



A4

ADMINISTRATIVE REPORT

Report Date: January 12, 2009
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 07829
VanRIMS No.: 08-2000-20
Meeting Date: February 17, 2009

TO: Vancouver City Council

FROM: The General Manager of Engineering Services in consultation with the General Manager of Parks and Recreation and the Directors of Real Estate and Legal Services

SUBJECT: Emery Barnes Park - Phase 2 - Closure of a Portion of Lane East of 1100 Block Seymour Street, North from Davie Street

RECOMMENDATION

- A. THAT Council close and stop-up that portion of lane east of Seymour Street, north from Davie Street as shown in heavy bold outline on the plan attached as Appendix "B" (the "Lane"). The Lane to be closed be consolidated with City owned abutting lands being: Lot A, Except Part in Plan BCP9161, Plan BCP8785 and Lots 3 to 16 Plan 210, all of Block 94 District Lot 541 Group 1 New Westminster District to form a single parcel as shown within heavy bold outline on plan attached as Appendix "C" to the satisfaction of the Director of Legal Services and subject to the additional conditions noted in Appendix "A".
- B. THAT the Director of Legal Services and the Director of Real Estate Services be authorized to execute all plans and documents required.

GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services recommends approval of the foregoing.

COUNCIL POLICY

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

PURPOSE

The purpose of this report is to seek Council authority to close and stop-up a 594.5 m² (6399 square feet) portion of lane, east of Seymour Street, north of Davie Street, for consolidation with the abutting City owned Lot A, Except Part in Plan BCP9161, Plan BCP8785 Block 94 District Lot 541 Group 1 New Westminster District ("Lot A") and Lots 3 to 16 Block 94 District Lot 541 Plan 210 ("Lots 3-16") as shown on plan attached as Appendix "C" to complete the assembly of Emery Barnes Park - Phase 2.

BACKGROUND

The development of a park in the 1100 Block Seymour Street and the 1100 Block Richards Street between Davie Street and Helmcken Street was initiated in response to the Downtown South Community Plan which Council approved in 1991. On July 31, 2001 Council approved in principle the overall concept design of the park, noting that the park is to be built in two phases. Phase 1 of Emery Barnes Park, located on Lot A, was completed in 2003 and the park has been used intensely since that time.

On February 7, 2008 the City secured ownership of Lots 17-19 Block 94 District Lot 541 Plan 210 ("Lots 17-19") as the three remaining properties required to complete the land assembly for the proposed park. Lots 17-19 however are subject to existing lease agreements and despite ongoing negotiations with the current leaseholders we do not anticipate achieving vacant possession until October 2010. In order to commence construction of Emery Barnes Park - Phase 2, the lane must be closed and consolidated with abutting lands as per Recommendation A (see Appendix "C"). Once the City has achieved vacant possession of Lots 17-19, the final consolidation will take place (see Appendix "E") and the final stage of construction of Emery Barnes Park - Phase 2 can be completed.

On July 22, 2008 Council approved funds for the completion of Emery Barnes Park - Phase 2 for asbestos survey and removal, building demolition, environmental assessment, lane closure and consolidation of park parcels, under-grounding of utilities, park design and construction.

The City on behalf of the Vancouver Board of Parks and Recreation has made application to incorporate the portion of lane into adjacent Emery Barnes Park.

DISCUSSION

The City has recently completed the property acquisition for Emery Barnes Park- Phase 2 and the Park Board intends to commence construction on Lots 3-16 and the subject portion of lane. Therefore the lane will be closed, stopped up and consolidated with Lot A (Emery Barnes Park - Phase 1), and Lots 3-16 to form a single parcel ("new Lot B") as shown within heavy bold outline on the plan attached as Appendix "C".

Engineering Services' review of the request to close and stop-up the lane portion for consolidation with the adjacent properties has identified a number of concerns, which are to be resolved upon completion of certain terms and conditions of the proposed road closure, as listed under additional conditions items 1 through 5 in Appendix "A". The Park Board is responsible for all costs associated with the removal or relocation of existing utilities within

the lane to be closed, and is to submit correspondence from all affected utility companies confirming that satisfactory arrangements have been made.

There is currently a 200 mm sanitary sewer and a 450 mm storm sewer located within the lane to be closed that would be extremely costly to remove and relocate. The registration of a Statutory Right of Way (SRW) for public utility purposes, in favour of the City, over the lane to be closed is required to facilitate the sewers, as well as other existing overhead utilities that are required to be relocated underground (see Additional Condition #2).

BC Hydro has indicated to us that they will require the registration of their own SRW charge based on the same portion of lane to be closed as the City charge noted above. The City SRW will have priority to the BC Hydro SRW (see Additional Condition #3).

The single parcel created by the consolidation referred to in Recommendation A will be consolidated after the City acquires vacant possession of Lots 17-19 to form a new single parcel ("Lot C") as shown within heavy bold outline on plan attached as Appendix "E" to the satisfaction of the Director of Legal Services.

FINANCIAL IMPLICATIONS

There are no financial implications

CONCLUSION

The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services and the General Manager of the Vancouver Board of Parks and Recreation recommend approval of Recommendations A and B.

* * * * *

ADDITIONAL CONDITIONS

1. The City, as represented by the Vancouver Board of Parks and Recreation to be responsible for obtaining written consent from all pertinent utility companies supporting the lane closure and that suitable arrangements have been made for the conversion of all existing overhead utility services within the lane corridor to underground utility services, to the satisfaction of the General Manager of Engineering Services;
2. Registration of a Statutory Right of Way for public utility purposes, in favour of the City, over the lane to be closed as shown within the heavy black outline of Appendix "D", to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services.
3. Registration of a Statutory Right of Way for utility purposes, in favour of B.C Hydro, over the lane to be closed as shown within the heavy black outline of Appendix "D", to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services.
4. No permanent structures, large trees or any other plants with invasive root structures to be planted over the area occupied by the above noted Statutory Right of Way in Item 2. All streetscape materials located within the SRW to be of a modular nature permitting access at all times by all affected utility companies.
5. Registration of an Easement for pedestrian access purposes, in favour of registered Lease BA17309 (portions shown as No. 515 leasehold on Plan BCP26272), over a portion of the consolidated single parcel noted in Recommendation A and shown within the heavy black outline on Appendix "F", to the satisfaction of the Director of Legal Services, to be discharged upon the release of Lease BA17309 from title.

REFERENCE PLAN TO ACCOMPANY RESOLUTION OF THE
 COUNCIL OF THE CITY OF VANCOUVER STOPPING-UP
 PORTIONS OF LANE DEDICATED BY THE DEPOSIT OF
 PLAN 210 ADJACENT TO LOTS 7 TO 19 BLOCK 94
 DISTRICT LOT 541 GROUP 1 NEW WESTMINSTER DISTRICT
 PLAN 210

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE AT
 NEW WESTMINSTER, BRITISH COLUMBIA,
 THIS ____ DAY OF _____, 200__

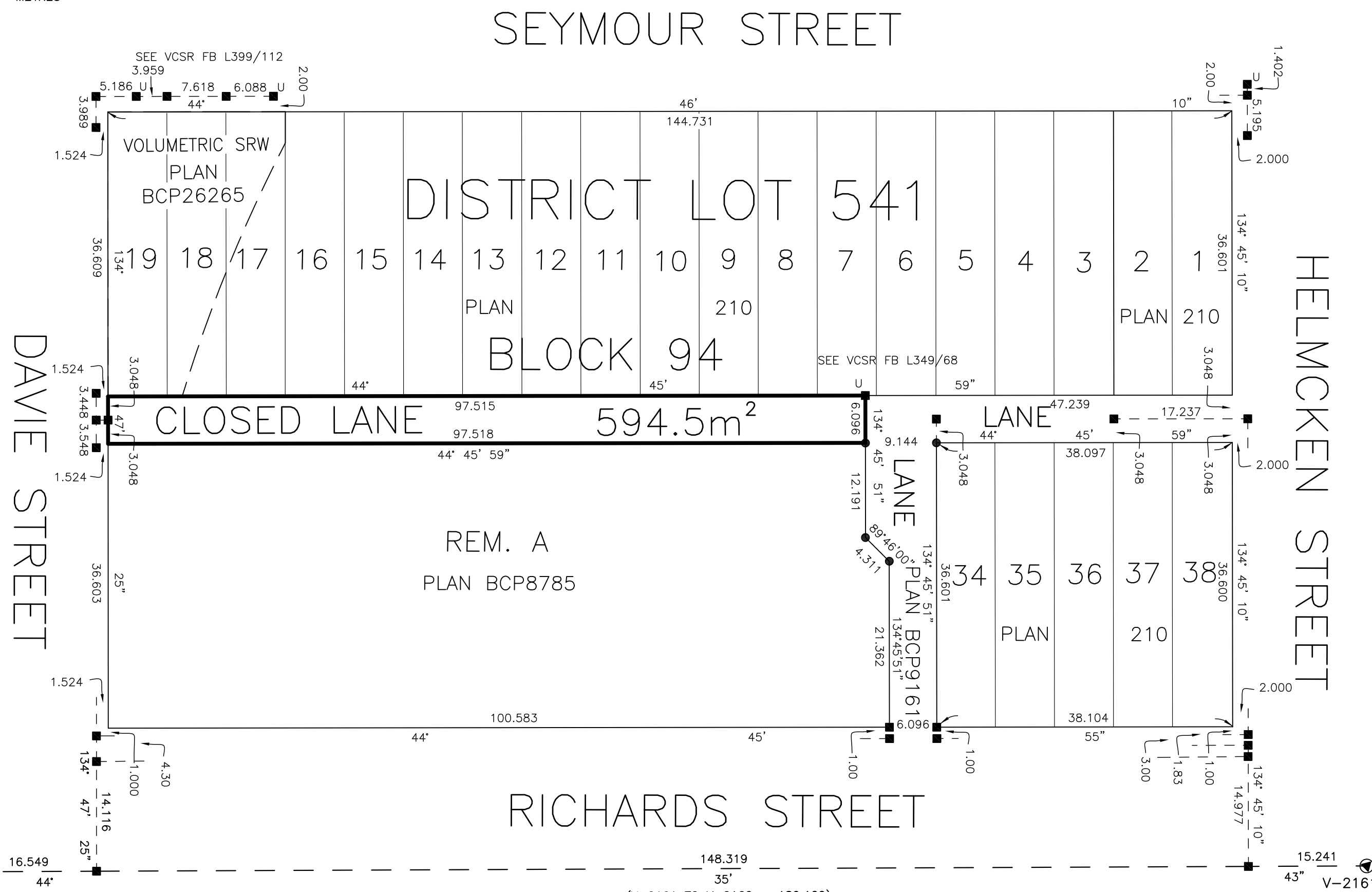
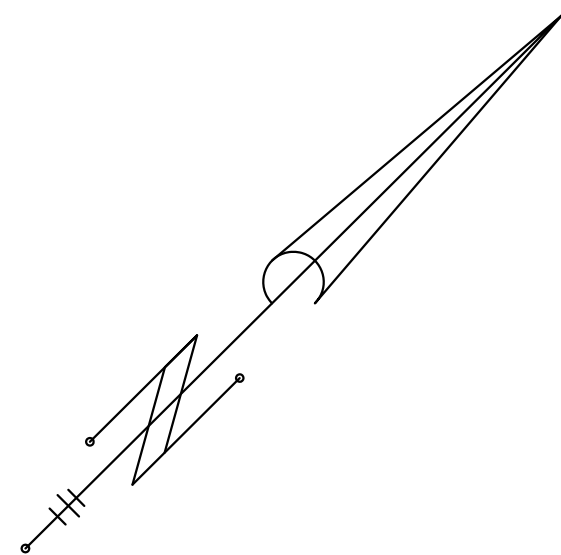
REGISTRAR

REFERENCE NO.

BCGS 92G.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY
 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.



LEGEND

- INDICATES CONTROL MONUMENT FOUND
- INDICATES LEAD PLUG FOUND
- INDICATES STANDARD IRON POST FOUND
- U INDICATES UNREGISTERED
- VCSR INDICATES VANCOUVER CITY SURVEY RECORDS

INTEGRATED SURVEY AREA 31, CITY OF VANCOUVER, NAD83 (CSRS).

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL
 MONUMENTS V-2161 AND V-2162.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT
 WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY
 GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996011.

I, DAVID W. PARKIN, A BRITISH COLUMBIA LAND SURVEYOR,
 OF THE CITY OF VANCOUVER 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 14TH DAY OF OCTOBER, 2008. THE PLAN WAS
 COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER
 #89295, ON THE 3RD DAY OF NOVEMBER, 2008.

B. C. L. S.

REFERENCE PLAN OF LOTS 3 TO 16 PLAN 210; LOT A EXCEPT PART IN PLAN BCP9161, PLAN BCP8785; AND CLOSED LANE INCLUDED IN PLAN BCP_____ (DEDICATED BY THE DEPOSIT OF PLAN 210), ALL OF BLOCK 94 DISTRICT LOT 541 GROUP 1 NEW WESTMINSTER DISTRICT

PLAN BCP_____

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, BRITISH COLUMBIA, THIS _____ DAY OF _____, 200__

REGISTRAR

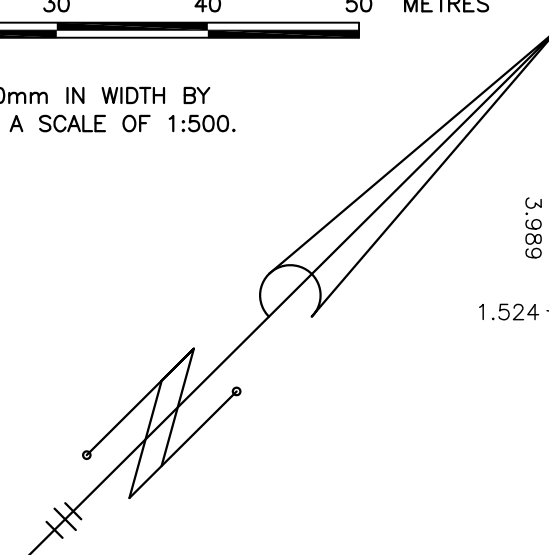
REFERENCE NO. _____

PURSUANT TO SECTION 100 (1)(b), LAND TITLE ACT

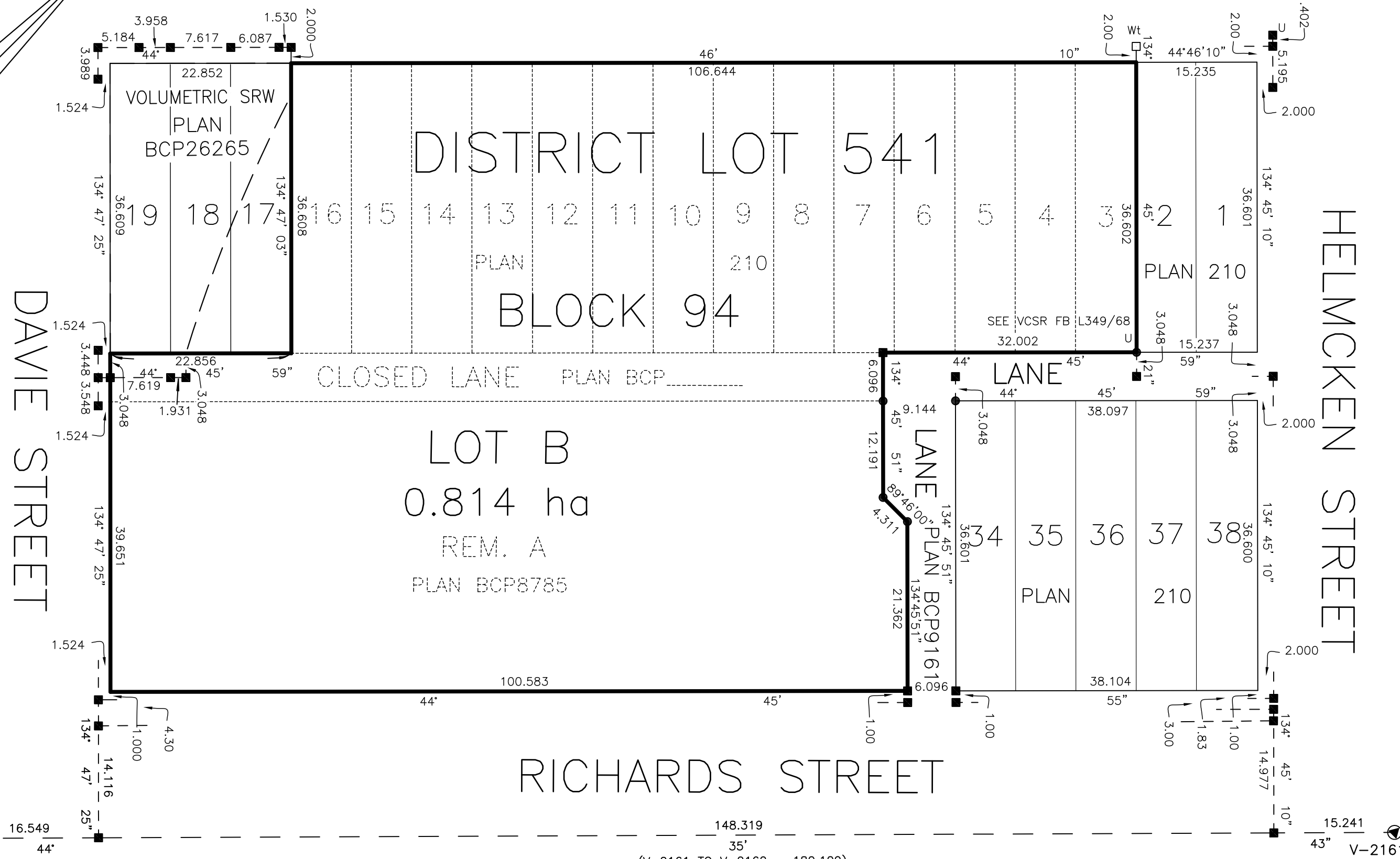
BCGS 92G.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.



SEYMOUR STREET



REGISTERED OWNER: CITY OF VANCOUVER

AUTHORIZED SIGNATORY _____

PRINT NAME OF AUTHORIZED SIGNATORY _____

SIGNATURE OF WITNESS _____

PRINT NAME OF WITNESS _____

OCCUPATION OF WITNESS _____

ADDRESS OF WITNESS _____

LEGEND

- ▲ INDICATES CONTROL MONUMENT FOUND
- INDICATES LEAD PLUG FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES LEAD PLUG PLACED
- U INDICATES UNREGISTERED
- VCSR INDICATES VANCOUVER CITY SURVEY RECORDS

INTEGRATED SURVEY AREA 31, CITY OF VANCOUVER, NAD83 (CSRS).

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS V-2161 AND V-2162.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996011.

I, DAVID W. PARKIN, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF VANCOUVER 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 _____ DAY OF _____, 200__. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #_____, ON THE _____ DAY OF _____, 200__.

B. C. L. S.

EXPLANATORY PLAN OF STATUTORY RIGHT OF WAY OVER A PORTION OF LOT B BLOCK 94 DISTRICT LOT 541 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP_____

PLAN BCP_____

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, BRITISH COLUMBIA. THIS ____ DAY OF _____, 200__

REGISTRAR

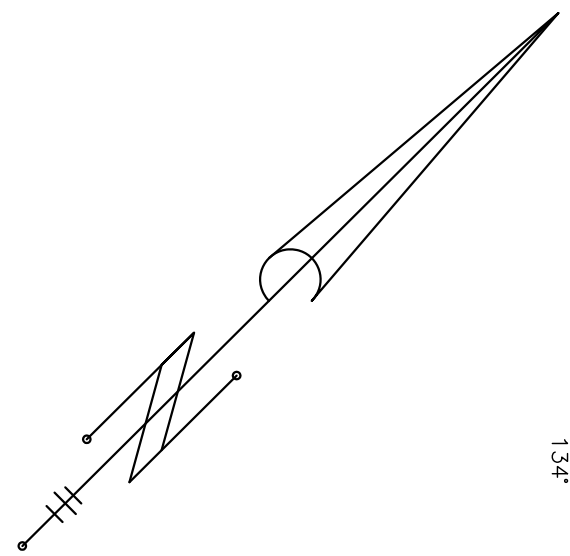
REFERENCE NO.

PURSUANT TO SECTION 99 (1)(e), LAND TITLE ACT

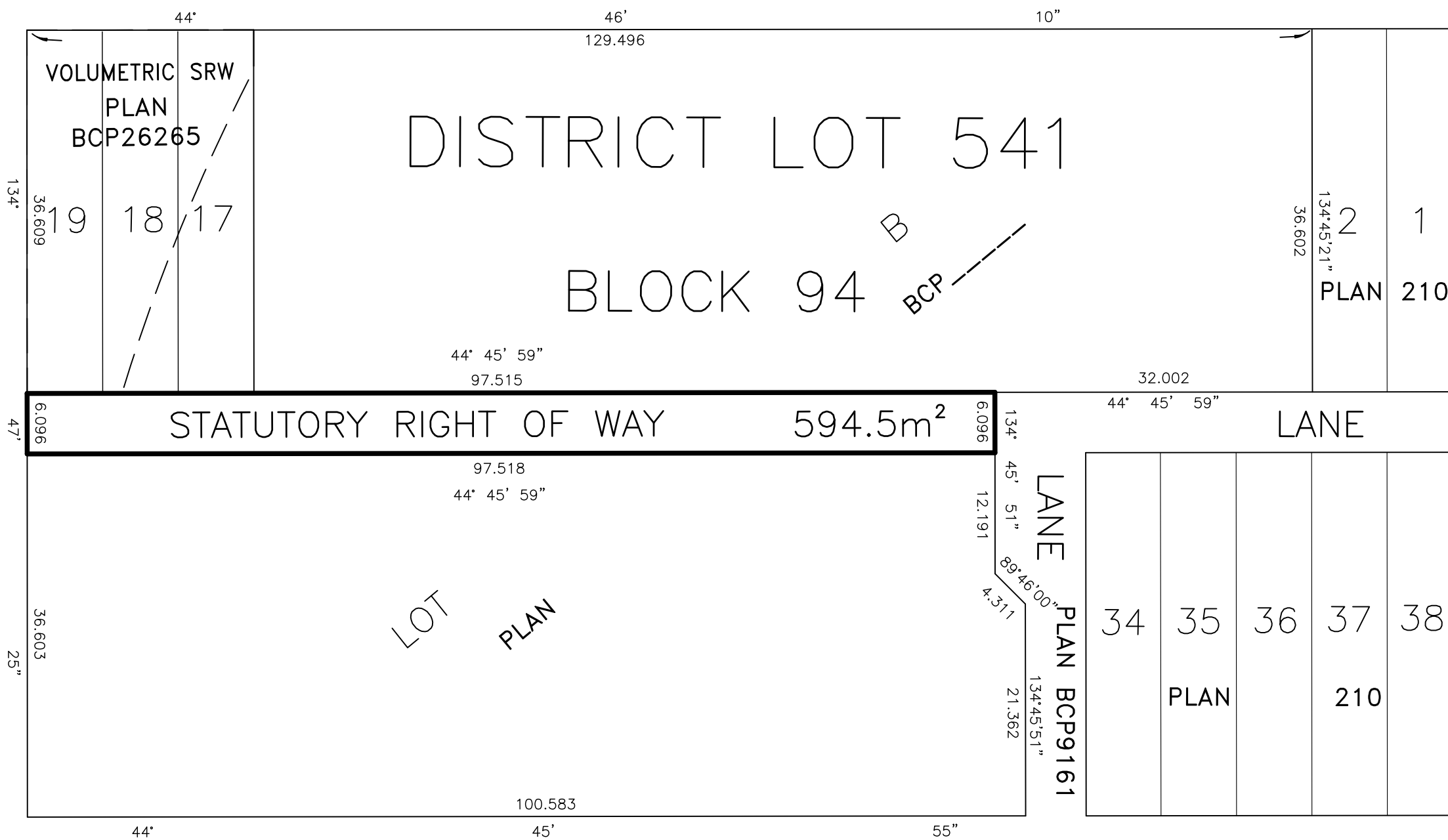
BCGS 92G.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.



DAVIE STREET



HELMCKEN STREET

INTEGRATED SURVEY AREA 31, CITY OF VANCOUVER, NAD83 (CSRS). GRID BEARINGS ARE DERIVED FROM PLAN BCP_____

THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #89299, ON THE 3RD DAY OF NOVEMBER, 2008 AND IS HEREBY CERTIFIED CORRECT IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS.

DAVID W. PARKIN, B.C.L.S.

REFERENCE PLAN OF LOTS 17 TO 19 PLAN 210, AND LOT B, PLAN BCP_____, BOTH OF BLOCK 94 DISTRICT LOT 541 GROUP 1 NEW WESTMINSTER DISTRICT

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, BRITISH COLUMBIA, THIS ____ DAY OF _____, 200_.

REGISTRAR

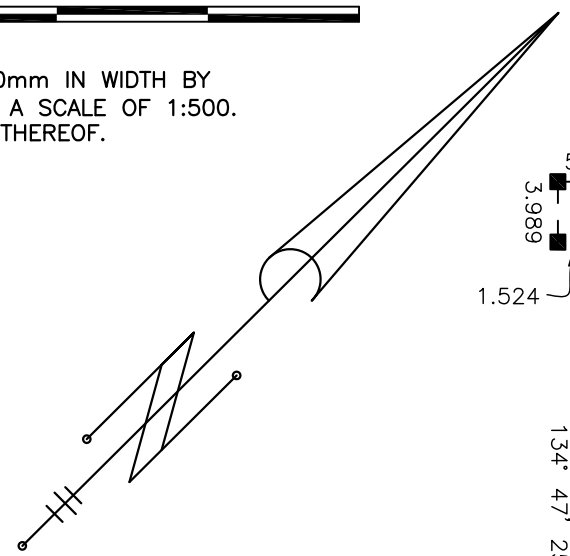
REFERENCE NO.

PURSUANT TO SECTION 100 (1)(b), LAND TITLE ACT

BCGS 92G.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



REGISTERED OWNER: CITY OF VANCOUVER

AUTHORIZED SIGNATORY

PRINT NAME OF AUTHORIZED SIGNATORY

SIGNATURE OF WITNESS

PRINT NAME OF WITNESS

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

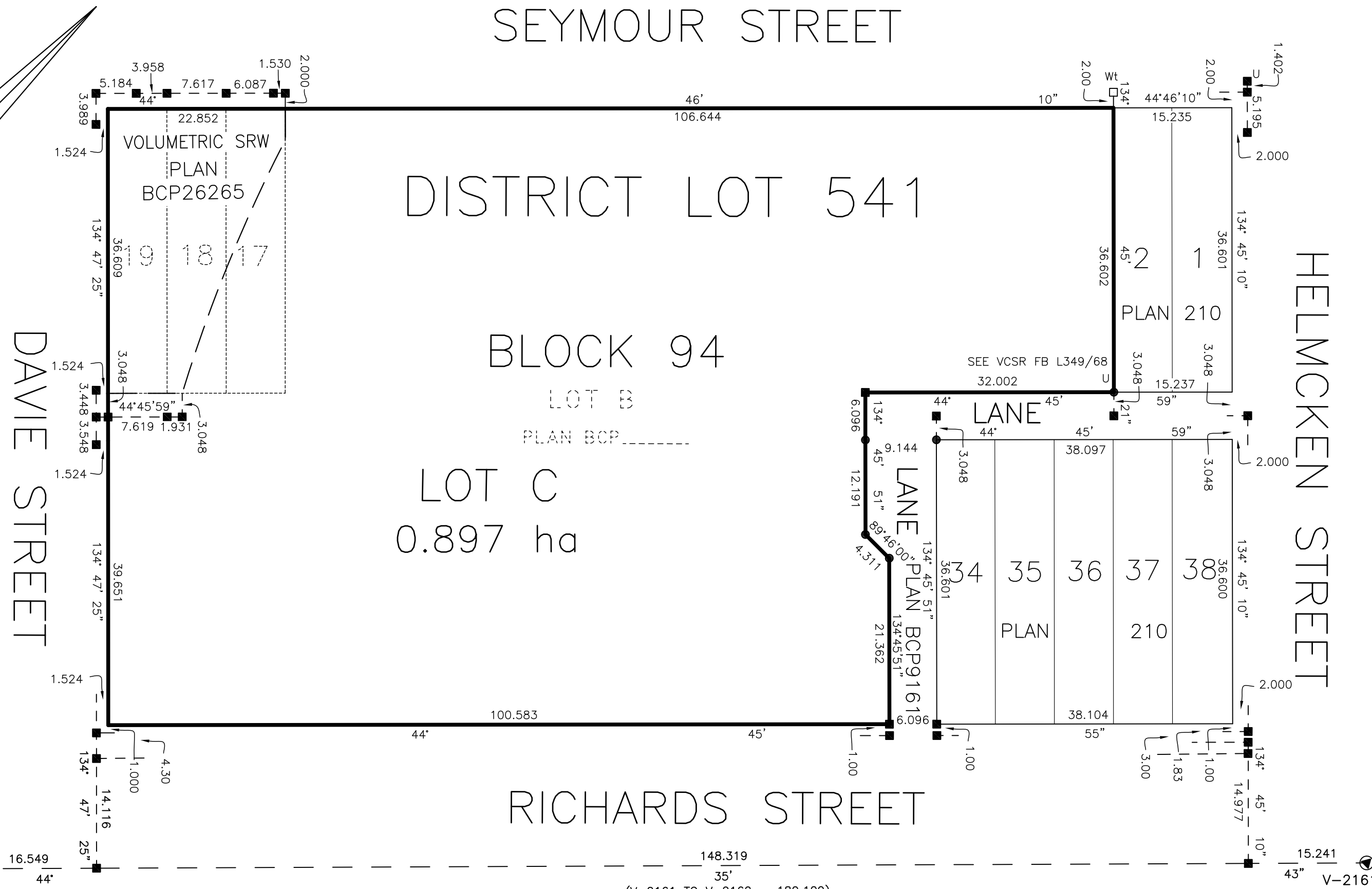
LEGEND

- ▲ INDICATES CONTROL MONUMENT FOUND
- INDICATES LEAD PLUG FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES LEAD PLUG PLACED
- U INDICATES UNREGISTERED
- VCSR INDICATES VANCOUVER CITY SURVEY RECORDS

INTEGRATED SURVEY AREA 31, CITY OF VANCOUVER, NAD83 (CSRS).

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS V-2161 AND V-2162.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996011.



V-2162

148.319 35' (V-2161 TO V-2162 = 180.109)

15.241 43" V-2161

I, DAVID W. PARKIN, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF VANCOUVER 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 ____ DAY OF _____, 200_. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #_____, ON THE ____ DAY OF _____, 200_.

B. C. L. S.

EXPLANATORY PLAN OF EASEMENT OVER A PORTION OF LOT B, BLOCK 94, DISTRICT LOT 541, PLAN BCP _____.

PLAN BCP _____

DEPOSITED IN THE LAND TITLE OFFICE AT
NEW WESTMINSTER, BRITISH COLUMBIA,
THIS, _____ DAY OF _____, 2009.

PURSUANT TO SECTION 99 (1) (e), LAND TITLE ACT.

BCGS 92G.025

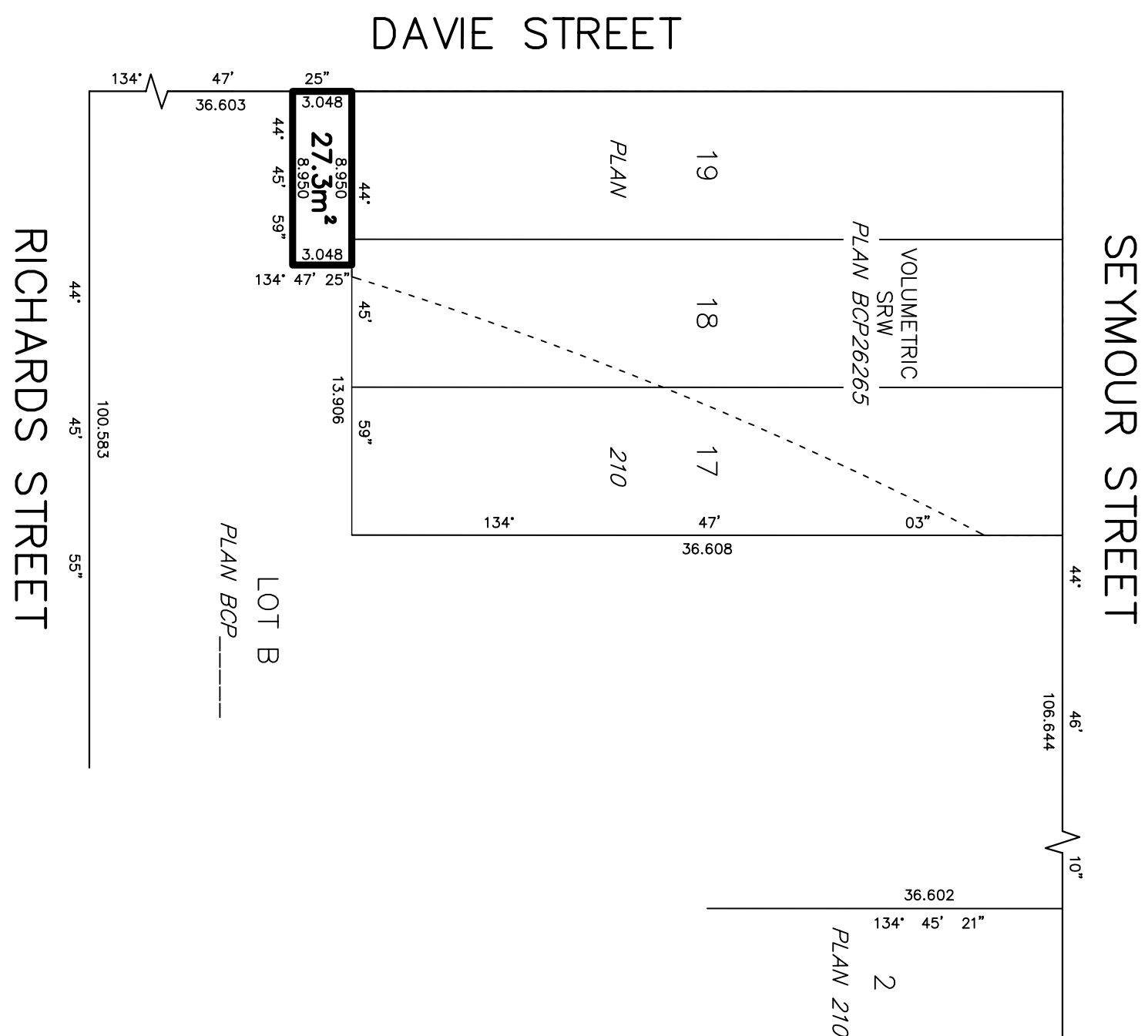
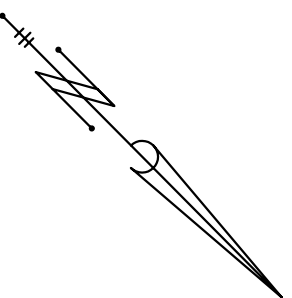
10 8 6 4 2 0 10 20 METRES

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY
280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:300.

REFERENCE NO. _____

REGISTRAR _____



INTEGRATED SURVEY AREA 31
CITY OF VANCOUVER, NAD83 (CSRS).

GRID BEARINGS ARE DERIVED
FROM PLAN BCP _____

THIS PLAN WAS COMPLETED AND CHECKED, AND THE
CHECKLIST FILED UNDER ECP _____ ON THE ____TH DAY
OF _____ 2009 AND IS HEREBY CERTIFIED CORRECT
IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS.