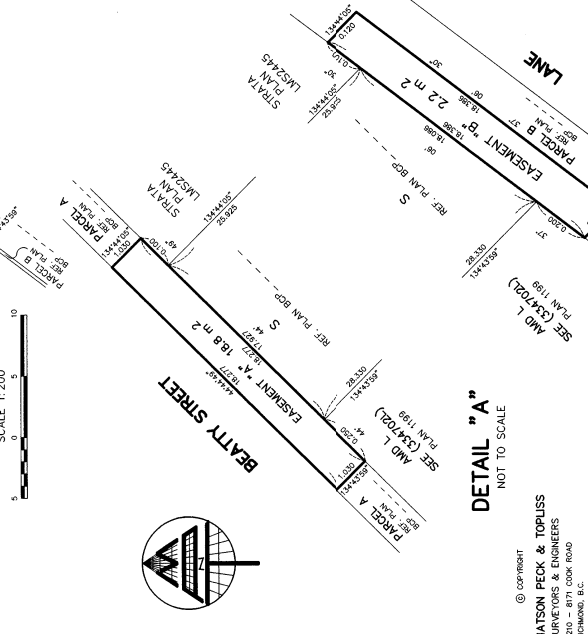
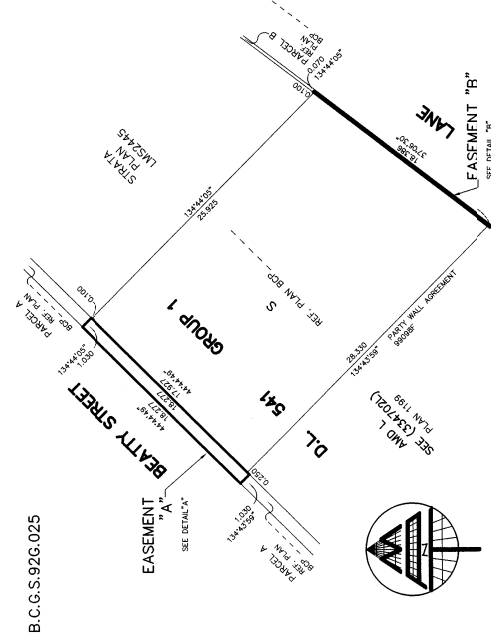
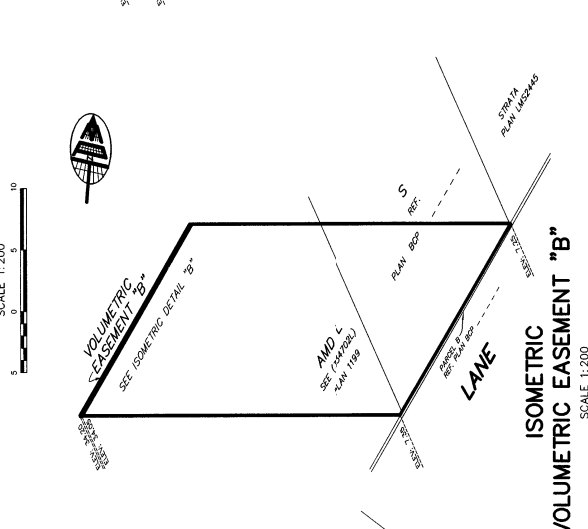
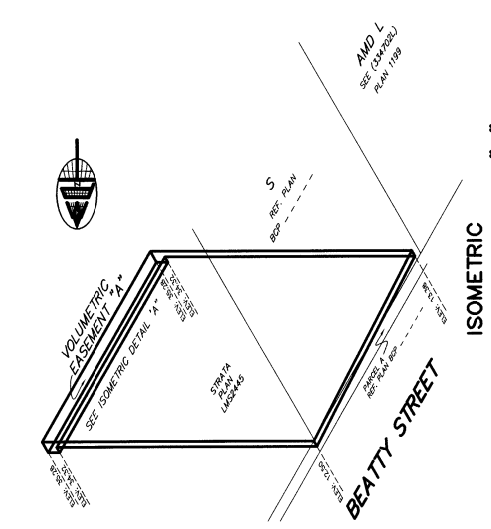
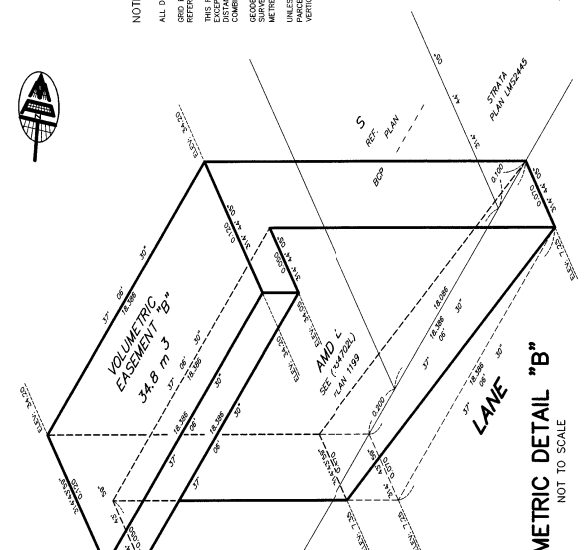
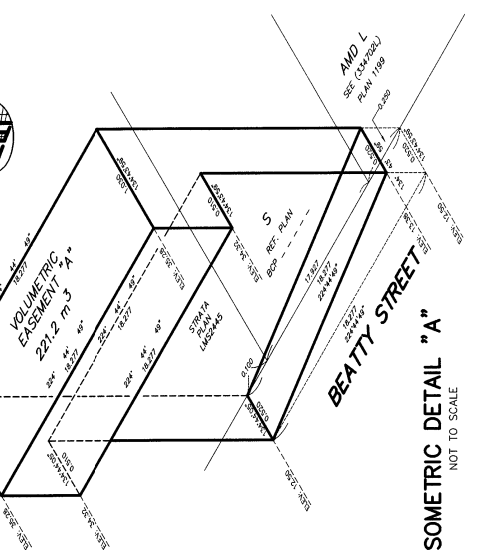
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EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER
 A PORTION OF PARCEL A REFERENCE PLAN BCP --- DEDICATED ROAD ON PLAN 210 AND
 A PORTION OF PARCEL B REFERENCE PLAN BCP --- DEDICATED ROAD ON PLAN 23011
 BOTH OF BLOCK 39 DISTRICT LOT 541 GROUP 1 NEW WESTMINSTER DISTRICT

B.C.G.S.92C.025

PLAN BCP
 REF. No. _____
 DEPOSITED IN THE LAND TITLE OFFICE
 AT NEW WESTMINSTER, B.C.
 THIS _____ DAY OF _____ 20____
 DEPUTY REGISTRAR

THIS PLAN LIES WITHIN THE
 GREATER VANCOUVER REGIONAL DISTRICT



NOTES:
 ALL DISTANCES ARE IN METRES.
 THE PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE VERTICAL DISTANCES, MULTIPLY HORIZONTAL DISTANCES BY A COMBINED FACTOR OF 0.99999.
 GEODETIC ELEVATIONS ARE REFERENCED TO INTEGRATED SURVEY DATUM (ICSD) WITH AN ELEVATION OF 10.97 METRES. UNLESS OTHERWISE SHOWN, THE LIMITS OF THE PARCELS SURFACES ARE DEFINED BY HORIZONTAL AND VERTICAL PLANES.

CERTIFIED CORRECT IN ACCORDANCE WITH THE LAND TITLE ACT, B.C.
 THIS 27TH DAY OF NOVEMBER, 2006

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILLED UNDER PART 3 ON THE 27TH DAY OF NOVEMBER, 2006.

[Signature]
 B.C.L.S. (#897)

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