



ADMINISTRATIVE REPORT

Report Date: May 15, 2009
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 08103
VanRIMS No.: 08-2000-20
Meeting Date: June 2, 2009

TO: Vancouver City Council

FROM: The General Manager of Engineering Services in Consultation with the Director of Real Estate Services

SUBJECT: Closure and Sale of Lane Adjacent to 3180 West 55th Avenue

RECOMMENDATION

THAT Council close, stop-up and convey to the abutting owner, the adjacent lane legally described as: [PID: 013-985-256] That Part of Lot 1 in Explanatory Plan 10106 Block 10 District Lot 194 Plan 2242, the same as generally shown hatched on the plan attached as Appendix "A", subject to the terms and conditions as noted in Appendix "B".

If Council approves this report, the Formal Resolution to close the subject lane 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.

PURPOSE

The purpose of this report is to seek Council authority to close, stop-up and convey a 33 foot wide "L" shaped lane adjacent to 3180 West 55th Avenue.

BACKGROUND

The owners of 3180 West 55th Avenue (legally described as [PID: 011-687-436] Lot 1, Except Part in Explanatory Plan 10106, Block 10 District Lot 194 Plan 2242 (hereinafter, "Lot 1")) have made an offer to purchase the 33 foot wide "L" shaped lane adjacent to Lot 1.

The lane to be closed adjacent to Lot 1 is legally described as, [PID: 013-985-256] That Part of Lot 1 in Explanatory Plan 10106 Block 10 District Lot 194 Plan 2242 (hereinafter, "the Lane"), and was established as lane by Council Resolution in 1969. Council's establishment of the lane in 1969 was consistent with the terms of an Option to Purchase agreement, registered on

the title of the former Lot 1 (Plan 2242) when it was sold by the City in 1948, and which required that it be exercised within 21 years of the date of agreement registration.

The Lane has never been opened and based on topographic details of the property shown on the Topographic Survey of Lot 1 (submitted in conjunction with the development proposal for the site, noted below), the Lane has predominantly been used and maintained within the fenced in yard area for the dwelling and semi-rural uses within Lot 1.

DISCUSSION

The owner of Lot 1 intends to redevelop Lot 1 in accordance with the applicable Zoning regulations and corresponding Southlands RA-1 Guidelines, and, to that end, Development Application No. DE411623 has been submitted for Lot 1 and is currently under review. If Council supports the recommendation as contained in this report, and Lot 1 is ultimately consolidated with the Lane, the owner has indicated that a minor amendment to the permit to be issued under DE411623 would then be submitted, seeking permission to utilize the additional site area within the consolidated parcel in accordance with the above-noted regulations and guidelines.

The Director of Real Estate Services has negotiated a sale of the 1,922 m² (20,691 sq.ft.) Lane for \$450,000 plus GST if applicable. Subject to Condition Nos. 1, 3 and 4 of the terms and conditions of conveyance (Appendix B), the Director of Real Estate Services advises that the sale price of \$450,000 represents fair market value for the Lane to be conveyed. The owner of Lot 1 will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance.

Pursuant to Section 291A(2.1) of the Vancouver Charter, the other property owners abutting the Lane have each provided the City with waivers of right to purchase any portion of the Lane.

There is an existing drainage ditch located southerly of Lot 1, within the Lane to be closed. The ditch drains, at a minimum, portions of Lot 1 and portions of Strata Plan VR2346 to the south, and must be preserved as a drainage conduit for stormwater within this block. As such, the owner of Lot 1 will be required to enter into a Statutory Right of Way and a Section 219 Covenant in favour of the City to ensure maintenance and preservation of the watercourse, as detailed under Condition No. 3 of Appendix B.

The closure of the Lane and consolidation with Lot 1 is not inconsistent with the Southlands Plan, adopted by Council in 1988, nor is the Lane required for public access or utility purposes.

FINANCIAL IMPLICATIONS

There are no financial implications. The purchase price will be credited to the Property Endowment Fund.

CONCLUSION

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of the Recommendation contained in this report.

* * * * *

APPENDIX A

SCALE 1:1250



WEST 55TH AVENUE

2242

1

297

330

2

PROPOSED LANE CLOSURE
1922m² (20691ft²)

297

33

33

100.624m

BALACLAVA STREET

CARNARVON STREET

BLOCK 10
DISTRICT LOT 194

VR
2346

3

PLAN

WEST 57TH AVENUE

TERMS AND CONDITIONS OF CONVEYANCE

1. The Lane to be closed is to be consolidated with Lot 1 to form a single parcel, the same as generally shown within the heavy outline of Appendix "A", to the satisfaction of the Director of Legal Services;
2. The abutting owner of Lot 1 to pay \$450,000 plus GST if applicable for the approximately 1,922 m² (20,691 sq.ft.) Lane to be closed, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner of Lot 1 to execute a Statutory Right of Way and Section 219 Covenant, in favour of the City, for registration on the title of the consolidated parcel, to ensure that the existing watercourse/ditch in the lane to be closed continues to function as a drainage conduit for stormwater within this block, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services;
4. The abutting owner of Lot 1 to be responsible for all necessary plans, documents, and Land Title Office fees;
5. The sale proceeds to be credited to the Property Endowment Fund;
6. Any agreements are to be to the satisfaction of the Director of Legal Services;
7. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto, and fully registered in the Land Title Office.