



ADMINISTRATIVE REPORT

Report Date: September 16, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: October 22, 2009

TO: Standing Committee on City Services and Budgets

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

SUBJECT: Closure and Sale of a Portion of Road Adjacent to 3410 Lougheed Highway

RECOMMENDATION

- A. THAT Council close, stop-up and convey to the abutting owner the 3743 square foot (347.7m²) portion of Cassiar Street adjacent to 3410 Lougheed Highway (hereinafter, the "Road Portion"), the same as generally shown bold outlined and hatched on the plan attached as Appendix "A", subject to the terms and conditions noted in Appendix "B".
- B. THAT the \$163,000 proceeds from the sale of the property be held in the Capital Fund.
- C. THAT any agreements are to be to the satisfaction of the Director of Legal Services.
- D. 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.
- E. 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 Portion will be before Council later this day for approval.

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, stop-up and convey the Road Portion to the owner of the abutting property at 3410 Lougheed Highway.

BACKGROUND

The Owner of 3410 Lougheed Highway, legally described as Lot A Block 1 South-East $\frac{1}{4}$ of the North-East $\frac{1}{4}$ of Section 38 Town of Hastings Suburban Lands Plan 21250 ("Lot A"), has made application to purchase the Road Portion adjacent to Lot A. Lot A is currently being developed with a 3 storey mixed use building in accordance with Development permit number DE410309 and the owner has recently submitted revised drawings under minor amendment number DE413216 that reflects the use of the Road Portion for private driveway purposes.

The Road Portion was dedicated as road by Subdivision Plan 1314 registered in 1907 and by Subdivision Plan 5134 registered in 1922 and is currently unopened. In 1967 the easterly 33 feet of Cassiar Street was closed, stopped-up and consolidated with the adjacent parcels to the east. This consolidated parcel was subsequently subdivided into the current lot configuration with the westerly most property now the above-noted Lot A.

DISCUSSION

The owner of 3410 Lougheed Highway originally made an application to purchase the entire 33 foot wide portion of Cassiar Street for consolidation with adjacent Lot A. After completing a detailed review, it was noted that a public pedestrian/bikeway link to the Central Valley Greenway was sought after within this portion of Cassiar Street, therefore only the easterly 17 feet of Cassiar Street south of Lougheed Highway can be supported for closure and sale.

The Road Portion and Lot A are located directly to the north of the recently completed Central Valley Greenway. The owner's architect has been in consultation with the Greenways and Neighbourhood Transportation and Parking Management Branches to design an acceptable private driveway and provide a preliminary pedestrian/bikeway design in principle over the remaining 16 feet of road that the City will construct at some time in the future.

The Director of Real Estate Services has negotiated a sale of the Road Portion for \$163,000 plus applicable taxes. The Director of Real Estate Services advises that the sale price of \$163,000 represents fair market value for the portion of road to be conveyed. The owner of Lot A will be responsible for all costs, plans, documents, agreements and Land Title Office fees required to complete the conveyance.

Pursuant to Section 291A(2.1) of the Vancouver Charter, the other property owner abutting the Road Portion has provided the City with a waiver of right to purchase any portion of the Road Portion.

FINANCIAL IMPLICATIONS

The proceeds from the sale of the "road" would normally be allocated to the Property Endowment Fund. In this case, the Director of Finance supports an exception to the policy wherein the proceeds will be credited to the Capital Fund, with use of the funds prioritized accordingly against Capital Projects in 2010.

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 E.

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TERMS AND CONDITIONS OF THE CONVEYANCE

1. The Road Portion to be closed is to be consolidated with the abutting lands being: legally described as [PID: 007-571-798]; Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250, to form a single parcel as shown within the heavy bold outline on plan attached as Appendix "C", to the satisfaction of the Director of Legal Services.
2. The abutting owner to be responsible for the cost to relocate the existing City water main that dead ends in the portion of Cassiar Street to be closed, to the satisfaction of the General Manager of Engineering Services;
3. The abutting owner to pay \$163,000 plus applicable taxes for the Road Portion, in accordance with the recommendation of the Director of Real Estate Services;
4. Execution of a "support" agreement, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for registration on the title of the consolidated parcel, to ensure ongoing support, in perpetuity, for the remaining 16 feet of road adjacent to the consolidated parcel;
5. Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the proposed retaining wall and railing encroachments onto City Street;
6. Make arrangements to provide the pedestrian/bikeway preliminary design in principle over the remaining 16 feet of road, to the satisfaction of the General Manager of Engineering Services;
7. The abutting owner to be responsible for all necessary plans, documents, and Land Title Office fees;
8. 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.

