



CITY OF VANCOUVER

CITY OF VANCOUVER

ADMINISTRATIVE REPORT

A3

Report Date: August 29, 2008
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 07643
VanRIMS No.: 08-2000-20
Meeting Date: September 30, 2008

TO: Vancouver City Council

FROM: The General Manager of Engineering

SUBJECT: Proposed Closure of a Portion of Water Street Adjacent to 36 Water Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise title in the name of the City of Vancouver to a portion of Water Street that contains the encroachment by the existing building at 36 Water Street, the said portion is shown on a reduced copy of a Reference Plan, attached hereto as Appendix "A".
- B. THAT all that volumetric portion of Water Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B", be closed, stopped-up and that an easement be granted to the owner of the abutting Parcel X Block 2 Old Granville Townsite Plan BCP19290 ("Parcel X") to contain the portions of the existing building which encroach onto Water Street. The easement to be for the life of the encroaching portions of the existing building on Parcel X and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easement referred to in Recommendation "B" are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.
- D. THAT the Director of Legal Services be authorized to execute all documents and plans required.

If Council approves this report, the Formal Resolution to close portions of Water Street will be before Council later this day for approval.

COUNCIL POLICY

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

Permitting encroachments onto street and lane by listed heritage buildings is consistent with Council's past practice.

PURPOSE

The purpose of this report is to obtain Council authority to close and stop-up a portion of Water Street and to grant an easement to contain the encroaching elements of the building located at 36 Water Street.

BACKGROUND

The subject site, Parcel X Block 2 Old Granville Townsite Plan BCP19290 ("Parcel X"), has been redeveloped with a 7-storey mixed-use building (retail on the ground floor with 46 residential units above) in accordance with Development Permit No. DE408640. The Water Street façades of both, the former Grand Hotel, constructed in 1903 and listed in Category "B" on the Vancouver Heritage Registry and the former Terminus Hotel, constructed in 1901 and listed in Category "A" on the Vancouver Heritage Registry, have been retained and have been designated as protected heritage property under Heritage By-Law No. 9024. In 2000, a fire destroyed the Terminus Hotel except the original façade, which was temporarily braced by steel supports.

Portions of the building exterior of the former Terminus Hotel are encroaching onto Water Street and the owners have expressed their intension to strata title the development. As such, 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 affected by the building encroachment for the life of the building. To accomplish this, the volumetric portions of the street containing the encroachments must be closed, stopped-up, and an easement granted for the volumetric portions of the building that encroach. It will be necessary to raise title for the portion of Water Street dedicated by the deposit of Plan 168 that is encroached upon.

DISCUSSION

On the Water Street side of Parcel X (the former Terminus Hotel) portions of the heritage façade exterior wall, including three bay windows on the second floor, three bay windows on the third floor and a third floor level cornice encroach a maximum of 0.66 metres onto Water Street. It is necessary to seek Council approval to close, stop-up and authorize registration of a volumetric easement over the portion of Water Street described in Recommendation "B".

As the three bay windows include some habitable area, and the ownership of the street is to be retained by the City, no part of the volumetric easement area will become part of any Strata Lot. The encroachments will remain as common assets of the strata corporation as we are granting an easement and not conveying fee simple.

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

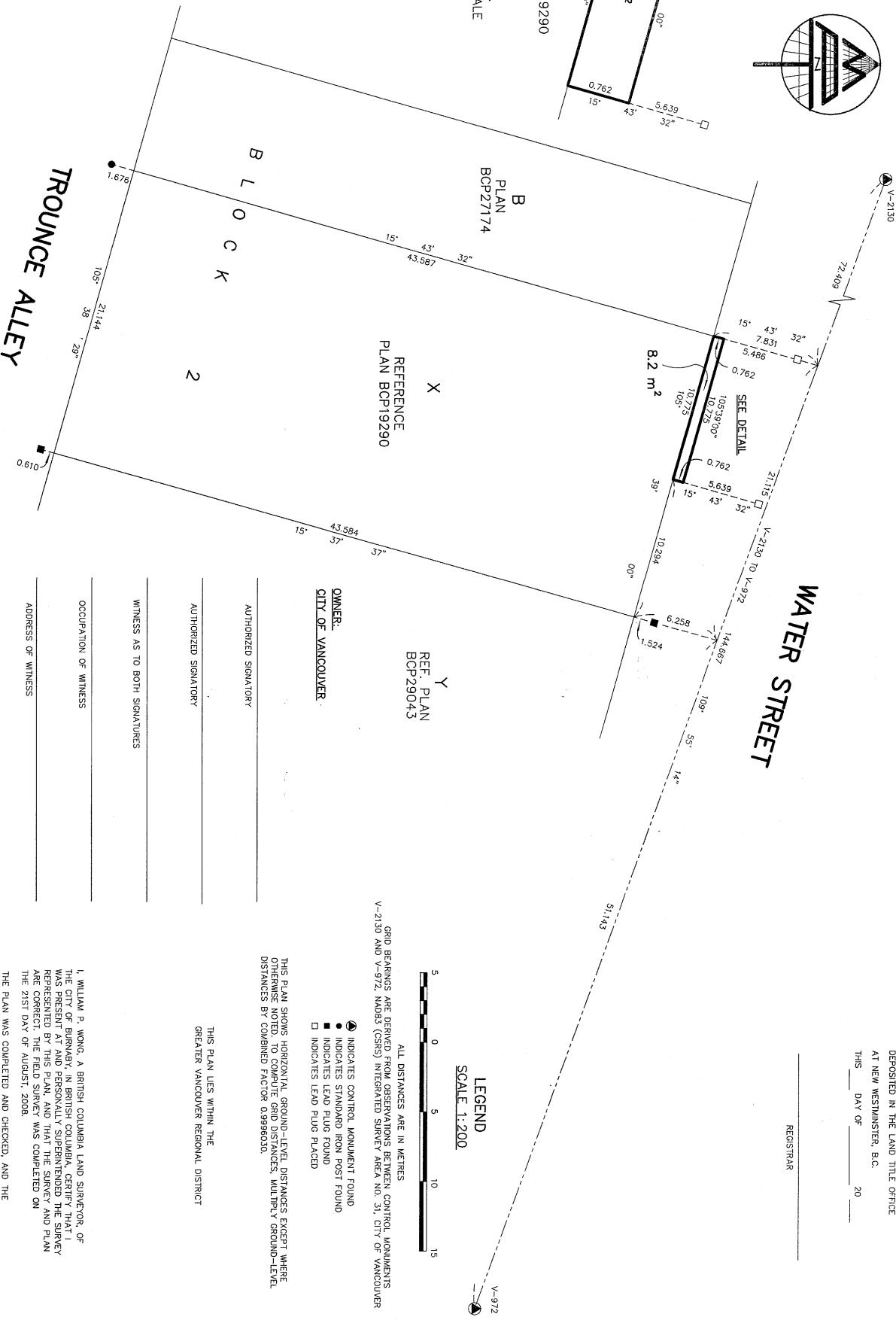
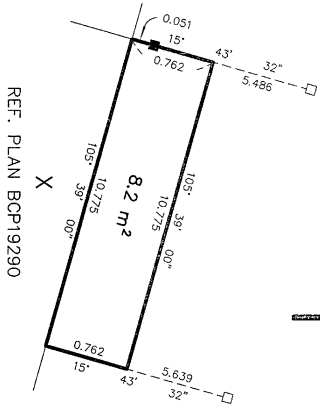
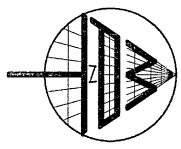
CONCLUSION

The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

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REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THAT PORTION OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 168 ADJACENT TO PARCEL X BLOCK 2 OLD GRANVILLE TOWNSITE PLAN BCP19290

BCGS 92G.025



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V-08-14127-REF

OWNER:
CITY OF VANCOUVER

AUTHORIZED SIGNATORY

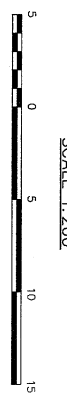
AUTHORIZED SIGNATORY

WITNESS AS TO BOTH SIGNATURES

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

REF. PLAN
BCP29043



LEGEND
SCALE 1:200

- INDICATES CONTROL MONUMENT FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES LEAD PLUG FOUND
- INDICATES LEAD FLAG FOUND

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996050.

THIS PLAN LIES WITHIN THE
GREATER VANCOUVER REGIONAL DISTRICT

I, WILLIAM P. WONG, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF BURNABY, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 21ST DAY OF AUGUST, 2008.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #85786 ON THE 22ND DAY OF AUGUST, 2008.

W.P. Wong

