



## REPORT

Report Date: December 8, 2020  
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Meeting Date: February 23, 2021  
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: General Manger of Engineering Services in Consultation with the Director of Real Estate Services

SUBJECT: Closure and Sale of a Portion of Road Adjacent to 2715 West 12th Avenue

### **RECOMMENDATION**

- A. THAT Council close, stop-up and convey to the owner of those lands described in Appendix A (the "Abutting Lands"), being 2715 West 12<sup>th</sup> Avenue that approximately 70 square metre (754 square feet) portion of abutting road as generally shown in bold outline on the plan attached as Appendix B (the "Road Portion"), subject to the terms and conditions noted in Appendix A.
- B. THAT the sale proceeds of \$320,000.00 be credited to the Property Endowment Fund (PEF).

### **REPORT SUMMARY**

This report seeks Council authority to close, stop-up and convey the Road Portion to the owner of the Abutting Lands.

### **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 Property Endowment Fund (PEF) or are sold with the proceeds credited to the PEF.

At Public Hearing on April 2, 2019, Council approved in principle the rezoning of the Abutting Lands and the Road Portion, subject to various By-law enactment conditions, including the closure and sale of the Road Portion.

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

The General Manager of Engineering Services and the General Manager of Real Estate and Facilities Management recommend approval of the foregoing.

### ***REPORT***

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

A section of road known as the “Kitsilano Diversion” linking West 12th Avenue to West 10th Avenue, was dedicated as road by the registration of Subdivision Plan 6057 in 1928.

The Road Portion is an extraneous triangular area of the Kitsilano Diversion that has historically been used as boulevard space (grass, trees, hedging) and does not appear to have ever been used for public access purposes.

The Abutting Lands owner has made application to purchase the Road Portion in conjunction with an application to rezone the site from RS-7 (One-Family Dwelling) District to a CD-1 (Comprehensive Development) District to permit the development of two 3½-storey residential stacked townhouse buildings with 14 rental housing units. The rezoning proposal is being considered under the Affordable Housing Choices Interim Rezoning Policy.

The closure and sale of the Road Portion, and the consolidation of Abutting Lands with the Road Portion, have been established as prior-to enactment conditions of the rezoning.

#### ***Strategic Analysis***

As noted in the Policy Report for the proposed CD-1 Rezoning of the subject site, consolidation of the Road Portion with the Abutting Lands will facilitate the optimum development of the rezoning site. In addition, an Engineering Services review of this matter has concluded that the Road Portion is surplus to civic needs and is available for sale to the Abutting Lands owner, subject to the conditions detailed in Appendix A of this report.

The Director of Real Estate Services has negotiated a sale of the Road Portion for \$320,000.00 plus applicable taxes based on comparable land values. The Director of Real Estate Services advises that the sale price of \$320,000.00 represents fair market value for the Road Portion to be conveyed to the Abutting Lands owner. The Abutting Lands owner will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance.

***Implications/Related Issues/Risk******Financial***

The General Manager of Real Estate and Facilities Management recommends a purchase price for the Road Portion of \$320,000.00. The sale proceeds of \$320,000.00 will be credited to the PEF.

In accordance with the Miscellaneous Fees By-law, a Road Closure Fee of \$11,100.00 will be charged and collected from the Abutting Lands owner.

***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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1. The portion of road to be closed, generally shown within bold outline on Appendix B, is to be consolidated with the Abutting Lands ([PID:010-981-837] Lot A, Block 81, District Lot 540, Plan 6057; and ([PID:010-981-853] Lot B, Block 81, District Lot 540, Plan 6057) to form a single development parcel, to the satisfaction of the Director of Legal Services (DLS);
2. The Abutting Lands owner to be responsible for all necessary survey plans, administration costs, and Land Title Office fees, including a Reference Plan to Accompany Resolution of the City of Vancouver and a Reference Plan of Consolidation;
3. Registration of a temporary Statutory Right of Way agreement over the portion of the road to be closed for public utility purposes, to be discharged once all utilities impacted by the road closure have been abandoned, relocated or otherwise protected, as necessary, and any associated street and lane reconstruction works have been completed to the satisfaction of the General Manager of Engineering Services (GMES);
4. Submission of written consents to the proposed road closure and confirmation of arrangements to address utility relocations and future servicing needs from B.C. Hydro and Telus, with any required utility works to be performed at the property owner's cost;
5. Suitable arrangements must be made, to the satisfaction of the General Manager of Engineering Services for any alterations to the existing lane adjacent to the development site, including re-profiling, surfacing, draining (adjustment/relocation of catch basins), and for the physical closure of the existing lane "outlet" to the Kitsilano Diversion – i.e., dead ending of the lane at its westerly limit;
6. The Abutting Lands owner to pay \$320,000 plus applicable taxes for the Road Portion, in accordance with the recommendation of the Director of Real Estate Services;
7. The Abutting Lands owner to pay \$11,100 for the Road Closure Fee, in accordance with the Miscellaneous Fee By-law;
8. The Director of Legal Services or the Director of Real Estate Services, as applicable, to execute all plans, transfers and documents as required;
9. Any agreements are to be drawn to the satisfaction of the DLS;
10. No legal right or obligation shall be created and none shall arise hereafter until the documents are executed by the parties thereto.

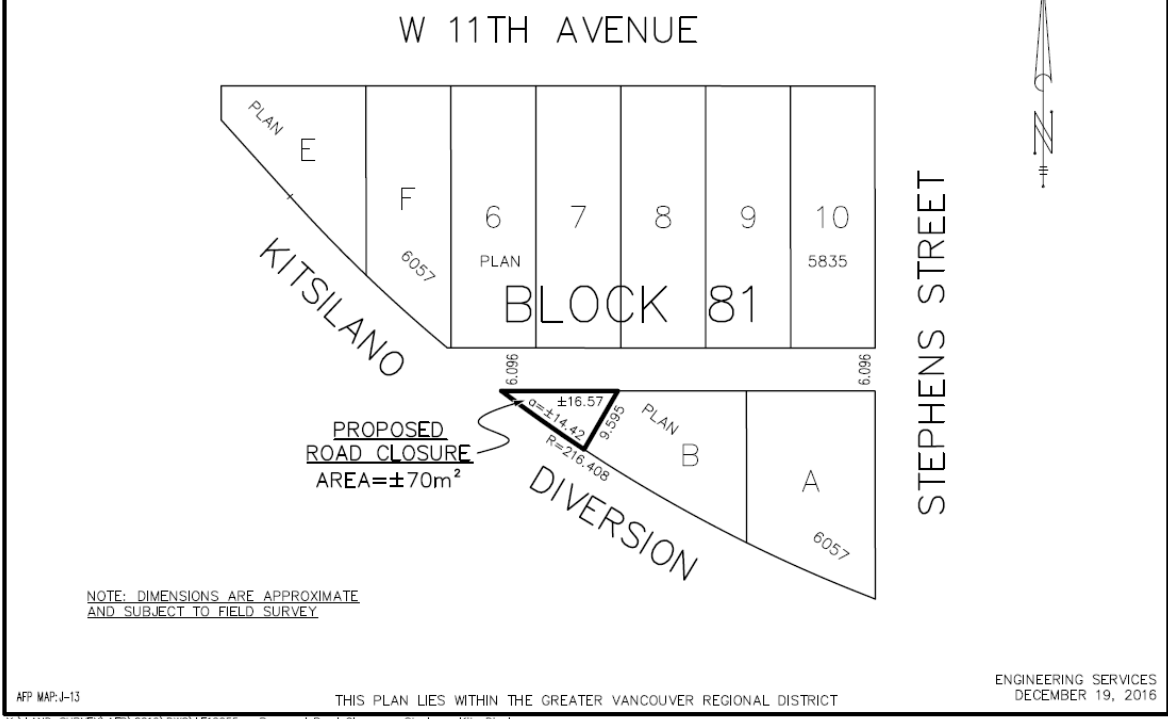
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SKETCH PLAN SHOWING AREA OF PROPOSED CLOSURE AND SALE  
OF A PORTION OF ROAD ADJACENT TO LOT B, BLOCK 81,  
DISTRICT LOT 540, PLAN 6057, GROUP 1,  
NEW WESTMINSTER DISTRICT.

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF  
DRAWING NOT TO SCALE

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