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ADMINISTRATIVE REPORT

Report Date: August 1, 2012
Contact: Al Zacharias
Contact No.: 604.873.7214
RTS No.: 09690
VanRIMS No.: 08-2000-20
Meeting Date: October 16, 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 Portions of East Kent Avenue South and Kinross Street

RECOMMENDATION

THAT Council close, stop-up and convey to the owner of 3298 and 3310 East Kent Avenue South (Park Lane River District Developments Ltd. ("Park Lane")) that approximately 0.175 ha portion of East Kent Avenue South, and those three portions of Kinross Street of an aggregate area of 0.380 ha, all as generally shown within bold outline on the plan attached as Appendix "B" (the "Road Portions"), to be subdivided with the abutting lands, subject to the terms and conditions as noted in Appendix "A".

If Council approves the recommendations as contained in this report, the Formal Resolution to close the Road Portions will be before Council later this day for approval.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

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

On January 21, 2010, City Council approved in principle, the rezoning of EFL Area 2 subject to conditions, including but not limited to, the registration of subdivision plan(s) to create the EFL Area 2 parcels. The CD-1 By-law has since been enacted subject to the fulfilment of a number of conditions which include the requirement for subdivision.

On July 20, 2010, City Council approved the closure and sale of a portion of Hartley Street (RTS-08804) in support of the first subdivision phase for EFL Area 2.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager and the General Manager of Engineering Services (“GMES”) are in agreement with the recommendations.

REPORT

Background/Context

The ODP for East Fraser Lands calls for a re-configuration of the old street network to reflect current City transportation and public access objectives. To facilitate this re-configuration Park Lane will provide portions of their property for road use at no cost to the City and the City will close portions of existing road and sell them to Park Lane for a nominal fee of \$10.00. This will be done generally in accordance with the draft subdivision plan attached as Appendix “C”.

Strategic Analysis

This road closure is consistent with the ODP and the EFL Area 2 South CD-1 By-law.

The General Manager of Engineering Services has determined that, subject to the conditions noted in this report, the Road Portions are surplus and available for sale to Park Lane. Civic priorities such as transportation improvements and infrastructure benefitting the public including public green space, childcare and affordable housing have been addressed by way of the rezoning process.

Implications/Related Issues/Risk (if applicable)

Financial

Under the public amenity and financial strategy for the East Fraser Lands ODP, Park Lane was obligated to dedicate land to the City for road, parks, and open space at no cost to the City as conditions of rezoning approval. Therefore the Director of Real Estate Services recommends that the purchase price for the Road Portions be at a nominal \$10.00 value.

CONCLUSION

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, RECOMMENDS approval of the Recommendations contained in this report.

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TERMS AND CONDITIONS OF CONVEYANCE

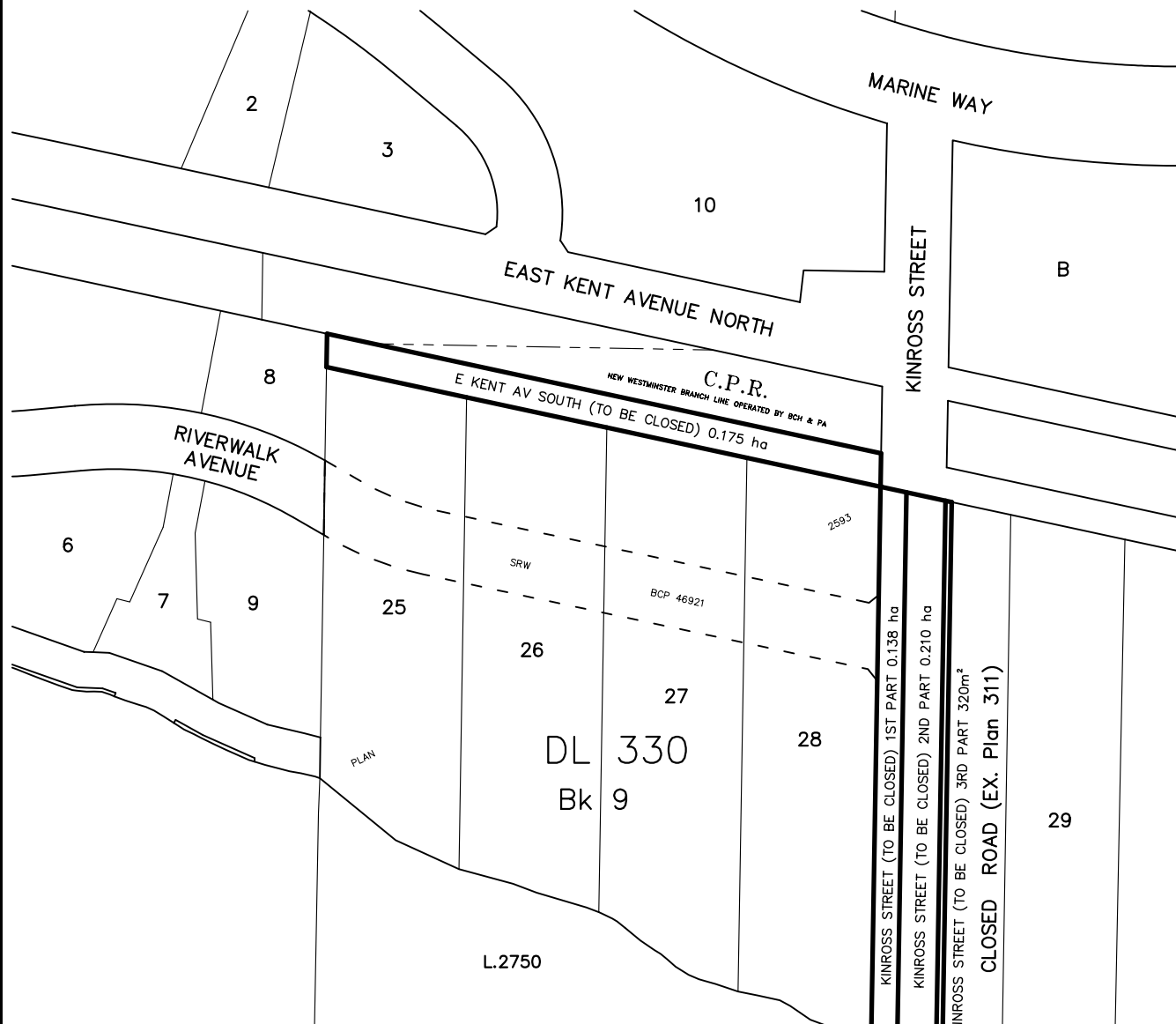
1. The Road Portions to be closed are to be subdivided, to the satisfaction of the Director of Legal Services and Approving Officer with, at a minimum, the following properties:

PID	Legal Description
028-440-269	Lot 8 Block 8 District Lot 330 Group 1 NWD Plan BCP46918
028-440-277	Lot 9 Block 8 District Lot 330 Group 1 NWD Plan BCP46918
013-594-168	Lot 25 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-184	Lot 26 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-192	Lot 27 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-214	Lot 28 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-770	The Closed Portion of Kinross Street Shown on Explanatory Plan 3111 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-265	Lot 29, Except the West 66 Feet Now Road, Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-303	Lot 30 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-338	Lot 31 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-346	Lot 32 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593
013-594-419	Amended Lot 33 (See 53754K) Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 Plan 2593

2. Park Lane to pay a nominal \$10.00 for the Road Portions, in accordance with the recommendation of the Director of Real Estate Services;
3. Park Lane to grant the City a temporary statutory right of way over the Road Portions to be closed, (except those parts of the Road Portions being dedicated back to the City for road purposes) for broad public utility purposes (for overland drainage and underground drainage infrastructure, water services, and utility poles/services), to be discharged when all existing public and private utility infrastructure has been removed and/or decommissioned and all new street and drainage infrastructure has been constructed, to the satisfaction of the GMES;
4. Park Lane to execute a watercourse preservation agreement, in accordance with the City's Sewer and Watercourse By-law, to be registered on the titles of East Fraser Lands Area 2 development parcels 8A (proposed subdivision Lot 12), 8B (proposed subdivision Lot 13), 10 (proposed subdivision Lot 15), and 11 (proposed subdivision Lot 16), as shown on Appendix "C" (the "Phase 2 Parcels"), to ensure that the historic watercourse which traverses portions of the Phase 2 Parcels is preserved or relocated to accommodate the proposed new road network and form of development. The agreement will remain as a charge against the Phase 2 Parcels to acknowledge the historic presence of the watercourse;

5. Under the provisions of the purchase and sale agreement Park Lane is to assume full responsibility for the existing rail spur line in East Kent Avenue South and any costs associated with it and its removal.
6. Park Lane to be responsible for all necessary plans, documents, and Land Title Office fees;
7. The Director of Legal Services or the Director of Real Estate Services, as applicable, to execute all plans, transfers, and documents as required;
8. Any agreements are to be to the satisfaction of the Director of Legal Services;
9. 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.

APPENDIX B



ROAD PORTIONS - BOOK OF REFERENCE		
PID	Legal Description	Approximate Area
West Kent Avenue South		
NO PID	A Portion of Road Dedicated by the Deposit of Plan 2593 Adjacent to Lots 25, 26, 27 and 28 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 NWD Plan 2593.	0.175 ha
	Total Area West Kent Avenue South to be closed	0.175 ha
Kinross Street		
NO PID	A Portion of Road Dedicated by the Deposit of Plan 2593 Adjacent to Lot 28 Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 NWD Plan 2593.	0.138 ha (1 st Part)
NO PID	A Portion of Road Dedicated by the Deposit of Plan 455 Adjacent to Block 17 District Lots 330 and 331 Group 1 NWD Plan 2593.	0.210 ha (2 nd Part)
028-269-128	The Westerly 66 Feet of Lot 29 Now Road Except the East 60 Feet of the Westerly 66 Feet of Lot 29 Now Closed Road Blocks 9, 10 and 16 to 19 District Lots 330 and 331 Group 1 NWD Plan 2593.	320 sq. m. (3 rd Part)
	Total (Aggregate) Area Kinross Street to be closed	0.380 ha
	Total Area All Road Portions	0.555 ha

