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ADMINISTRATIVE REPORT

Report Date: June 25, 2009
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 8192
VanRIMS No.: 08-2000-20
Meeting Date: July 21, 2009

TO: Vancouver City Council

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

SUBJECT: Closure of Taylor Street between Pacific Boulevard and Expo Boulevard

RECOMMENDATION

- A. That Council close, stop-up and convey to the owner of the Abutting Concord Lands (hereinafter defined in Appendix "A", Additional Condition # 1) that portion of Taylor Street shown hatched on the plan attached hereto as Appendix "B", subject to the additional terms and conditions as noted in Appendix "A".
- B. THAT any agreements are to be to the satisfaction of the Director of Legal Services.
- C. THAT the Director of Legal Services or the Director of Real Estate Services, as applicable, be authorized to execute all plans, transfers, and documents as required.
- D. THAT no legal right or obligation shall be created and none shall arise hereafter until the documents are executed by the parties thereto;

If Council approves this report the Formal Resolution to close the road 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 to the owner of the Abutting Concord Lands, One West Holdings Ltd., previously Concord Pacific Inc., ("Concord"), all that portion of Taylor Street as shown hatched on the plan attached as Appendix "B", subject to the terms and conditions as noted in Appendix "A".

BACKGROUND

This road closure is an outstanding component of a series of agreements between the City and Concord known as the "Concord Escrow Agreements" that secured the provision of certain roads in the North East False Creek area. The agreements included a requirement for a land exchange between the City and Concord such that portions of Taylor Street between Pacific Boulevard and Expo Boulevard (shown hatched on the plan attached as Appendix "B") were to be closed, stopped-up and conveyed to Concord and new roads, the "Eastern Roads", were to be conveyed to the City. In 1993 the Eastern Roads, as shown on Reference Plan LMP12037 (attached as Appendix "D"), were conveyed to the City and established as road by Council Resolution. To date the said portion of Taylor Street still belongs to the City and the recommendations of this report are intended to conclude the land exchange.

The closure and conveyance of that portion of Taylor Street was previously considered and approved by City Council on September 2, 1993 but due to workload and other priorities both at Concord and at the City the corresponding conveyance and subdivision were put on hold and the transaction never completed. Concord has recently requested that this matter be brought forward in order to meet their lease objectives with VANOC for the Vancouver 2010 Olympic and Paralympic Winter Games. Since so much time has passed, and surrounding property descriptions have changed Legal Services and Engineering Services staff recommend that this matter be reaffirmed at a Council meeting.

DISCUSSION

The portions of Taylor Street to be closed will be conveyed in fee simple to Concord and subdivided concurrently with the Abutting Concord Lands as shown on the reduced copy of the subdivision plan attached hereto as Appendix "C".

It should be noted that although this final step of the land exchange reflects a reduction in road area that the net result of the Concord Escrow Agreements is an increase in road area for the City.

A portion of Taylor Street to be closed (shown on Appendix C as a 0.191 ha portion) is intended to become part of Pacific Boulevard and will be dedicated back to the City as part of the subdivision.

The portion of Taylor Street to be closed contains existing utilities that will require statutory right of ways at least until such time that these utilities are relocated. The relocation of these utilities is to be done at Concord's expense. Also, portions of Taylor Street to be closed contain BC Transit's Skytrain facility and the Georgia and Dunsmuir Viaduct ramps and arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to accommodate these structures. The above Statutory Right of Way requirements were also identified as recommendations in the

Administrative Report approved by Council on September 2, 1993. See Additional Conditions 4, 5, 6, and 7 with respect to Statutory Right of Way conditions.

Concord has made application to subdivide in accordance with the proposed subdivision plan attached as Appendix "C" and Council approval is necessary to close, stop-up and convey this portion of Taylor Street before the plan can be approved and registered in the Land Title Office.

FINANCIAL IMPLICATIONS

The Director of Real Estate Services supports this road closure and conveyance such that no purchase money changes hands for the closure or dedications based on agreements previously reached between the City and Concord.

CONCLUSION

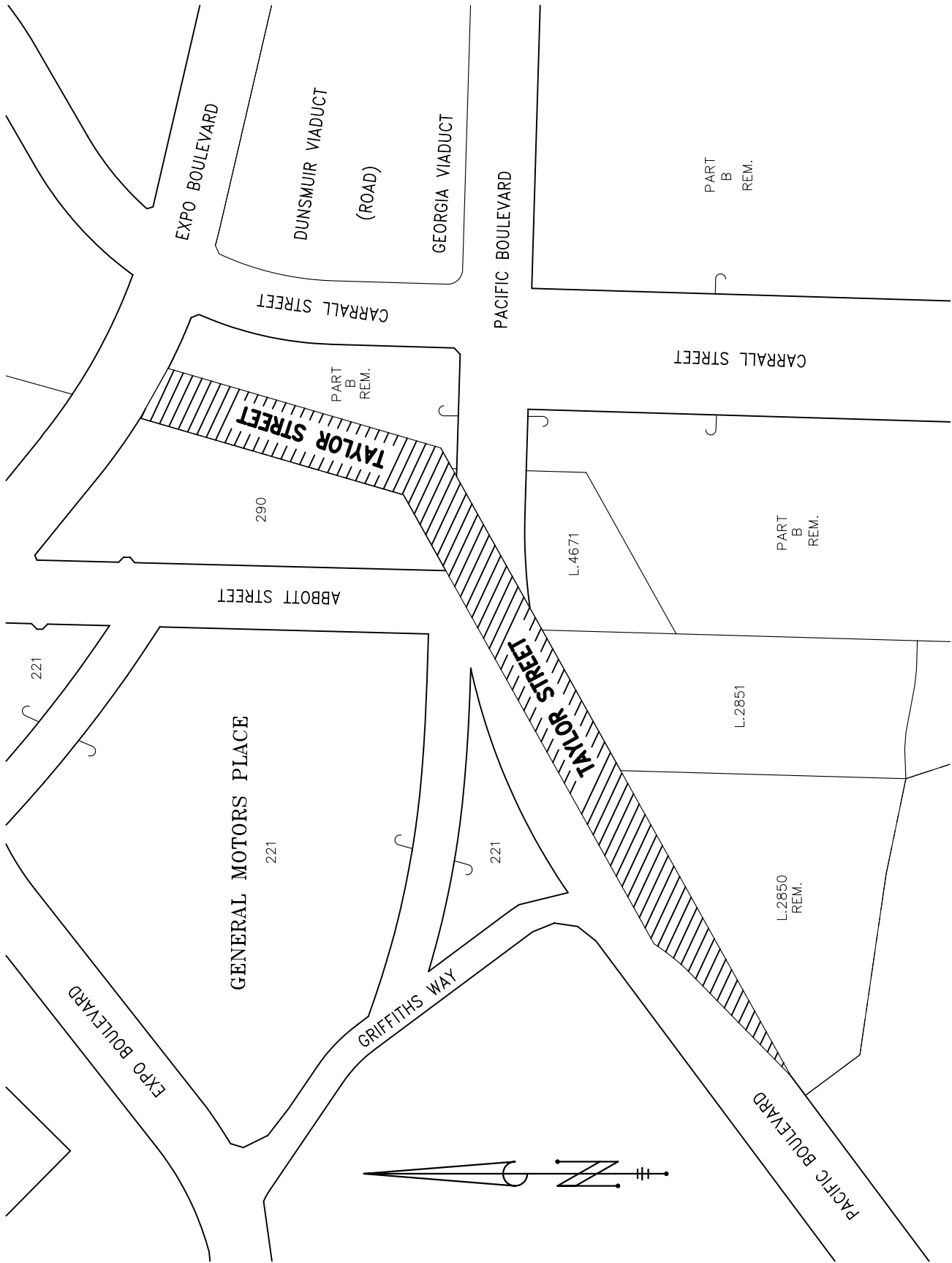
The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services recommends approval of Recommendations A to D.

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ADDITIONAL CONDITIONS

1. The portion of Taylor Street to be closed is to be subdivided with Lot 290 False Creek Plan BCP1977; Lot B, except portions in Plans 20896, 23021, LMP12037, LMP22412, LMP48167, LMP48168 and LMP48169, Block 1 District Lots 2037, 4670 and 4677 Group 1 New Westminster District Plan 18463; District Lot 4671, except part in Plan LMP12037 Plan 6107; District Lot 2851 Group 1 New Westminster District; District Lot 2850 Group 1 New Westminster District, except: Firstly; part subdivided by Plan 20421, Secondly; part subdivided by Plan 21425, Thirdly; part subdivided by Plan BCP12251; (the "Abutting Concord Lands"), as generally shown within the heavy outline of Appendix "C", to the satisfaction of the Director of Legal Services, and the Approving Officer.
2. The dedication as road back to the City of that portion of Taylor Street to be closed (to become Pacific Boulevard) shown generally as the 0.191 ha portion on subdivision plan attached hereto as Appendix "C";
3. The provision by the Owner of all required legal survey plans related to this road closure, prepared by a British Columbia Land Surveyor, to a standard suitable for registration in the Land Title Office, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
4. Arrangements are to be made for a Statutory Right of Way, in favour of BC Hydro, over the portion of Taylor Street to be closed, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services;
5. Arrangements are to be made for a Statutory Right of Way to accommodate BC Transit's Skytrain facility over the portion of Taylor Street to be closed, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services;
6. Arrangements are to be made for a Statutory Right of Way for road purposes and an Option to Purchase agreement (said option to be exercisable upon the redevelopment of Lot 335 and will include provisions for soils remediation), over the portion of Taylor Street to be closed within which the Georgia and Dunsmuir Viaducts lie, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services;
7. Arrangements are to be made for a Statutory Right of Way, for all utilities, over all that portion of Taylor Street to be closed, except the road to be dedicated as noted in Additional Condition #2, until such time as utilities are relocated, at Concord's cost, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.
8. All of the lands to be dedicated as road are to be delivered to the City free of all structures or, as applicable, temporary arrangements for encroachments are to be made to the satisfaction of the General Manager of Engineering Services;
9. The Owner to be responsible for all necessary plans, documents and Land Title Office fees;
10. The conveyances to be completed concurrently, with neither conveyance completing independently of the other.

APPENDIX B



SUBDIVISION PLAN OF LOT 290 FALSE CREEK PLAN BCP1977 AND LOT B, EXCEPT PORTIONS IN PLANS 20896, 23021, LMP12037, LMP22412, LMP48167, LMP48168 AND LMP48169, BLOCK 1 DISTRICT LOTS 2037, 4670 AND 4677 PLAN 18463 AND DISTRICT LOT 4671, EXCEPT PART IN PLAN LMP12037 PLAN 6107 AND DISTRICT LOT 2851 AND DISTRICT LOT 2850 EXCEPT: FIRSTLY; PART SUBDIVIDED BY PLAN 20421, SECONDLY; PART SUBDIVIDED BY PLAN 21425, THIRDLY; PART SUBDIVIDED BY PLAN BCP12251 AND CLOSED ROAD INCLUDED IN PLAN BCP_____ (DEDICATED BY THE DEPOSIT OF PLAN 6107 AND PLAN 10212) ALL OF GROUP 1 NEW WESTMINSTER DISTRICT

BCGS 926.025

SCALE 1 : 750 DISTANCES ARE IN METRES

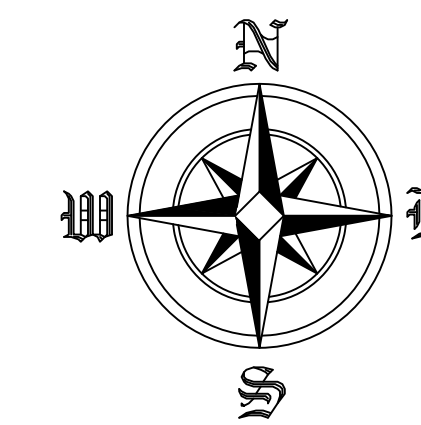
INTEGRATED SURVEY AREA NO. 31 CITY OF VANCOUVER

THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES. PRIOR TO COMPUTATION OF U.T.M. COORDINATES, MULTIPLY BY COMBINED FACTOR 0.9996025 NAD83 (CSRS) 2005

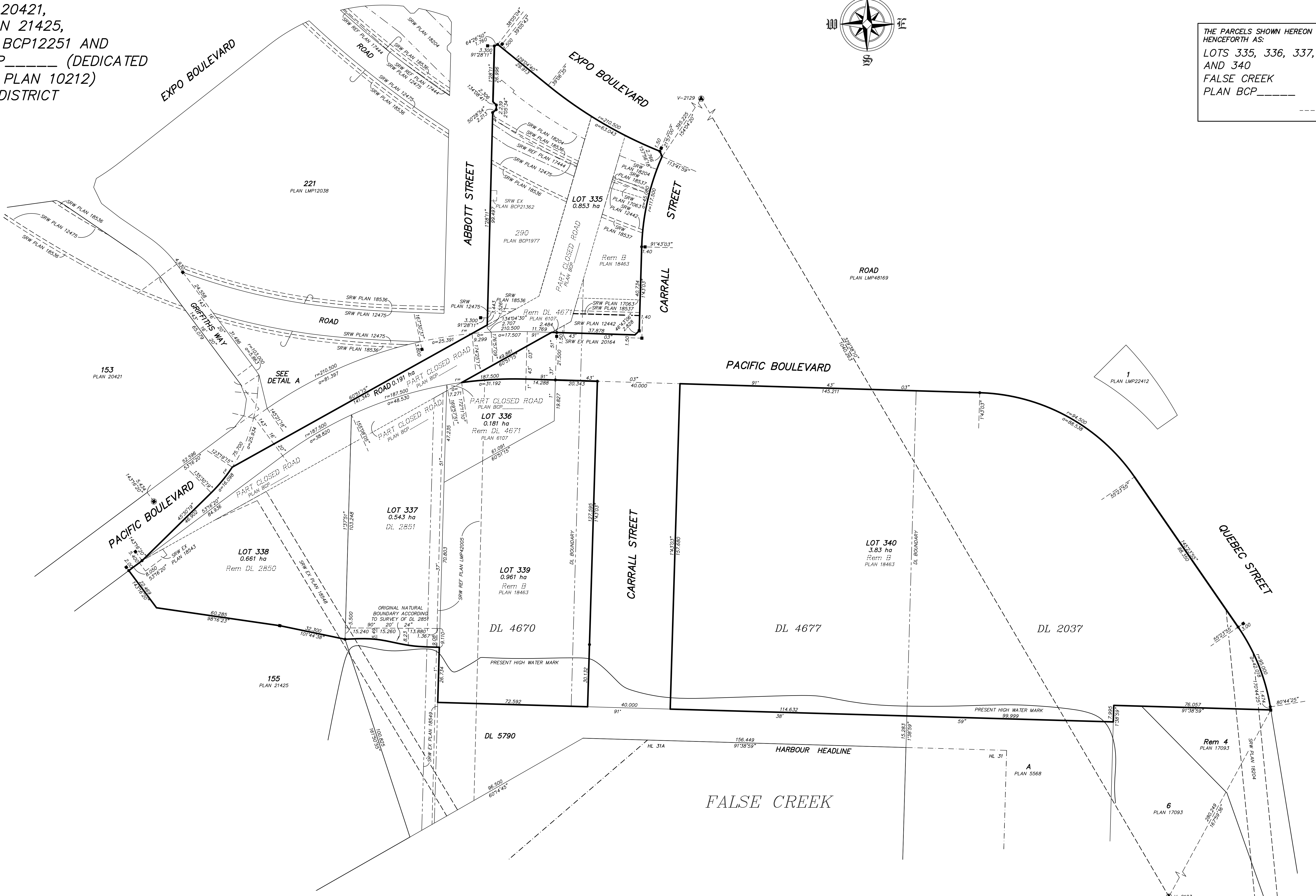
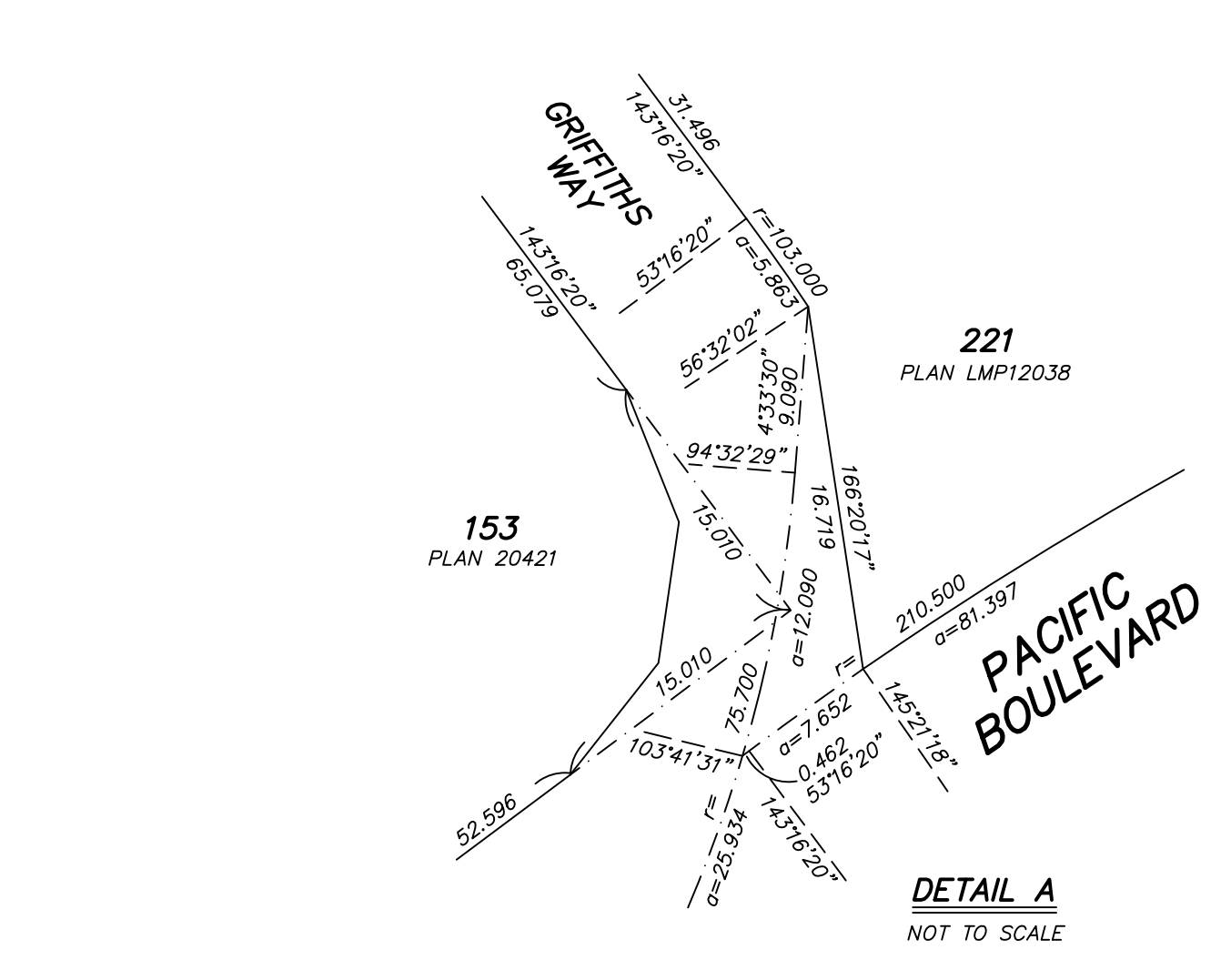
LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS V-2129 AND V-2123

- FOUND PLACED
DENOTES CONTROL MONUMENT
DENOTES ROCK POST
DENOTES LEAD PLUG
DENOTES IRON POST
DENOTES HECTARES



THE PARCELS SHOWN HEREON ARE TO BE CITED HENCEFORTH AS: LOTS 335, 336, 337, 338, 339 AND 340 FALSE CREEK PLAN BCP_____ REGISTRAR



APPROVED UNDER THE LAND TITLE ACT THIS DAY OF 2009

APPROVING OFFICER FOR THE CITY OF VANCOUVER

PURSUANT TO SECTION 108(3) OF THE LAND TITLE ACT, LAND DEALT WITH HEREON SHOWN COVERED BY WATER AND NOT DESIGNATED 'RETURNED TO CROWN IN RIGHT OF THE PROVINCE' IS NOT DEEMED TO BE TRANSFERRED TO THE CROWN BY VIRTUE OF AN EXEMPTION BY MINISTERIAL ORDER, TO THE ACTION OF SECTION 108(2) OF THE LAND TITLE ACT.

FOR THE MINISTER OF SUSTAINABLE RESOURCE MANAGEMENT VICTORIA, B.C. 2009

SEE DF

J. GARY SUNDWICK, A BRITISH COLUMBIA LAND SURVEYOR OF LANGLEY, BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERVISED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 5TH DAY OF MAY, 2009. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER EOP# _____ ON THE 9th DAY OF 2009.

B.C.L.S.

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

Table with 6 columns for signatories: OWNER (ONE WEST HOLDINGS LTD., CITY OF VANCOUVER, HSBC BANK CANADA), HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, and DAVID JAMES MCLELLAN. Each column includes fields for Name, Authorized Signatory, Witness, Address, and Occupation.

APPENDIX 'C'

