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ADMINISTRATIVE REPORT

Report Date: August 26, 2010
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 08838
VanRIMS No.: 08-2000-20
Meeting Date: September 21, 2010

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Proposed Closure of a Portion of Lane Adjacent to 520 Glen Drive

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 lane that contains the encroachments by the existing building at 520 Glen Drive, 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 lane included within heavy outline and illustrated isometrically on a plan of survey (the "Lane Portion"), 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 C Block 15 of Block A District Lot 182 Group 1 New Westminster District Plan BCP_____ ("Lot C") to contain the portions of the existing building which encroach onto the Lane Portion. The easement is to be for the life of the encroaching portions of the existing building on Lot C and is to be to the satisfaction of the Director of Legal Services.
- C. THAT the fees for the document preparation, registration and use of the easement referred to in Recommendation "B" are to be in accordance with those fees 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 to the application to convert the previously occupied building situated on Lot C to strata title ownership.

If Council approves this report, the Formal Resolution to close the Lane Portion 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 Lane Portion and to grant an easement to contain encroaching elements of the building located on Lot C.

BACKGROUND

Lot C contains a municipally designated heritage building (one of the three "James F. and Lillian Downer Houses"), originally constructed in 1912 and listed in the "B" evaluation category on the Vancouver Heritage Register. A Heritage Revitalization Agreement and Heritage Designation By-law (By-law No. 9719) are registered on the title of Lot C, and the owner is accordingly obliged to restore and preserve the exterior of the heritage building under an approved conservation plan. The building, which contains two (2) dwelling units, has been restored and altered under Development Permit No. DE411665, including repositioning of the building two (2) feet to the east and enclosing the rear portion of the second storey.

The owner has applied to the City for conversion of the previously occupied building on Lot C to strata title ownership, and portions of the exterior of the building are encroaching onto the Lane Portion. 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 lane affected by the building encroachments for the life of the building. To accomplish this, the Lane Portion must be closed, stopped-up and an easement granted in favour of Lot C for the volumetric portion of the building that encroaches onto the Lane Portion. It is also necessary to raise title to the portion of lane that is encroached upon.

The lane adjacent to Lot C was dedicated by the deposit of Plan 355 in 1889.

DISCUSSION

The heritage building on Lot C, together with the other two James F. and Lillian Downer Houses on adjoining Lots A and B (Plan BCP _____), are classified as a 'Streetscape A' assembly in the Strathcona/Kiwassa RT-3 Guidelines, and their retention, renovation and restoration is consistent with the intent of the RT-3 (Zoning) District Schedule. The encroachments onto the Lane Portion consist of the building's main floor roof eave and gutter.

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

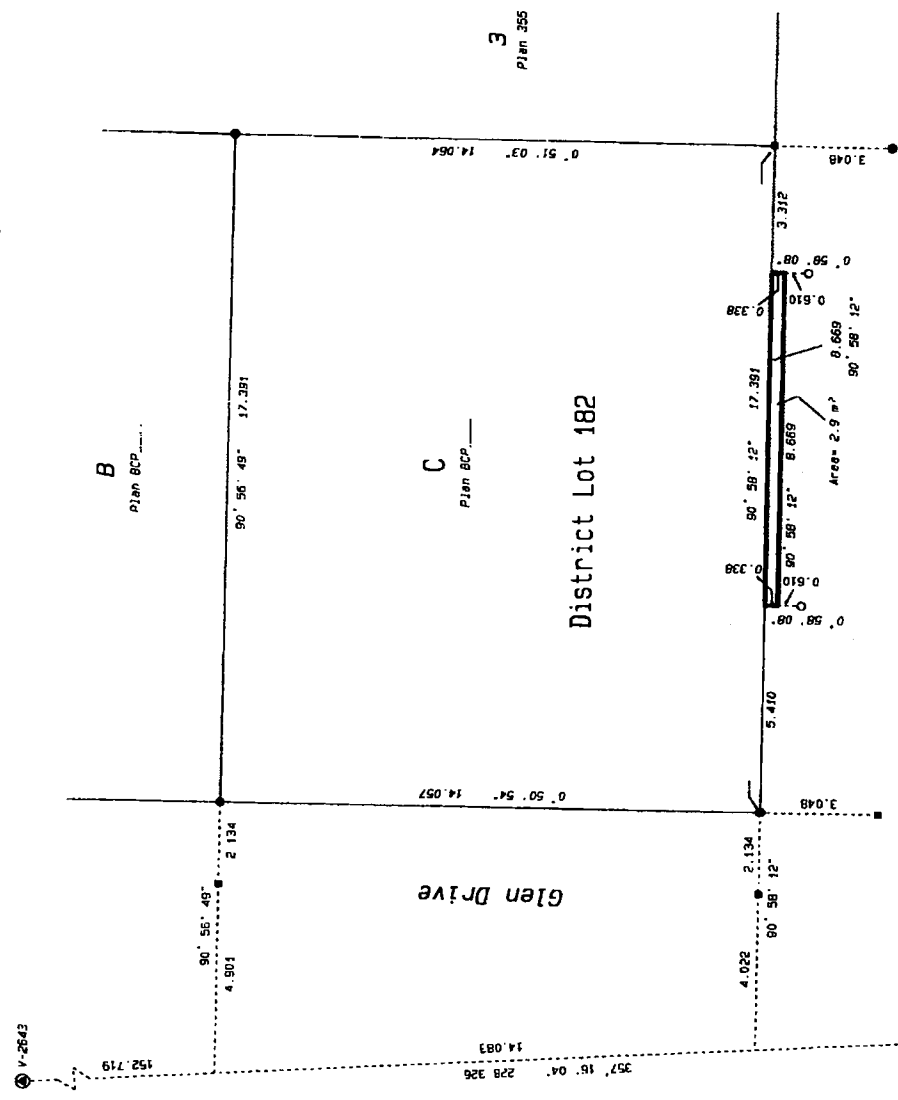
The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

* * * * *

**REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE
REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER
TO THAT PART OF LANE DEDICATED BY THE DEPOSIT OF PLAN 355
ADJACENT TO LOT C BLOCK 15 OF BLOCK A DISTRICT LOT 182 GROUP ONE
NEW WESTMINSTER DISTRICT PLAN BCP**

PLAN BCP _____
REF. No. _____
Deposited in the Land Title Office,
at New Westminster, B.C.
This _____ day of _____, 2010.

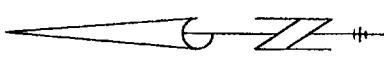
Deputy Registrar



DOWNER: City of Vancouver

Authorized Signatory Print Name _____
Authorized Signatory Print Name _____

WITNESS
Signature of Witness _____
Print Name of Witness _____
Address of Witness _____
Occupation of Witness _____



BCGS 926.025

The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:100

LEGEND 0 1 2 5
SCALE 1:100

All dimensions are expressed as metres and decimals thereof
Grid bearings are derived from observations between control monuments V-1715 and V-2643 integrated survey area 31.

- Lead Plug Found
- Standard Iron Post Found
- Control Monument Found

This plan lies within the
Greater Vancouver
Regional District

G. R. WILLIAMS LAND SURVEYING LTD.
B. C. Land Surveyor
382 East 48th Avenue,
Vancouver, B.C. V5H 2E3
(Tel) 604-325-3049

604-325-6767

I, Diego Caffo, a British Columbia Land Surveyor, certify that I was present at and personally supervised the survey represented by this plan and that the survey and plan are correct. The field survey was completed on the 17th day of August, 2010. The plan was completed and checked, and the checklist filled under #112360, on the 5th day of July, 2010.

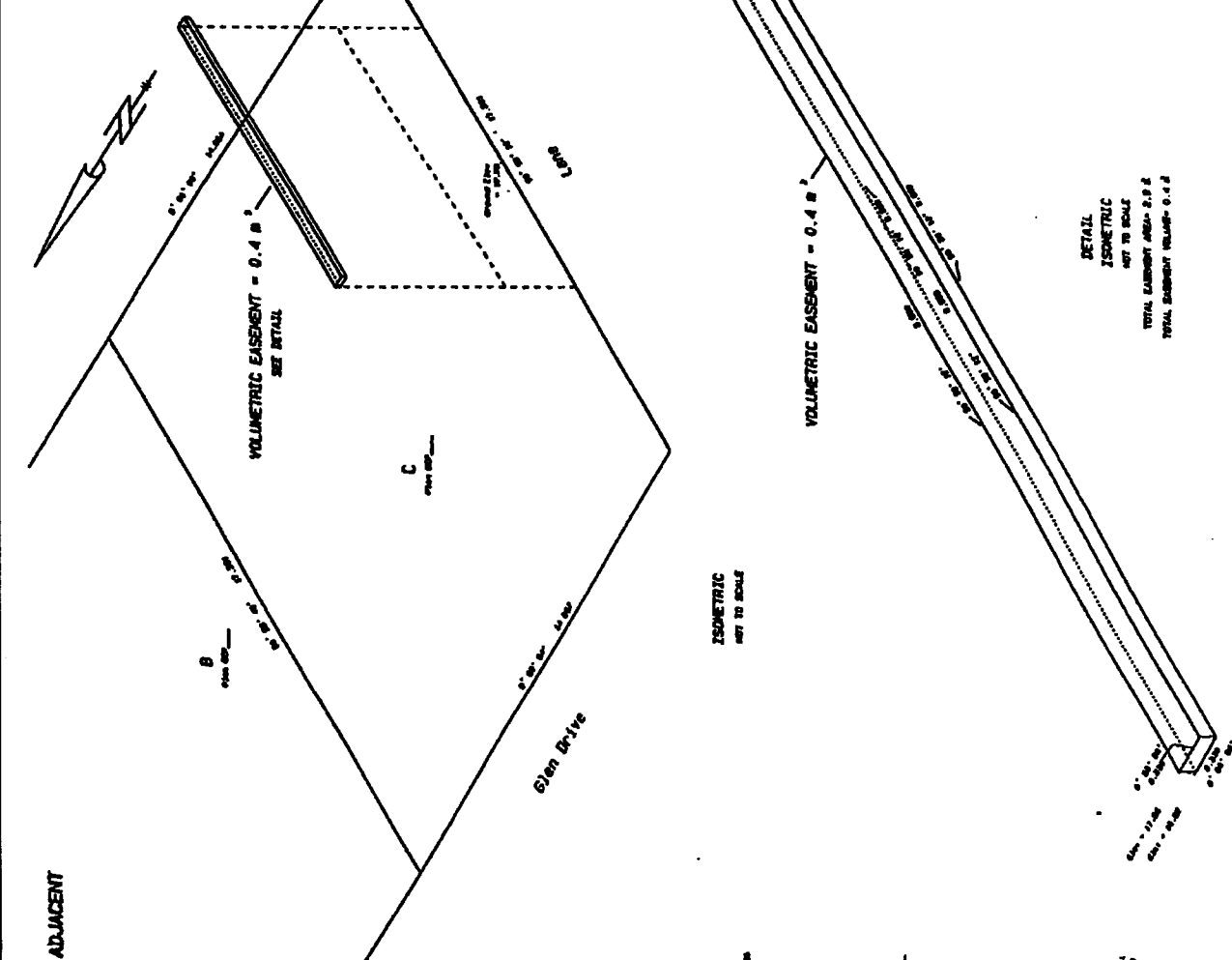
D. Caffo

B.C.L.S.

Integrated Survey Area No. 31
CITY OF VANCOUVER 83 (CSRS)
This plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances, multiply ground level distances by combined factor 0.99960135

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER PART OF LANE, INCLUDED IN REFERENCE PLAN BOP -- --, DEDICATED BY PLAN 365 ADJACENT TO LOT C BLOCK 15 OF BLOCK A DISTRICT LOT 182 GROUP ONE NEW WESTMINSTER DISTRICT PLAN BOP

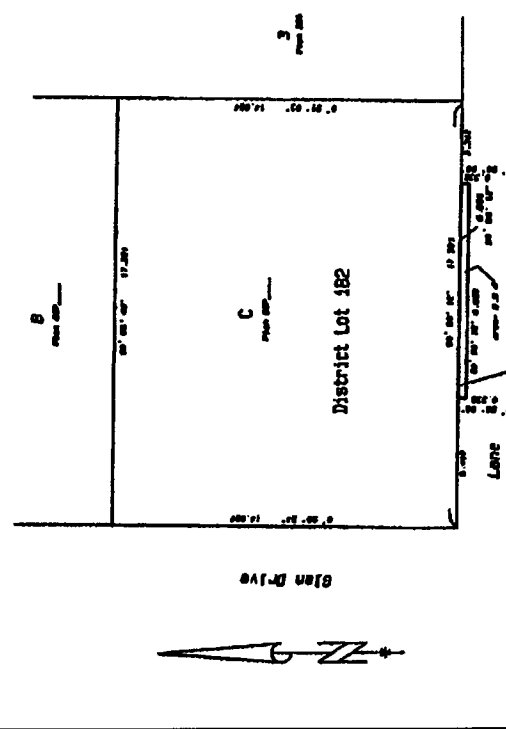
PLAN BOP
REF. No. _____
Approved in the Land Title Office
at New Westminster, B.C.
This day of _____ 2000



NOTES:

1. The easement shall be used for the purpose of the reference plan BOP -- --, and shall be subject to the provisions of the Land Title Act, R.S.B.C. 1996, Chapter 248.
2. The easement shall be subject to the provisions of the reference plan BOP -- --, and shall be subject to the provisions of the Land Title Act, R.S.B.C. 1996, Chapter 248.
3. The easement shall be subject to the provisions of the reference plan BOP -- --, and shall be subject to the provisions of the Land Title Act, R.S.B.C. 1996, Chapter 248.

Approved by the Registrar of Land Titles
CITY OF WESTMINSTER, B.C.
This plan shall be subject to the provisions of the reference plan BOP -- --, and shall be subject to the provisions of the Land Title Act, R.S.B.C. 1996, Chapter 248.



Checklist of 10 points to be completed by the applicant before the plan is registered in the Land Title Office.
City: New Westminster
District: 182
Block: 15
Group: 1

This plan shall be subject to the provisions of the reference plan BOP -- --, and shall be subject to the provisions of the Land Title Act, R.S.B.C. 1996, Chapter 248.

This plan was prepared and submitted, and the registration of this plan was approved, on the _____ day of _____, 2000, and is hereby certified to be correct and true to the original.

[Signature]
S.E.T.

REGISTERED LAND SURVEYOR LTD.
200 West 4th Street
New Westminster, B.C. V6V 1C3
604-455-8877

DATE FILE: 2000/11/14