



ADMINISTRATIVE REPORT

Report Date: October 18, 2011
Contact: Al Zacharias
Contact No.: 604.871.7214
RTS No.: 9342
VanRIMS No.: 08-2000-20
Meeting Date: November 1, 2011

TO: Vancouver City Council

FROM: General Manager of Engineering Services, in consultation with the Director of Real Estate Services and the Director of Legal Services

SUBJECT: Closure of Terry Fox Way and Triangle Sites between Pacific Boulevard and Expo Boulevard - 777 Pacific Boulevard

RECOMMENDATION

THAT Council close, stop-up and convey to the owner of 777 Pacific Boulevard, BC Pavilion Corporation ("PavCo"), that approximately 1548 square metre portion of Terry Fox Way (the "Surplus Road Area") as generally shown hatched on the sketch attached as Appendix "A" and those approximately 608 and 9 square metre portions (the "Triangle Sites"), as generally shown shaded on the sketch attached as Appendix "A", such transfers to be subject to the terms and conditions of the BC Place Upgrade Commitment Agreement and the terms and conditions as noted in Appendix "B".

COUNCIL POLICY

The authority for closing and disposing of streets and lane 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 Surplus Road Area and the Triangle Sites to the abutting land owner; namely, BC Pavilion Corporation ("PavCo"), in support of the CD-1 Rezoning - 777 Pacific Boulevard (Hotel/Entertainment/Casino Complex) (the "BC Place Rezoning") in accordance with the B.C. Place Upgrade Commitment Agreement between the City and the PavCo (the "UCA").

BACKGROUND

In October 2008, PavCo entered into the UCA with the City to confirm PavCo's commitment to proceed with the stadium upgrade and related matters. The UCA refers to arrangements between PavCo and Concord Pacific Group Inc. ("Concord"), as owner of 10 Terry Fox Way

("Lot 288"), for the dedication as road (to the City) of a portion of Lot 288 that consists of an extension of Smithe Street and the Triangle Sites. Pursuant to the UCA the City agreed to transfer the Surplus Road Area and the Triangle Sites (upon their dedication as road by Concord) to PavCo. Both the BC Place Rezoning and the 10 Terry Fox Way (Concord Area 5b East) rezoning applications are dependant on the dedication as road of Smithe Street to provide access to the development sites. The BC Place Rezoning is also dependant on the acquisition of the Surplus Road Area and the Triangle Sites to form its development site. Concord and PavCo have made arrangements to provide for the dedication of Smithe Street and the Triangle Sites to the City.

The Surplus Road Area was dedicated to the City upon registration of False Creek Plan 20421 on September 2, 1987 and the Triangle Sites and the Smithe Street extension will be dedicated in advance of this road closure as a prior to enactment condition of the BC Place Rezoning.

The Surplus Road Area contains City and third party utility company infrastructure that must be accommodated by the proposed development.

DISCUSSION

An Engineering Services review of this matter has concluded that the Surplus Road Area is not required for civic purposes if the utilities presently located therein are relocated and the Smithe Street Extension is dedicated to the City. Accordingly, a temporary statutory right of way over the Surplus Road Area will be registered to protect the road and utilities therein until they have been abandoned or relocated. The Surplus Road Area and the Triangle Sites will be subdivided with the abutting lands to form a single parcel, the same as generally shown within heavy bold outline on Appendix "C", to the satisfaction of the Director of Legal Services and the Approving Officer.

Pavco will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance of the Surplus Road Area and Triangle Sites.

FINANCIAL IMPLICATIONS



The Director of Real Estate Services supports this road closure and conveyance for nominal consideration as such is in accordance with the terms of the BC Place Upgrade Commitment Agreement previously reached between the City and PavCo.

CONCLUSION

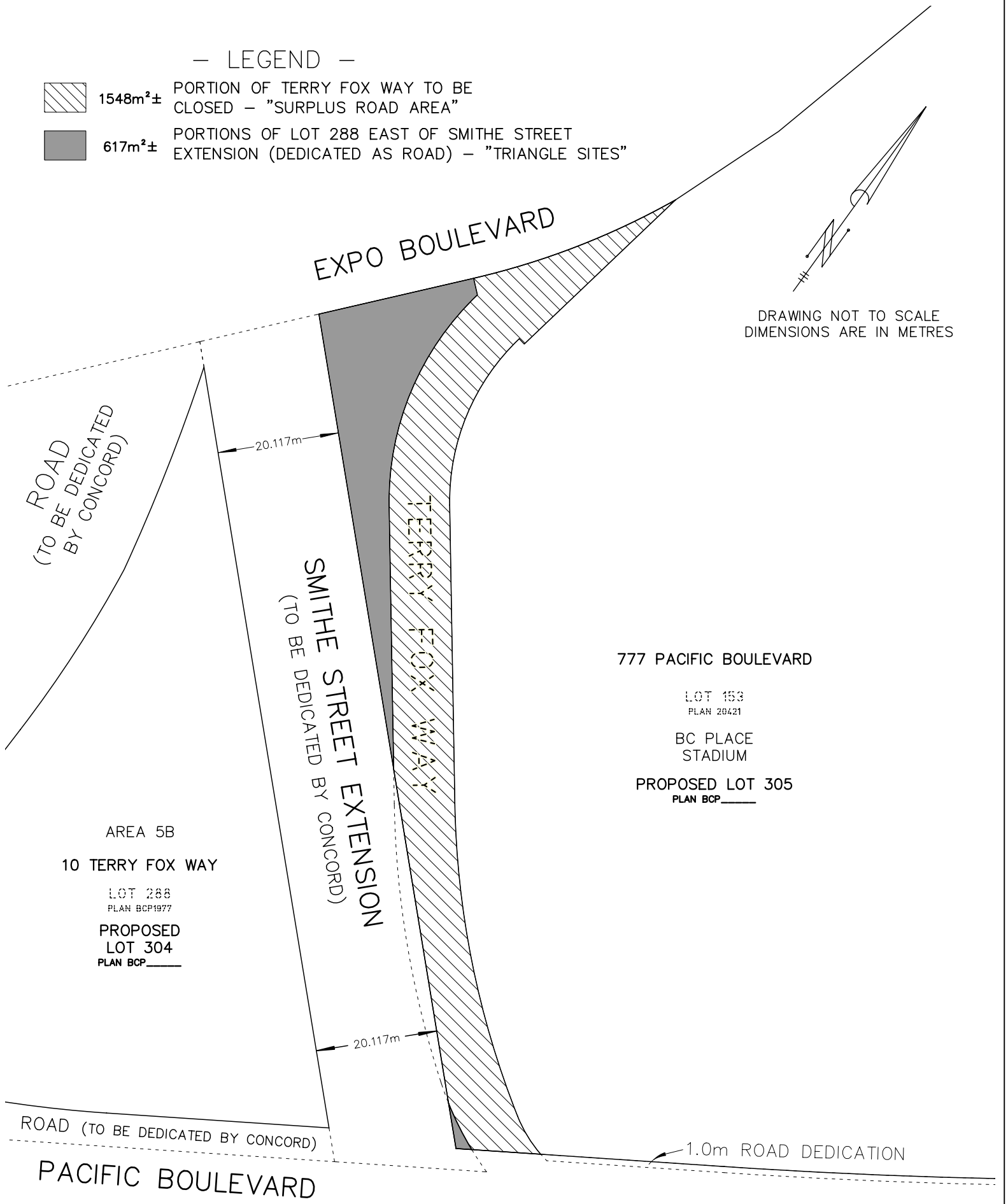
The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Service recommends approval of the Recommendation contained in this report.

* * * * *

— LEGEND —

-  1548m²± PORTION OF TERRY FOX WAY TO BE CLOSED — "SURPLUS ROAD AREA"
-  617m²± PORTIONS OF LOT 288 EAST OF SMITHE STREET EXTENSION (DEDICATED AS ROAD) — "TRIANGLE SITES"




DRAWING NOT TO SCALE
DIMENSIONS ARE IN METRES

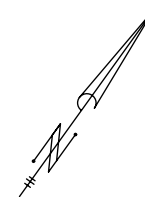


TERMS AND CONDITIONS OF CONVEYANCE

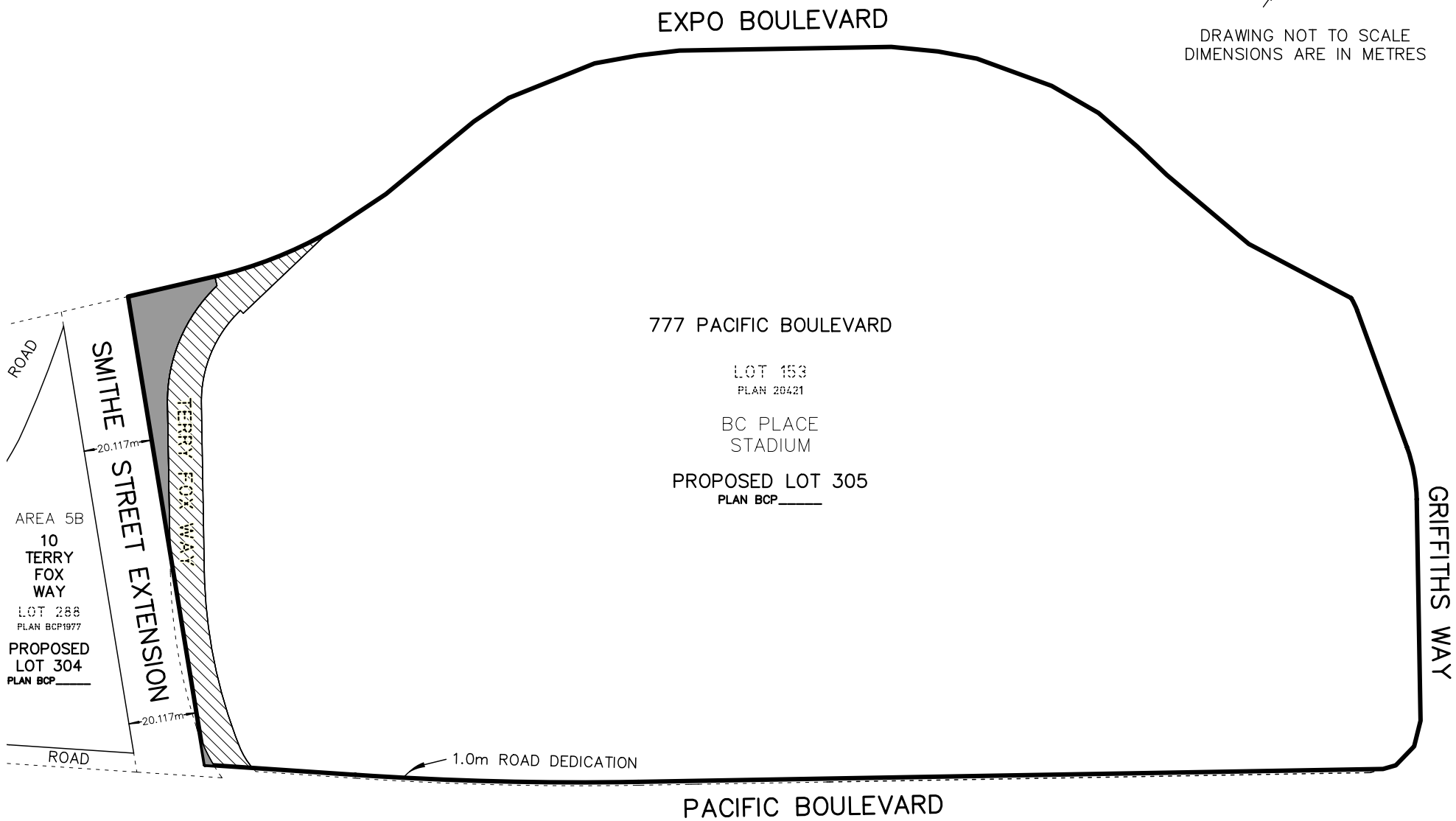
1. The City will convey to PavCo the Surplus Road Area and Triangle Sites at no cost, subject to PavCo providing to the City the required dedications of lands, statutory rights of way and transfers of lands and satisfying all other prior to conditions as set out in the UCA;
2. The Surplus Road Area and the Triangle Sites must be consolidated with Lot 153 False Creek Plan 20421 to form a single parcel, the same as generally shown within heavy bold outline on the plan attached as Appendix "C", to the satisfaction of the Director of Legal Services and the Approving Officer;
3. A temporary statutory right of way over the Surplus Road Area in favour of the City for road and all utility purposes is required until all utilities have been abandoned or relocated and the road is no longer required for public access to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
4. The transfers of the Surplus Road Area and the Triangle Sites will be on an "as is where is" basis and PavCo will be responsible for any remediation of the Surplus Road Area and Triangle Sites, as may be required pursuant to the UCA, whether as a condition of BC Place Rezoning or otherwise;
5. PavCo to be responsible for all necessary plans, documents, and Land Title Office fees;
6. Any agreement(s) for the conveyance of the Surplus Road Area and the Triangle Sites or such other agreements required by the City, in accordance with the terms of the UCA, shall be on terms and conditions to the satisfaction of the Director of Legal Services;
7. The Director of Legal Services or the Director of Real Estate Services, as applicable, be authorized to execute all plans, transfers, and documents; and
8. No legal right or obligation shall be created and none shall arise hereafter, until the documents are executed by the parties thereto.

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-  PROPOSED LOT 305



DRAWING NOT TO SCALE
DIMENSIONS ARE IN METRES



AREA 5B
10
TERRY
FOX
WAY
LOT 288
PLAN BCP1977
PROPOSED
LOT 304
PLAN BCP _____

OCTOBER 12 2011
MAP: 0,P-9,10

ENGINEERING SERVICES

APPENDIX C