



## REPORT

Report Date: September 21, 2022  
Contact: Jerry Evans  
Contact No.: 604.873.7430  
RTS No.: 15366  
VanRIMS No.: 08-2000-20  
Meeting Date: October 25, 2022  
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: Deputy City Manager, in consultation with the General Manager of the Board of Parks and Recreation

SUBJECT: Easement Agreement for Encroachment on the Permanently Designated Park Property Located at 802 West 7th Avenue, Vancouver, BC

### **RECOMMENDATION**

THAT Council authorize the granting to the Owners of Strata Plan VR1388 (the “Strata”) for a nominal amount, an easement (the “ Easement Agreement”) on terms and conditions acceptable to the Director of Legal Services and the Director of Real Estate Services over a portion of the permanently designated park property located at 802 West 7<sup>th</sup> Avenue legally described as PID: 008-499-101 Lot B Block 317 District Lot 526 Plan 13736 (the “City Lot”) to permit the encroachment thereon of a building on the adjacent property at 816 West 7<sup>th</sup> Avenue, legally described as Strata Plan VR1388 (the “Adjacent Lot”), of which the Strata is the registered owner, and to authorize the Direct or Legal Services to negotiate, conclude and execute an Easement Agreement on behalf of the City in accordance with the provisions in this report.

### **REPORT SUMMARY**

The Deputy City Manager and the General Manager, Board of Parks and Recreation are recommending a very small encroachment (0.03 metres) over Willow Park in order to enable the owners of the adjacent strata building to repair their building envelope and install rain screen cladding.

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

Council approval is required to grant an encumbrance against City-owned property.

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

The City Manager recommends approval of the foregoing.

## ***REPORT***

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

The City Lot, which is known as Willow Park, is located on the Southwest corner of Willow Street and West 7<sup>th</sup> Avenue. Willow Park was designated Permanent Park in March of 2022. In 2015, the Strata requested and Council approved an encroachment of 0.03 metres on the City Lot for a new rain screen stucco cladding to repair the building envelope on the north-easterly building's wall. The Strata is currently in the process of repairing the building envelope to the south-easterly building's wall and are requesting another encroachment of 0.03 metres on the City Lot for the new rain screen cladding. The easement area required for the encroachment is shown on the plan attached as Appendix A.

### ***Strategic Analysis***

The Strata has requested that the City grant to it, for a nominal sum, an easement over the City Lot as shown on page 2 of Appendix A, to permit the existence and maintenance of the encroachment described above. The building to which the encroachment is attached is an older ten (10) unit residential strata building. The encroachment is necessary to allow for adequate water shedding and drainage from the Eastern face of the building. The easement is necessary to allow for the existence of the encroachment. The Director of Real Estate Services recommends that Council authorize the proposed easement on the following terms and conditions:

- A. Easement area will be as shown on the plan attached as Appendix A;
- B. Term to be for so long as the encroachment is required for the existing building on the Adjacent Lot;
- C. Easement Agreement to be drawn to the satisfaction of the Director of Legal Services and Director of Real Estate Services; and
- D. Encroachment Agreement to be registered on title of the City Lot with all registration fees to the Adjacent Lot owner's account.

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

#### ***Financial***

There are no financial implications.

***CONCLUSION***

The Director of Real Estate Services and the General Manager of the Board of Parks and Recreation are of the opinion that this minor encroachment will have little effect on the future use or value of the City owned lands.

\* \* \* \* \*



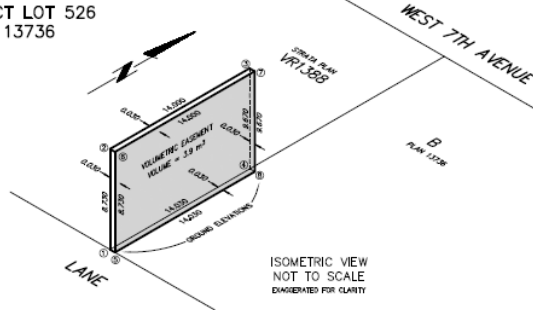
**EXPLANATORY PLAN OF A VOLUMETRIC EASEMENT  
OVER A PART OF LOT B BLOCK 317 DISTRICT LOT 526  
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 13736**

PLAN EPP124248

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT  
FOR EASEMENT PURPOSES  
BCGS 926.025  
CITY OF VANCOUVER  
SCALE 1:200

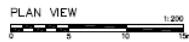
ALL DIMENSIONS ARE IN METRES AND DECIMALS  
THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 980mm X  
600mm BY 450mm IN HEIGHT (C SIZE) WHEN PLOTTED  
AT A SCALE OF 1:200.

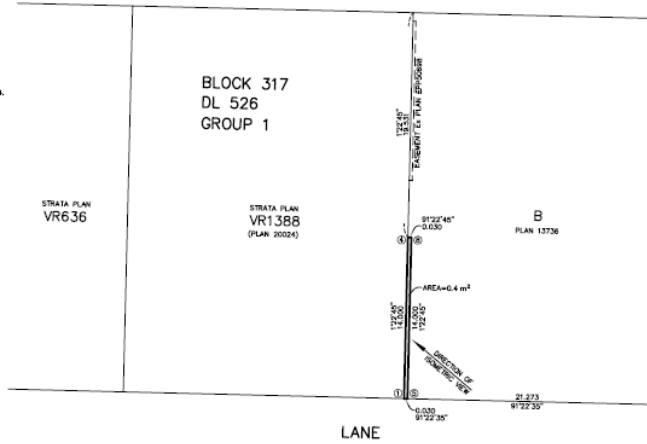


COORDINATE TABLE (LOCAL COORDINATES)			
POINT NUMBER	NORTHING	EASTING	ELEVATION
1	9917.980	4982.857	18.00
2	9917.980	4982.837	28.82
3	9921.955	4982.904	26.82
4	9921.955	4982.904	17.15
5	9917.958	4982.867	18.00
6	9917.958	4982.867	28.82
7	9921.955	4983.024	26.82
8	9921.955	4983.024	17.15

BOOK OF REFERENCE		
DESCRIPTION	AREA	VOLUME
PART OF LOT B BLOCK 317 DISTRICT LOT 526 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 13736	0.4 m <sup>2</sup>	3.9 m <sup>3</sup>



WEST 7TH AVENUE



**NOTES:**

INTERPRETED SURVEY AREA NO. 31, CITY OF VANCOUVER, MASS (2005) 4.0.0.B.C.I.M.M.0

BEARINGS ARE ASTROLOGICAL AND DERIVED FROM PLAN 20024.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED.

ELEVATIONS ARE IN METRES AND REFERENCED TO CVD285/VD2018 GEODETIC DATUM. ELEVATIONS ARE BASED ON TIES TO CITY OF VANCOUVER INTERPRETED MONUMENT V-2296 WITH ELEVATION=23.393 LOCATED AT THE INTERSECTION OF WEST 6TH AVENUE AND WILLOW STREET.

**LEGEND:**

- Ex - DENOTES EXPLANATORY
- ① - DENOTES VOLUMETRIC EASEMENT CORNER COORDINATE POINT NUMBER 10 (TYPICAL)



THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT.  
THE PLAN IS BASED ON THE FOLLOWING LAND TITLE AND SURVEY AUTHORITY OF BC RECORDS:  
PLAN 13736  
PLAN 20024  
PLAN VR1388  
DAVID LYON, B.C.L.S. 528  
16TH AUGUST 2022.