



## ADMINISTRATIVE REPORT

Report Date: January 18, 2010  
Contact: Al Zacharias  
Contact No.: 604.873.7214  
RTS No.: 08546  
VanRIMS No.: 08-2000-20  
Meeting Date: February 2, 2010

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 Portions of Lane Adjacent to 3721 and 3725 West 11th Avenue

### *RECOMMENDATION*

- A. THAT Council close, stop-up and convey to the owner of 3725 West 11<sup>th</sup> Avenue (legally described as [PID: 011-105-101] Lot 5 of Lot E Block 1 of Block 181 District Lot 540 Plan 5885 (hereinafter, "Lot 5")) that approximately 2,444 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".
- B. THAT Council close, stop-up and convey to the owners of 3721 West 11<sup>th</sup> Avenue (legally described as [PID: 019-196-407] Lot 6 Block 181 District Lot 540 Plan LMP22204 (hereinafter, "Lot 6")) that approximately 50 square foot portion of abutting lane (the "Corner-Cut Lane Portion"), the same as generally shown shaded on the plan attached as Appendix "A", subject to the terms and conditions as noted in Appendix "C".
- C. THAT the total sale proceeds of \$356,627.00 be credited to the Property Endowment Fund.

If Council approves the recommendations as contained in this report, the Formal Resolution to close the subject portions of lane adjacent to Lot 5 and Lot 6 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 and the Corner-Cut Lane Portion to 3725 West 11<sup>th</sup> Avenue and 3721 West 11<sup>th</sup> Avenue, respectively.

**BACKGROUND**

The owners of Lots 5 and 6 at 3721 and 3725 West 11<sup>th</sup> Avenue have made application to purchase the Lane Portion and the Corner-Cut Lane Portion.

The Lane Portion was dedicated to the City for lane purposes upon registration of Plan 5655 in 1926. The Corner-Cut Lane Portion was dedicated to the City for lane purposes upon registration of Plan LMP22204 in 1995.

The Lane Portion, which is 20 feet in width, and the Corner-Cut Lane Portion are open to vehicle traffic, with a rough paved (patched asphalt) surface. An Engineering Services' Sketch Plan prepared in 1997 shows that a portion of the eave and gutter of the garage situated on Lot 6 encroaches onto the Corner-Cut Lane Portion.

**DISCUSSION**

The Lane Portion previously served as lane access for the three parcels (Lots F, G and H) shown on Plan 5655 which fronted onto Alma Street. However, Lots F, G and H were re-subdivided under Plan LMP22204 to create four new parcels (existing Lots 6 through 9, inclusive) which fronted onto 11<sup>th</sup> Avenue, with access to the east-west (i.e., northerly adjacent) lane within the subject block. Noting that the owner of Lot 5 intends to subdivide the Lane Portion with Lot 5 to create two new parcels, the closure and sale of the Lane Portion and its ultimate redevelopment with adjoining lands will be consistent with the established one-family development pattern on 11<sup>th</sup> Avenue at this location. As a result, based on an Engineering Services review of this matter in consideration of the lane access and public utility requirements for both the commercial and residential developments within the subject block, the Lane Portion and Corner-Cut Lane Portion are no longer required for civic purposes.

The Director of Real Estate Services has negotiated a sale of the Lane Portion (2,444 square feet) and a sale of the Corner-Cut Lane Portion (50 square feet) for a total sum of \$356,627.00 plus applicable taxes. The Director of Real Estate Services advises that the sale price of \$356,627.00 represents current market value for both the Lane Portion and Corner-Cut Lane Portion. The owner of Lot 5 will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyances.

**FINANCIAL IMPLICATIONS**

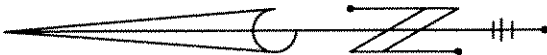
The total sale proceeds of \$356,627.00 will be credited to the Property Endowment Fund.

**CONCLUSION**

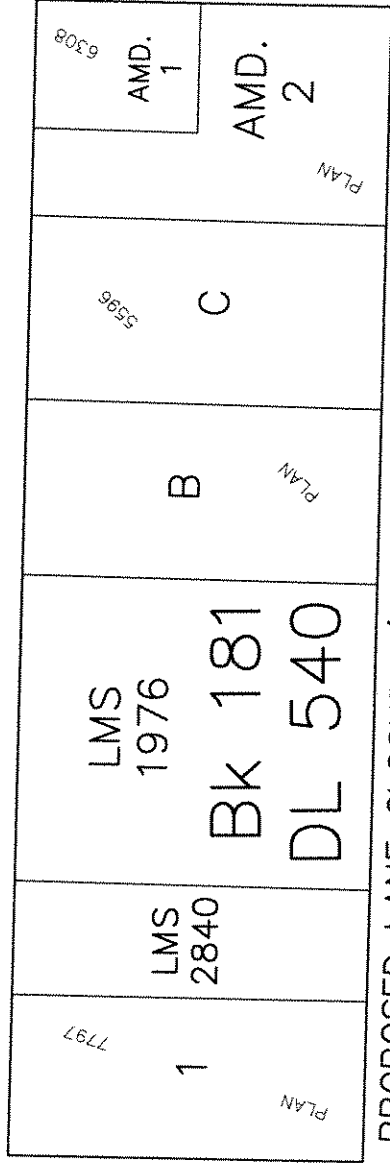
The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of the Recommendations contained in this report.

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# APPENDIX A



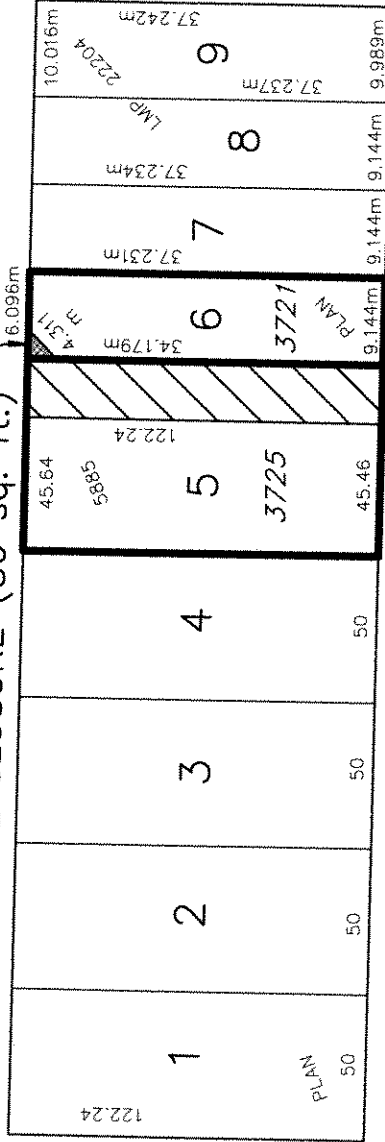
WEST 10TH AVENUE



HIGHBURY STREET

ALMA STREET

PROPOSED LANE CLOSURE (50 sq. ft.)



PROPOSED LANE CLOSURE  
(2444 sq. ft.)

WEST 11TH AVENUE

ALL DISTANCES ARE IN FEET UNLESS SPECIFIED  
DMK, MAPS 1-12 & 13

ENGINEERING SERVICES  
JANUARY 11, 2010

TERMS AND CONDITIONS OF CONVEYANCE

1. The Lane Portion to be closed to be consolidated with Lot 5 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 5 to pay \$356,527 plus applicable taxes for the approximately 2,444 square foot Lane Portion to be closed, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner of Lot 5 to pay for all costs to remove the lane entrances at both the northerly and southerly limits of the Lane Portion, including reinstating the boulevard, sidewalk, curb and gutter, and repaving/reprofiling of 11<sup>th</sup> Avenue and the east-west lane to ensure proper road construction and surface drainage;
4. The abutting owner of Lot 5 to make arrangements with Terasen Gas to remove the existing gas main from within the Lane Portion and relocate the existing gas service lines for Lots 5 and 6;
5. The abutting owner of Lot 5 to make arrangements with B.C. Hydro for removal of the utility pole adjacent to the northeast corner of Lot 5, and for the relocation of the overhead services for Lot 6 to eliminate any aerial trespass over the Lane Portion to be closed;
6. The abutting owner of Lot 5 to grant the City a temporary Statutory Right of Way over the east 6.096 metres (20 feet) of the consolidated parcel for public utility purposes, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, to be discharged once all utilities impacted by the lane closure have been relocated or abandoned, as necessary, and all street and lane reconstruction works have been completed to the satisfaction of the General Manager of Engineering Services;
7. The abutting owner of Lot 5 to be responsible for any necessary plans, documents, and Land Title Office fees;
8. Any agreements are to be to the satisfaction of the Director of Legal Services; and
9. 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.

TERMS AND CONDITIONS OF CONVEYANCE

1. The Corner-Cut Lane Portion to be closed is to be consolidated with Lot 6 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 6 to pay \$100 plus applicable taxes for the Corner-Cut Lane Portion, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner of Lot 6 to grant the City a temporary Statutory Right of Way over the north westerly 50 square foot portion of the consolidated parcel for public utility purposes, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, to be discharged once all utilities impacted by the lane closure have been relocated or abandoned, as necessary, and all street and lane reconstruction works have been completed to the satisfaction of the General Manager of Engineering Services;
4. Any agreements are to be to the satisfaction of the Director of Legal Services; and
5. 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.