



# A2

## ADMINISTRATIVE REPORT

Report Date: April 12, 2012  
Contact: Al Zacharias  
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Meeting Date: May 1, 2012

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 a Portion of Lane North of Turner Street, Adjacent to 2049 Turner Street

### *RECOMMENDATION*

- A. THAT Council close, stop-up and convey to the owner of 2049 Turner Street (legally described as [PID: 010-901-957] Lot B of Lot 12 Block 49 District Lot 184 Plan 6359 (hereinafter, "Lot B")), that approximately 297 square foot portion of abutting lane (the "Lane Portion"), the same as generally shown hatched on the plan attached as Appendix "B", at a price of \$21,500.00, subject to the terms and conditions as noted in Appendix "A".
- B. THAT the sale proceeds of \$21,500.00 be credited to the Property Endowment Fund (PEF).
- C. THAT the owner of 2050 Ferndale Street (legally described as [PID: 010-901-949] Lot A of Lot 12 Block 49 District Lot 184 Plan 6359 (hereinafter, "Lot A")) have the right to purchase that approximately 297 square foot remainder portion of abutting lane (the "Remainder Lane Portion"), the same as generally shown cross hatched on the plan attached as Appendix "B", at a price of \$21,500.00 for a period of six (6) months.

If Council approves the recommendations as contained in this report, the Formal Resolution to close the Lane Portion adjacent to Lot B will be before Council later this day for approval.

### ***REPORT SUMMARY***

As the thin strip of lane has been deemed surplus of civic needs this report seeks Council authority to close, stop-up and convey the Lane Portion to the owner of 2049 Turner Street, and to provide the owner of 2050 Ferndale Street with the right to purchase the Remainder Lane Portion.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

It is Council policy and practice that property assets declared surplus to civic needs are transferred to the PEF or are sold with the proceeds credited to the PEF.

Turner, Ferndale and Pender Streets Subdivision and Lane Policies, adopted by Council on June 12, 1979.

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The General Manager of Engineering Services recommends approval of the foregoing.

### ***REPORT***

#### ***Background/Context***

The existing unopened 12 foot by 49.5 foot portion of lane adjacent to 2049 Turner Street and 2050 Ferndale Street (the Lane Portion and Remainder Lane Portion) was dedicated to the City upon registration of Plan 6359 in August, 1931, and has never been opened and constructed. The owner of Lot B at 2049 Turner Street has made application to purchase the Lane Portion which is the six (6) foot wide strip abutting his property (as shown in Appendix B).

The Lane Portion is presently occupied by a portion of the rear deck and back stairs of the dwelling situated on Lot B, and also functions as part of the rear yard for Lot B. The owner of Lot B intends to add to the existing rear deck and add new exiting stairs from the deck to grade level below, all in accordance with applicable Zoning regulations.

In deeming streets or lanes surplus and available for sale to the abutting property owner, the General Manager of Engineering Services ensures the property is not required for:

- transportation improvements for all modes; or,
  - infrastructure benefiting the public, and
- consults with the Director of Real Estate to ensure the property would not otherwise be an asset to deliver civic objectives such as:
- additional public green space;
  - childcare; and,
  - affordable housing.

### *Strategic Analysis*

Engineering Services review of this matter has concluded that the 12 foot by 49.5 foot portion of lane is not required for Engineering purposes and has consulted with the Director of Real Estate to ensure that it is not required for civic purposes. The Lane Portion has been occupied and used exclusively by the owner of Lot B for many years. The closure and sale of the Lane Portion is consistent with the Turner, Ferndale and Pender Streets Subdivision and Lane Policies, which state, in part, that "existing east-west lane allowances (can) be sold to abutting property owners".

Pursuant to Section 291A of the Vancouver Charter, the owner of Lot A at 2050 Ferndale Street has been contacted by Real Estate Services staff and has been afforded the opportunity to participate in this lane closure and sale proposal. However, the owner of Lot A has declined to become involved and has not provided the City with a waiver of right to purchase under Charter provisions. In order to be consistent with Vancouver Charter provisions, it is recommended (as per Recommendation C of the report) that an equitable portion of the existing 12 foot wide lane allowance (the Remainder Lane Portion) remain available for closure and sale to the owner of Lot A for a specified period of time.

The Director of Real Estate Services has negotiated a sale of the Lane Portion to the owner of Lot B for \$21,500 plus applicable taxes. The Director of Real Estate Services advises that the sale price of \$21,500 represents fair market value for the Lane Portion to be conveyed. The owner of Lot B will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance.

Typically Engineering would seek dedications of private properties to complete the lane network in order to focus vehicular access and servicing from the lanes so that the sidewalks and curb lanes can be less interrupted with driveways which improves the street public realm for pedestrians and cyclists. This area of Vancouver has smaller than typical block depths and hence the Council policy of 1979 established that the City would not seek a lane network in these blocks.

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial*

The sale proceeds of \$21,500 will be credited to the Property Endowment Fund.

### *CONCLUSION*

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, has deemed this Portion of Lane surplus to civic purposes, meaning it is not required or suitable for civic priorities such as transportation, infrastructure to benefit the public, additional public green space, childcare, or affordable housing and therefore recommends the sale of the surplus land to the abutting property owner.

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1. The Lane Portion to be closed is to be consolidated with Lot B to form a single parcel, the same as generally shown within the heavy outline of Appendix "B", to the satisfaction of the Director of Legal Services;
2. The abutting owner of Lot B to pay \$21,500 plus applicable taxes for the Lane Portion, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner to enter into a "support" agreement with the City for registration on the title of the consolidated parcel, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to ensure that support for adjoining City lands is provided in perpetuity;
4. The abutting owner to be responsible for all necessary survey plans, documents, and Land Title Office fees;
5. Any agreements are to be drawn to the satisfaction of the Director of Legal Services;
6. 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.

