



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 26, 2006
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Meeting Date: February 14, 2006

TO: Vancouver City Council

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

SUBJECT: Proposed Lease of the 3300 Block of Glen Drive Adjacent to Charles Dickens School and Sunnyside Park

RECOMMENDATION

THAT Council close, stop-up and lease Glen Drive between East 17th Avenue and East 18th Avenue to the Vancouver School Board (the "Lessee") as owner of [PID: 007-661-517] Lot A Block 81 District Lot 301 Plan 15435 at 3351 Glen Drive, the same as shown on the plan attached hereto as Appendix "A", subject to the conditions as noted in Appendix "B".

It should be noted that no legal right or obligation is created and none shall arise until execution of the lease.

The lease being for a nominal annual rental of \$1.00, it is in effect a grant for use of City property for less than market value, with the recommendation requiring two-thirds consent of Council members.

COUNCIL POLICY

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

PURPOSE

The purpose of the report is to obtain Council authority to close, stop-up and lease the 3300 Block of Glen Drive to the Vancouver School Board (VSB) as owner of the abutting Lot A Block 81 District Lot 301 Plan 15435 for the two existing portables, the basketball courts and the tetherball area.

BACKGROUND

The portion of Glen Drive between the southerly limit of East 17th Avenue and the northerly limit of East 18th Avenue is presently unopened, in accordance with the resolution of Council in 1955, to close the subject portion of Glen Drive to vehicular traffic to enable the children at the adjacent school to access Sunnyside Park without the hazard of crossing the street. In 1968, Council recommended giving permission to the VSB to place a portable classroom on the unopened portion of Glen Drive. The portable was then subsequently removed in 1971. In 1989, a new portable classroom was allowed to be placed on the site, on the advice of the then Director of Legal Services that the 1968 Council approval was effectively still valid. In 1997, a second portable classroom was placed on Glen Drive. The VSB has now submitted a development permit application for a replacement school for the existing Charles Dickens Elementary School at 3351 Glen Drive. The proposed lease will formalize the continued existing uses of portions of Glen Drive by the VSB.

DISCUSSION

The subject portion of Glen Drive lies between Charles Dickens School and Sunnyside Park. Although the road is unopened, it continues to function as a utility and public access corridor. To continue to give the applicant use of the area and provide the City with appropriate indemnities, it is necessary to close, stop-up and lease the subject area. The Director of Real Estate Services has negotiated a lease with terms and conditions generally described in Appendix B.

FINANCIAL IMPLICATIONS

There are no financial implications for the City.

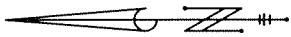
CONCLUSION

The proposed lease will provide indemnification for the City and will require that the lessee be responsible for the maintenance of the lease area. The future use of the lease area will be assured through the 12 month cancellation provisions in the lease. It is therefore recommended that Council approve the lease subject to the conditions set out in this report.

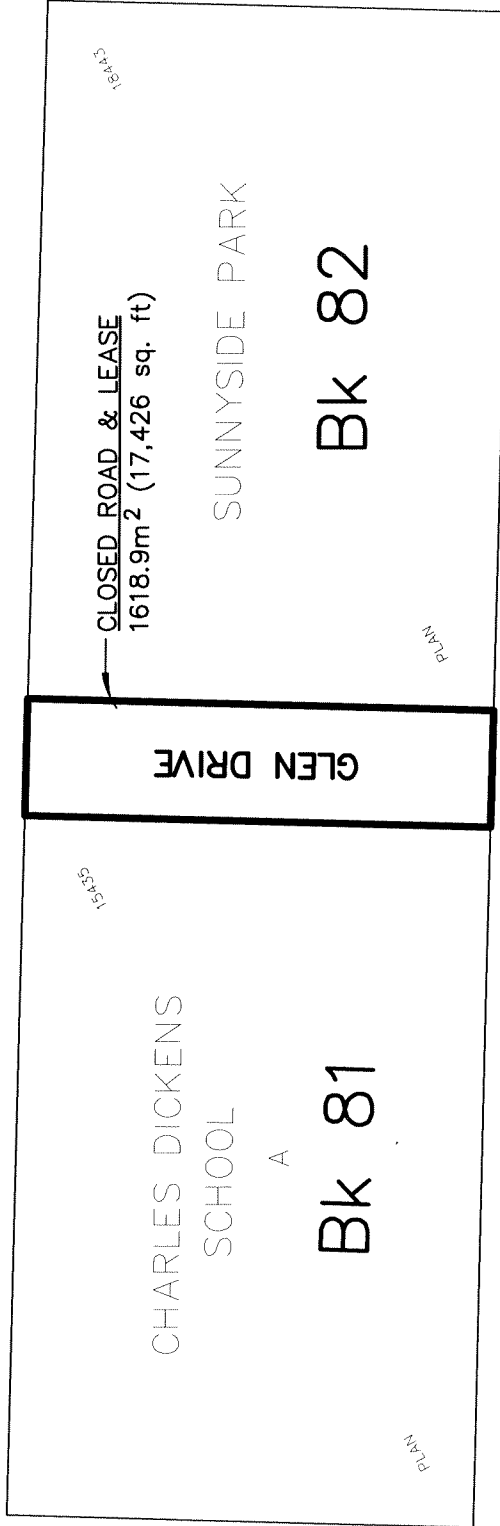
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PLAN SHOWING ROAD TO BE CLOSED
AND LEASED TO VANCOUVER SCHOOL BOARD

NOT TO SCALE



EAST 17TH AVENUE



WINDSOR STREET

CLOSED ROAD & LEASE
1618.9m² (17,426 sq. ft)

CHARLES DICKENS
SCHOOL
A

Bk 81

SUNNYSIDE PARK

Bk 82

INVERNESS STREET

EAST 18TH AVENUE

1. The term of the lease to be 5 years, commencing on April 1, 2006, with a 12 month notice of cancellation;
2. The annual rent to be \$1.00 in accordance with the recommendation of the Director of Real Estate Services;
3. The lease area to be used only for the placement of two portable classrooms, basketball court, tetherball pole/area, and other children's recreation ancillary to the adjacent school. No permanent structures to be permitted over the lease area;
4. The lessee is to maintain the lease area in a manner satisfactory to the GMES;
5. The City and utility companies are to have the right of entry, with defined notice, to the lease area for the purpose of installing, maintaining and repairing utilities below the lease area, including the existing water main, communication ducts and street lighting;
6. The lessee to assume full responsibility for liabilities, loss and damages from their occupancy or use of the lease area, and to insure the proposed lease area with a commercial general liability insurance policy to the satisfaction of the Director of Real Estate Services and the Director of Risk Management;
7. The existing north-south pedestrian sidewalk on the east side of Glen Drive between East 17th Avenue and East 18th Avenue to remain open to the public at all times, with the lessee to be responsible for its maintenance.