



## REPORT

Report Date: May 24, 2022  
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VanRIMS No.: 08-2000-20  
Meeting Date: July 5, 2022  
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TO: Vancouver City Council

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

SUBJECT: 600 Drake Street: Statutory Right of Way - Granville Loops Road Construction

### **RECOMMENDATION**

- A. THAT Council approve entering into a statutory right of way agreement with Concert Properties Ltd. ("Concert") over a portion of the leased property at 600 Drake Street.
- B. THAT such a statutory right of way agreement be on terms and conditions, including releases and indemnities in favour of Concert, acceptable to the General Manager of Engineering Services and the Director of Legal Services.
- C. THAT the Director of Legal Services be authorized to execute and deliver the statutory right of way agreement on behalf of the City.
- D. THAT no legal rights or obligations will arise hereby and none will arise or be granted hereafter unless and until all legal documentation has been executed and delivered by the Director of Legal Services.

### **REPORT SUMMARY**

Council approval is required for the City to grant indemnities in favour of any third party and to enter into agreements that include indemnities by the City.

This report seeks Council authority for the City to enter into a statutory right of way agreement with Concert that includes an indemnity in favour of Concert.

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

There is no applicable Council Authority or previous decisions relevant to this report.

## ***CITY MANAGER'S COMMENTS***

The City Manager recommends approval of the foregoing.

## ***REPORT***

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

The future redevelopment of the Granville Loops Lands requires the removal of the Loops and replacement with an orthogonal street grid. The new “H” shaped road grid is contingent, among other items, on the establishment of new road grades and a pedestrian sidewalk that will extend along Rolston Street.

In order to provide sufficient space for the new sidewalk, it has been determined through the design process that a small portion of the property at 600 Drake Street, legally described as Parcel Identifier 009-529-861, Lot B Block 113 District Lot 541 Plan 10040 (“Lot B”) is required. That portion of Lot B is shown outlined in red in Figure 1 (the “Trapezoid”). Lot B is owned in fee simple by the City and is leased to Concert for 80 years, expiring on December 16, 2071 (the “Lease”).

The total area of the Trapezoid is 62.5 square meters. Concert has agreed to permit the use of the Trapezoid by the City. Nearly all of the Trapezoid will be dedicated as road (see attached sketch plans in Figure 2) and the Lease will be modified to remove the dedicated area from the leased area. However, a 5.3 sq. m. portion of the Trapezoid is located above the existing parking structure on Lot B (shown in the plan Figure 3) and therefore cannot be dedicated as road. As a result, a surface Statutory Right of Way agreement over the 5.3 sq. m. portion of the Trapezoid (the “SRW”) is required. The SRW will contain a release and indemnity in favour of Concert from the City for any losses that may result from the City’s work on the remainder of Lot B. To ensure protection of the underground parking structure the City will provide roadway design that aims to reduce additional loading on the underground parking structure as much as practicable. This will either be through the use of lightweight fill materials, installation of a structural cantilevered slab, or a combination of both. The City design team considered redesigning the sidewalk so that a smaller area of Lot B would be required and the SRW could be avoided. However, in order to preserve the proper dimensions of the sidewalk, this option is not possible.

While it is not standard practice for the City to release and indemnify an owner or leaseholder who grants a statutory right of way to the City, the Director of Legal Services and the General Manager of Engineering Services are of the opinion that the circumstances are sufficiently unique and therefore recommend that Council approve the granting of a release and indemnity in this case.

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

***Financial***

There are no financial implications.

***Legal***

Council approval is required for the City to grant indemnities in favour of any third party and to enter into agreements that include indemnities by the City.

***CONCLUSION***

To construct the future Granville Loops road network, a statutory right of way agreement needs to be entered into with Concert to allow for the full build out of a new sidewalk along Rolston Street. The proposed statutory right of way agreement includes a release and indemnity from the City in favour of Concert. Council approval is required for the City to enter into agreements that include indemnities in favour of third parties. The General Manager of Engineering Services and the Director of Legal Services recommend that Council approve a statutory right of way agreement with Concert that includes a release and indemnity in favour of Concert.

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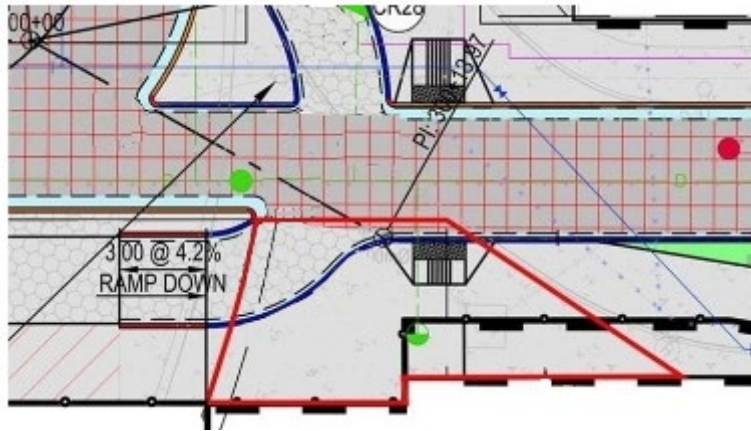


FIGURE 1

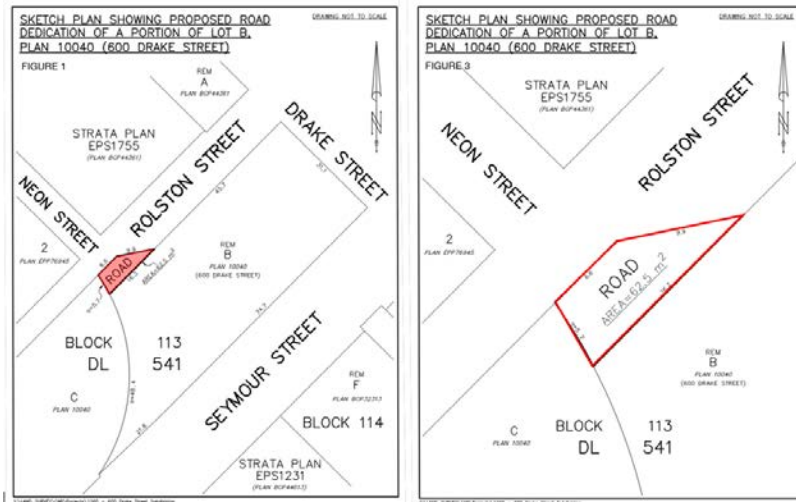


FIGURE 2

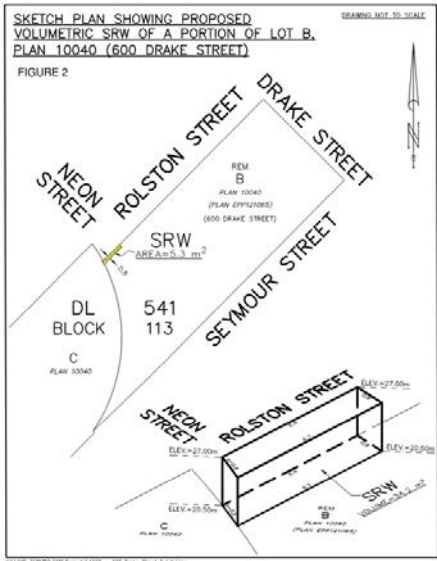


FIGURE 3