



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

Report Date: October 19, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: November 3, 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 a Portion of Lane East of Waterloo Street, Adjacent to 1904 Waterloo Street

RECOMMENDATION

THAT Council close, stop-up and convey to the owner of 1904 Waterloo Street (legally described as [PID: 010-795-871] Lot A of Lot 1 Block 24 District Lot 540 Plan 5011 (hereinafter, "Lot A")), that approximately 480 square foot portion of abutting lane (the 'Lane Portion'), 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 the recommendation as contained in this report, the Formal Resolution to close the subject portion of lane adjacent to Lot A 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 the Lane Portion to 1904 Waterloo Street.

BACKGROUND

The owner of Lot A at 1904 Waterloo Street has made application to purchase the Lane Portion.

The Lane Portion, shown as "Right of Way" on Plan 5011, was effectively dedicated to the City for lane purposes upon registration of Plan 5011 in December, 1920.

The Lane Portion is 8 feet wide and presently functions primarily as a surface parking area for the existing home on Lot A. Under the provisions of Easement and Indemnity Agreement K43357, registered on the title of Lot A on July 13, 1982, the owner of Lot A has been granted permission to encroach partially onto the Lane Portion with a carport/deck structure.

The subject lane closure and sale was previously considered and the recommendation as contained in the General Manager of Engineering Services Administrative Report, dated June 19, 2008, was approved by City Council at its meeting of July 8, 2008. However, due to unforeseen delays in satisfying requirements of support for the lane closure, the owner of Lot A and the City ultimately agreed to collapse the sale, and the corresponding contract of purchase and sale was deemed null and void.

DISCUSSION

Engineering Services review of this matter in 2008 concluded that the Lane Portion was not required for civic purposes. The Lane Portion continues to be occupied and used exclusively by the owner of Lot A, as has been the case for many years. The existing sewer connection for the adjacent dwelling at 1918 Waterloo Street (Lot B of Lot 1, Plan 5011) runs through the Lane Portion to a connection point with the City's sewer on 3rd Avenue. To ensure the continued access to the sewer connection for maintenance/construction purposes, the owner of Lot A will be required to grant the City a Statutory Right of Way, as noted under Condition No. 3 in Appendix "B".

The Director of Real Estate Services has renegotiated a sale of the Lane Portion (480 square feet) for \$55,000 plus applicable taxes. The Director of Real Estate Services advises that the sale price of \$55,000 represents current market value for the Lane Portion to be conveyed. The owner of Lot A 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 Portion have provided the City with waivers of right to purchase.

FINANCIAL IMPLICATIONS

The sale proceeds of \$55,000 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.

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TERMS AND CONDITIONS OF CONVEYANCE

1. The Lane Portion to be closed to be consolidated with Lot A 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 A to pay \$55,000 plus applicable taxes for the approximately 480 square foot Lane Portion to be closed, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner to grant the City a Statutory Right of Way over the east 3.0 metres of the consolidated parcel, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, to ensure continuing access to the existing sewer connection within the Lane Portion for maintenance and construction purposes;
4. That subsequent to the consolidation of the Lane Portion to be closed with Lot A to form a single parcel, Easement and Indemnity Agreement K43357 be discharged from the title of the consolidated parcel;
5. The abutting owner to be responsible for any necessary plans, documents, and Land Title Office fees;
6. The sale proceeds to be credited to the Property Endowment Fund;
7. Any agreements are to be to the satisfaction of the Director of Legal Services;
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.