



ADMINISTRATIVE REPORT

Report Date: January 8, 2010
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 08541
VanRIMS No.: 08-2000-20
Meeting Date: February 2, 2010

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of a Portion of Princess Avenue Adjacent to 595 East Georgia Street

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise title in the name of the City of Vancouver to the portion of Princess Avenue that contains the encroachments by the existing building at 595 East Georgia Street (the "Road"), the said portion being shown on a reduced copy of a Reference Plan attached hereto as Appendix "A".
- B. THAT all that volumetric portion of Road 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 Parcel S Block 85 District Lot 196 Group 1 New Westminster District Plan BCP36117 ("Parcel S") to contain the portions of the existing building which encroach onto the Road. The easement is to be for the life of the encroaching portions of the existing building on Parcel S 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 Parcel S to strata title ownership.

If Council approves this report, the Formal Resolution to close the portion of 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 obtain Council authority to close and stop-up the portion of Road and to grant an easement to contain encroaching elements of the building located at 595 East Georgia Street.

BACKGROUND

The subject site (Parcel S) contains a former schoolhouse building ("St. Francis Xavier School"), originally constructed in 1940, which has undergone interior and exterior alterations and a change of use under Development Permit No. DE411484 to contain five (5) dwelling units.

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 Princess Avenue. 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 affected by the building encroachments for the life of the building. To accomplish this, the volumetric portion of street containing the encroachments must be closed, stopped-up and an easement granted for the volumetric portion of the building that encroaches. It is also necessary to raise title for the portion of Road that is encroached upon.

The Road was dedicated by the deposit of Plan 196 (circa 1885).

DISCUSSION

The retention of the building and its approved use are consistent with the Strathcona/Kiwassa RT-3 Guidelines. The building has been relocated as far westward as possible, while still ensuring compliance with the fire and spatial separation requirements of the Building By-law relative to the westerly building wall. However, on the Princess Avenue side of Parcel S, portions of the building consisting of the roof eave, gutter and fascia boards encroach to a maximum extent of 0.5 metres onto Princess Avenue.

It is therefore necessary to seek Council authority to close, stop-up and authorize registration of a volumetric easement over the portion of Road described in Recommendation "B". Recommendation "A" seeks authority to raise title to the encroached upon portion of Road.

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.

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REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER TO THAT PORTION OF ROAD DEDICATED BY THE DEPOSIT OF PLAN 196 ADJACENT TO PARCEL S BLOCK 85 DISTRICT LOT 196 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP36117

PLAN BCP

REF. No.

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C. THIS ____ DAY OF ____ 20__

BCGS 92G.025

REGISTRAR

LANE

DL 196
BLOCK 85

PCL 'S'
PLAN BCP36117

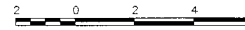
PRINCESS AVENUE

AREA = 12.7 m²



LEGEND

SCALE 1:125



ALL DISTANCES ARE IN METRES

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, NADB3 (CSRS). GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS V-693 AND V-694.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.999601.

- ▲ INDICATES CONTROL MONUMENT FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES STANDARD IRON POST PLACED
- INDICATES LEAD PLUG FOUND
- INDICATES LEAD PLUG PLACED
- m² INDICATES SQUARE METRES

WITNESS OR OFFSET POSTS ARE ON PROPERTY LINE PRODUCTION UNLESS NOTED OTHERWISE

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:125

OWNER:
CITY OF VANCOUVER

AUTHORIZED SIGNATORY

AUTHORIZED SIGNATORY

WITNESS AS TO BOTH SIGNATURES

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

BOOK OF REFERENCE

DESCRIPTION	AREA
AREA OF PORTION OF ROAD	12.7 m ²

MATSON PECK & TOPLISS
SURVEYORS & ENGINEERS

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RICHMOND, B.C.
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CADFILE: 15492-REF-001.DWG

I, WILLIAM P. 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 9TH DAY OF DECEMBER, 2009.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #105247 ON THE 24TH DAY OF DECEMBER, 2009.

W.P. Wong

S.C.L.S. (#697)

