



# A2

## ADMINISTRATIVE REPORT

Report Date: November 26, 2010  
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Meeting Date: December 14, 2010

TO: Vancouver City Council

FROM: General Manager of Engineering Services in consultation with the Director of Legal Services

SUBJECT: East Fraser Lands Area 2 South - Establishment as Road of a Riverfront Lot Between Kerr Street and Kinross Street

### ***RECOMMENDATION***

THAT Council authorize the Director of Legal Services in consultation with the General Manager of Engineering Services to enter into such agreements as are required to transfer to the City, at no cost to the City, and establish as road Lot 11 District Lot 330 Group 1 New Westminster District Plan BCP\_\_\_\_\_, the same as shown hatched on the sketch attached hereto as Appendix A ("Lot 11").

If Council approves this report, the formal resolution to establish Lot 11 as road will be before Council later this meeting for approval.

### ***COUNCIL POLICY***

The authority for establishing streets and lanes is set out in Section 291(a) of the Vancouver Charter.

### ***PURPOSE***

The purpose of this report is to seek Council authority to transfer Lot 11 to the City and establish it as road.

### ***BACKGROUND***

Park Lane River District Developments Ltd. ("Park Lane"), the owner of That Part of Block 8 Lying South of Right of Way Shown on Explanatory Plan 5938 District Lot 330 Plan 455 ("Block 8"), intends to subdivide Block 8 to create development parcels, open space parcels, and road in order to fulfill a rezoning condition for the East Fraser Lands Area 2 South development. A copy of the proposed subdivision plan is attached for reference as Appendix B.

One of the rezoning conditions, approved in principal at Public Hearing on January 19, 2010, seeks the “dedication to the City as road to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the Approving Officer, a minimum 10 metre wide strip along the riverfront to connect Kerr Street with the easterly limit of Area 2” (the “Rezoning Condition”). The purpose of the riverfront road, proposed by Park Lane to be 12 metres in total width, is to provide for river-oriented recreational uses, a walkway, and a bikeway. It is common practice for the City to seek road dedication along the waterfront to accommodate walkways, bikeways, and public open space.

Statutory Right of Way GC104773 (“GC104773”) is an encumbrance registered on the title of Block 8 in favour of Western Forest Products Inc. and Weyerhaeuser Company Limited (the “Forest Companies”). GC104773 gives the Forest Companies the right to “interfere with, curtail and restrict fully” the “legal right of ingress and egress to and from the North Arm of the Fraser River” over Block 8 to facilitate the Forest Companies use of the foreshore as a mooring facility and booming ground.

The Forest Companies have not agreed to the dedication of the entire width of the riverfront road since dedication would extinguish their rights under GC104773. In order to preserve GC104773 as a charge on title to upland properties, Park Lane has proposed the creation of a narrow lot along the riverfront i.e. Lot 11 (as shown hatched on Appendix A) which forms part of the riverfront road referred to in the Rezoning Condition. Lot 11 is to be transferred to the City and established as road under Section 291(a) of the Vancouver Charter in order to affirm its use by the City as road (for riverfront recreational use) and maintain the rights in favour of the Forest Companies. Lot 11 is approximately 1 metre in width which provides for the remaining approximately 11 metres of road along the riverfront to be dedicated under the Land Title Act thus providing the required dedicated connection to the river access areas at the required 200 metres or less intervals under Section 75(1)(c) of the Land Title Act.

### *DISCUSSION*

Establishment of road under the Vancouver Charter, as opposed to dedication as road under the Land Title Act, will allow GC104773 to remain as a charge on the title of Lot 11 and enable the East Fraser Lands subdivision to proceed. Typically, the City requires developers to deliver new roads entirely free of encumbrances such that the City’s future use of them remains unfettered. Adherence to this past practice would delay if not preclude the subdivision and the enactment of the East Fraser Lands rezoning. Continued use of the Fraser River foreshore for log boom moorage is consistent with the East Fraser Lands ODP and supportive of the concept for a working river alongside the East Fraser Lands development. Therefore the continuance of GC104773, although not desirable to the General Manager of Engineering Services, is acceptable under the circumstances. The charge is not expected to have an adverse impact on the proposed river-oriented recreational uses along the riverfront.

Since the approximately 1 metre wide Lot 11 has limited development potential, and is not consistent with the approved form of development, the Approving Officer will require that a no-development covenant (other than development to support the proposed use) be registered on the title of Lot 11 in addition to it being established as road under the Vancouver Charter.

If this report is approved, and the subdivision plan (a copy of which is attached as Appendix B) is completed, and Lot 11 is transferred to the City and established as road under the *Vancouver Charter* as per the Recommendation, then the Rezoning Condition will have been fulfilled.

***FINANCIAL IMPLICATIONS***

There are no financial implications.

***CONCLUSION***

The General Manager of Engineering Services, in consultation with the Director of Legal Services recommends approval of the Recommendation contained in this report.

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