



ADMINISTRATIVE REPORT

Report Date: December 22, 2009
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 08504
VanRIMS No.: 08-2000-20
Meeting Date: January 19, 2010

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Proposed Closure of Portions of Keefer Street and Lane Adjacent to 133 Keefer Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise titles in the name of the City of Vancouver to the portions of Keefer Street and Lane that contain the encroachments by the existing building at 133 Keefer Street (the "Road and Lane"), the said portions being shown on a reduced copy of a Reference Plan attached hereto as Appendix "A".
- B. THAT all those volumetric portions of Road and Lane included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B", be closed, stopped-up and that an easement be granted to the owner of abutting Lot A Block 15 District Lot 196 Group 1 New Westminster District Plan BCP_____ ("Lot A") to contain the portions of the existing building which encroach onto the Road and Lane. The easement is to be for the life of the encroaching portions of the existing building on Lot A and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easement referred to in Recommendation "B" are to be in accordance with those charged for an agreement prepared pursuant to the Encroachment By-law.
- D. THAT the Director of Legal Services be authorized to execute all documents and plans required.
- E. THAT the authorities granted in Recommendations "A", "B", "C" and "D" be subject to the Approving Officer granting approval of the application to convert the previously occupied building situated on Lot A to strata title ownership.

If Council approves this report, the Formal Resolution to close the portions of Road and 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.

Permitting encroachments by listed heritage buildings onto street and lane is consistent with Council's past practice.

PURPOSE

The purpose of this report is to obtain Council authority to close and stop-up portions of Road and Lane and to grant an easement to contain encroaching elements of the building located at 133 Keefer Street.

BACKGROUND

The subject site (Lot A) contains a former warehouse building, historically associated with the Vancouver Gas Company (later becoming part of the B.C. Electric Co.), which is listed in Category "C" of the Vancouver Heritage Register. A Heritage Revitalization Agreement and Heritage Designation By-law (By-law No. 9716) are registered on the title of Lot A, and the owner is accordingly obliged to restore and preserve the exterior of the heritage building. The building rehabilitation, additions and change of use under Development Permit No. DE411880 include restoration of the Keefer Street façade, reconstruction of the main floor storefront, construction of a one-storey roof top addition, and change of use to retail at grade with residential units on floors two through five (four dwelling units).

The Road and Lane were dedicated by the deposit of Plan 184 in 1885.

The owner has applied to the City for conversion of the previously occupied building to strata title ownership, and portions of the exterior of the building are encroaching onto Keefer Street and the lane north of Keefer Street. As such, the Registrar of Land Titles has taken the position that to satisfy the provisions of the Strata Property Act, the strata corporation must establish control over the portion of street or lane affected by the building encroachments for the life of the building. To accomplish this, the volumetric portions of street and lane containing the encroachments must be closed, stopped-up and an easement granted for the volumetric portions of the building that encroach. It is also necessary to raise title for the portions of Road and Lane that are encroached upon.

DISCUSSION

On the Keefer Street side of Lot A, portions of the building consisting of the roof level and intermediate cornices, roof parapet and pilasters encroach to a maximum extent of 0.47 metres onto Keefer Street. On the lane side of Lot 18, portions of the building consisting of the second, third and fourth floor window sills and brick clad building wall encroach to a maximum extent of 0.08 metres onto the lane.

It is therefore necessary to seek Council authority to close, stop-up and authorize registration of a volumetric easement over the portions of Road and Lane described in Recommendation

"B". Recommendation "A" seeks authority to raise title to the encroached upon portions of Road and Lane.

We are recommending that fees be charged in accordance with the Encroachment By-law, which is consistent with past Council direction.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

* * * * *

REFERENCE PLAN TO ACCOMPANY AN APPLICATION
FOR THE REGISTRATION OF TITLE IN THE NAME
OF THE CITY OF VANCOUVER TO THOSE PORTIONS
OF ROAD AND LANE DEDICATED BY THE DEPOSIT
OF PLAN 184, ADJACENT TO LOT A BLOCK 15
DISTRICT LOT 196 GROUP 1 NEW WESTMINSTER
DISTRICT PLAN BCP

PLAN BCP _____

Deposited in the Land Title office
at New Westminster, B.C. this _____ day
of _____, 20____.

Deputy Registrar

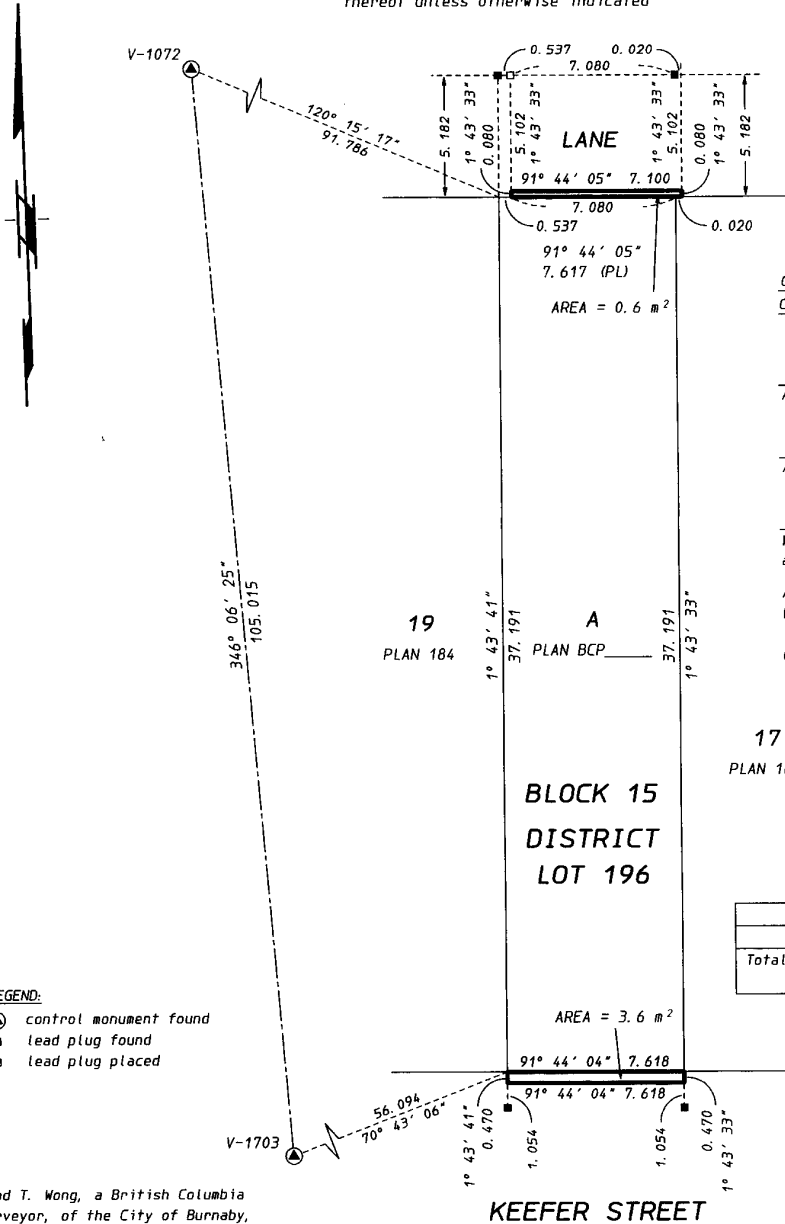
BCGS 92G.025

SCALE: 1:200

Ref: _____



All distances are in metres and decimals
thereof unless otherwise indicated



OWNER:

CITY OF VANCOUVER

Authorized Signatory
(Sign and print name)

Authorized Signatory
(Sign and print name)

Witness (Sign and print name)
as to signature(s)

Address of _____

Witness: _____

Occupation: _____

LEGEND:

- ▲ control monument found
- lead plug found
- lead plug placed

I, Edmund T. Wong, a British Columbia
land surveyor, of the City of Burnaby,
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 27th day
of November, 2009. The plan was completed
and checked, and the checklist filed under
#104364, on the 4th day of December, 2009.

Edmund T. Wong
B. C. L. S.

FILE: SI-4442

Integrated Survey Area No. 31, City of Vancouver,
NAD83 (CSRS).

Grid bearings are derived from observations
between geodetic control monuments V-1702 and V-1703.
This plan shows horizontal ground-level distances except
where otherwise noted. To compute grid distances, multiply
ground-level distances by combined factor 0.999603.

PID: 015-666-590

This plan lies within the Greater Vancouver Regional District.

Ken K. Wong and Associates
Canada and B.C. Land Surveyors
5624 E. Hastings Street
Burnaby, B.C. V5B 1R4
Telephone: 294-8881
Fax: 294-0625
090554 FB851 P52-53
DATA FILE: 090554.RAW/.CGO
R-913 R-3409 SU-2001 SU-2019
Drawn by: RH

BOOK OF REFERENCE	
Description	Area
Total Area of Those Portions of Road and Lane	4.2 m ²

The intended plot size of this
plan is 280mm in width by 432mm
in height (sheet size B) when
plotted a scale of 1:200.

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER THOSE PORTIONS OF ROAD AND LANE INCLUDED IN REFERENCE PLAN BCP DEDICATED BY DEPOSIT OF PLAN 184, ADJACENT TO LOT A BLOCK 15 DISTRICT LOT 196 NEW WESTMINSTER DISTRICT PLAN BCP

BCGS 926.025

PLAN BCP

Deposited in the Land Title Office at New Westminster, B.C. this _____ day of _____, 20____

Deputy Registrar

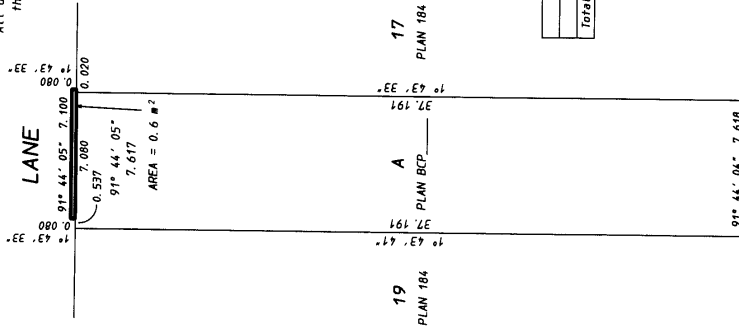
Ref:

PLAN

SCALE: 1:200



All distances are in metres and decimals thereof unless otherwise indicated.



ISOMETRIC

SCALE: 1:100



All dimensions are in metres and decimals thereof unless otherwise indicated.

BOOK OF REFERENCE		
Description	Area	Volume
Total Area and Volume of Easement	4.2 m ²	12.4 m ³

The intended plot size of this plan is 540mm in width by 432mm in height (sheet size C) when plotted at a scale of 1:200.

NOTE:
Elevations shown are based on Geodetic Datum.
Bench Mark: Control Monument V-1703 located at the SE corner of Keefer Street and Columbia Street.
B.M. Elevation = 3.510 metres

Integrated Survey Area No. 31, City of Vancouver, MDS3 (CSRS).
Grid bearings are derived from observations between geodetic control monuments V-1702 and V-1703. This plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances, multiply ground-level distances by combined factor 0.999603.

This plan lies within the Greater Vancouver Regional District.

Certified correct according to Land Title Office records this 27th day of November, 2009. The plan was completed, prepared, checked, and the checklist filled under #105366, on the 4th day of December, 2009.

Edmund J. Hong
B.C.L.S.

FILE: SU-2019

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R-913 R-3409 SU-2001 TA-7035
Drawn by: RH