



CITY OF VANCOUVER

Administrative Report

Date: September 17, 2005
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Dept. File No. 000 020
RTS No.: 05517
CC File No.: 5753
Meeting Date: October 18, 2005

TO: Vancouver City Council

FROM: The General Manager of Engineering Services in Consultation with
Director of Real Estate Services and Director of Legal Services

SUBJECT: 2891 East Hastings Street - Closure of a Portion of Lane North of Hastings
Street, West of Renfrew Street

RECOMMENDATION

- A. THAT Council close, stop-up and convey to the abutting owner all that portion of the lane north of Hastings Street, west of Renfrew Street adjacent to Lot A, Town of Hastings Suburban Lands, Plan BCP 9345 ("Lot A") the same as shown hatched on the plan attached as Appendix "A", subject to the following conditions:
1. The lane to be closed to be consolidated with the abutting Lot A, to form a single parcel, the same as shown within the heavy outline of Appendix "A", to the satisfaction of the Director of Legal Services;
 2. The abutting owner to pay a documentation fee of \$1,500.00. The said documentation fee being the same as that charged for volumetric easements pursuant to the Encroachment By-law. The \$1,500.00 documentation fee to be credited to the Administration Fee Account 422020;
 3. The abutting owner to pay \$2,340 as the value of the 2.4 square metre (26 square feet) portion of lane to be closed, in accordance with the recommendation of the Director of Real Estate Services. The sale revenue to be credited to account 490700, cost centre 80040 (Property Sale);

4. The abutting owner to be responsible for the registration, release, extension, modification or amendment of any and all registered charges as reasonably required by the Director of Legal Services in consultation with the General Manager of Engineering Services;
5. The abutting owner to be responsible for any necessary plans, documents and Land Title Office fees;
6. Any agreements are to be to the satisfaction of the Director of Legal Services;
7. 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.

B. THAT the Director of Legal Services be authorized to execute all transfers and documents required to complete the closure.

If Council approves this report, the Formal Resolution to close this portion of lane north of Hastings Street, west of Renfrew Street will be before Council later this day for approval.

COUNCIL POLICY

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

On September 9, 2003 Council approved the closure and sale of a 172.2 square metre (1853 square feet) portion of the lane north of Hastings Street, west of Renfrew Street to the abutting owner, there-by allowing for the creation of Lot A.

PURPOSE

The purpose of this report is to acquire Council authority to close, stop-up and convey a small portion of the lane north of Hastings Street, west of Renfrew Street to the owner of the abutting Lot A.

BACKGROUND

On September 9, 2003 Council approved the recommendations contained in a report (RTS No. 03562) from the General Manager of Engineering Services in consultation with the Director of Real Estate Services which authorized the closure and sale of a 172.2 square metre (1,853 square feet) portion of lane north of Hastings Street, west of Renfrew Street to the abutting owner.

The closure and sale was subject to a number of conditions including the dedication of a widening for Hastings Street, an easement agreement with the Strata Corporation of Plan LMS307, and miscellaneous rights-of-way and utility relocations.

The net conveyance (closed lane less area of dedication) of 80.2 square metres (863 square feet) was conveyed for \$45,000, (or approximately \$52 per square foot, based on the *encumbered* value of the lane.

On January 29, 2004 development permit DE407752 was issued to construct a four (4) storey residential building containing 52 residential dwelling units, 7 commercial units and two(2) levels of underground parking. Building permit BU427316 was issued on January 30, 2004 allowing the construction to commence.

DISCUSSION

On September 16, 2005 the City received a letter from the solicitor acting for the owner of Lot A, at 2891 East Hastings Street indicating that a small portion of the foundation wall (underground parking wall) at the northwest corner of Lot A had been built encroaching as much as 0.44 metres onto City lane. The solicitor suggested that the City validate this encroachment with an agreement registered on title of Lot A, pursuant to the Encroachment By-law.

The owner intends to strata title the building once construction is complete. The strata title process would require such encroachment to be dealt with through volumetric easements. This process is lengthy and cumbersome for the titles of the resultant strata lots. A simpler process would be to close, stop-up and convey the very small encroachment area to the owner of said Lot A, taking into account that the encroachment is entirely below the grade of the lane.

The City has made such a determination in the past and in each case Council has directed that the documentation fee of \$1,500.00 charged for volumetric easements pursuant to the Encroachment By-law be levied to compensate the City for the considerable staff time involved in coordinating the Land Title documentation, plans and conveyance of the small lane piece. This fee is to be credited to the Administration Fee Account 422020.

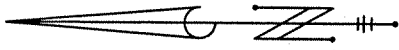
In addition the Director of Real Estate Services recommends that the 2.4 square metre (26 square feet) of lane to be closed should be conveyed for the *unencumbered* value of \$90 per square foot value resulting in a sale value of \$2,340. The sale value will be credited to account 490700, cost centre 80040 (Property Sale) as per the September 9, 2003 Council approval.

The applicant will be responsible for all other costs, plans documents and Land Title Office fees required to complete the conveyance. This includes a full review of title to determine which if any new charges should be registered or which existing charges should be released, extended, modified or other wise amended to the satisfaction of the Director of Legal Services, in consultation with the General Manager of Engineering Services.

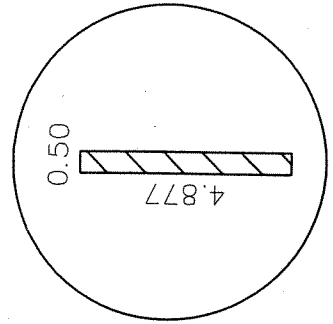
CONCLUSION

The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services recommends approval of Recommendations A and B.

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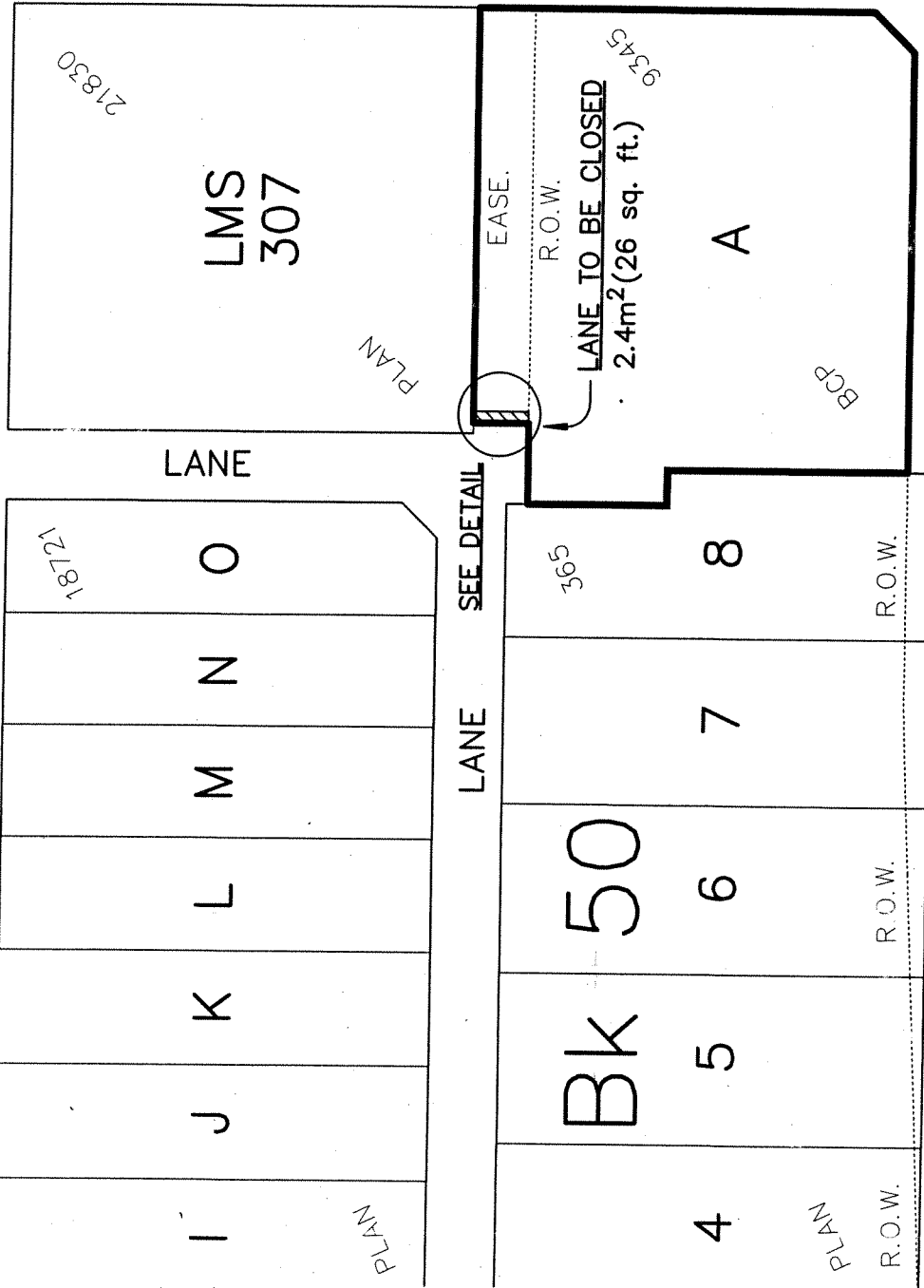


RENFREW STREET



DETAIL

FRANKLIN STREET



EAST HASTINGS STREET