



## ADMINISTRATIVE REPORT

Report Date: September 1, 2009  
Contact: Al Zacharias  
Contact No.: 604.873.7214  
RTS No.: 08280  
VanRIMS No.: 08-2000-20  
Meeting Date: September 22, 2009

TO: Vancouver City Council

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

SUBJECT: Closure and Sale of a Portion of Road Adjacent to 2738 East 45th Avenue

### ***RECOMMENDATION***

THAT Council close, stop-up and convey to the abutting owners that approximately 855 square foot portion of road being: [PID: 013-728-458] The East 7 Feet of Lot 9 Block 2 North East ¼ of District Lot 336 Plan 2484 (hereinafter, the "Road Portion"), the same as generally shown hatched on the plan attached as Appendix "A", subject to the terms and conditions as noted in Appendix "B".

If Council approves this report, the Formal Resolution to close the Road Portion will be before Council later this day for approval.

### ***COUNCIL POLICY***

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

### ***PURPOSE***

The purpose of this report is to seek Council authority to close, stop-up and convey a 7 foot wide portion of road adjacent to 2738 East 45<sup>th</sup> Avenue.

### ***BACKGROUND***

The owners of 2738 East 45<sup>th</sup> Avenue (legally described as [027-907-511] Lot B Block 2 District Lot 336 Group 1 New Westminster District Plan BCP40624 (hereinafter "Lot B")) have made application to purchase the Road Portion adjacent to Lot B.

The Road Portion to be closed was established as road by Council Resolution in 1953, and presently functions as part of the boulevard area adjacent to Lot B.

***DISCUSSION***

The Vivian Street road allowance adjacent to Lot B is 73 feet in width, and therefore exceeds the City standard of 66 feet. The road allowance to the south of Lot B and adjacent to 6075 Vivian Street (Lot C, Plan 22558) was reduced from 73 feet to 66 feet as a consequence of the closure and sale of a comparable 7 foot wide portion of road, which was authorized by Council in 1989. Based on Engineering Services review of this matter, the Road Portion is no longer required for civic purposes.

There are existing trees within the Vivian Street road allowance which are located either partially or wholly within the Road Portion. As a result, the owners have been advised to and have consulted with Development Services staff, with input from the Park Board, to formulate a development plan for the site which retains as many of these trees as possible, and to provide replacement tree values for those trees which cannot be retained. Additional existing street trees to the east of the Road Portion will be protected and retained.

The Director of Real Estate Services has negotiated a sale of the Road Portion for \$103,500 plus GST if applicable. The Director of Real Estate Services advises that the sale price of \$103,500 represents fair market value for the portion of road to be conveyed. The owner of Lot B will be responsible for all costs, plans, documents and Land Title Office fees required to complete the conveyance. The purchase price will be credited to the Property Endowment Fund.

***FINANCIAL IMPLICATIONS***

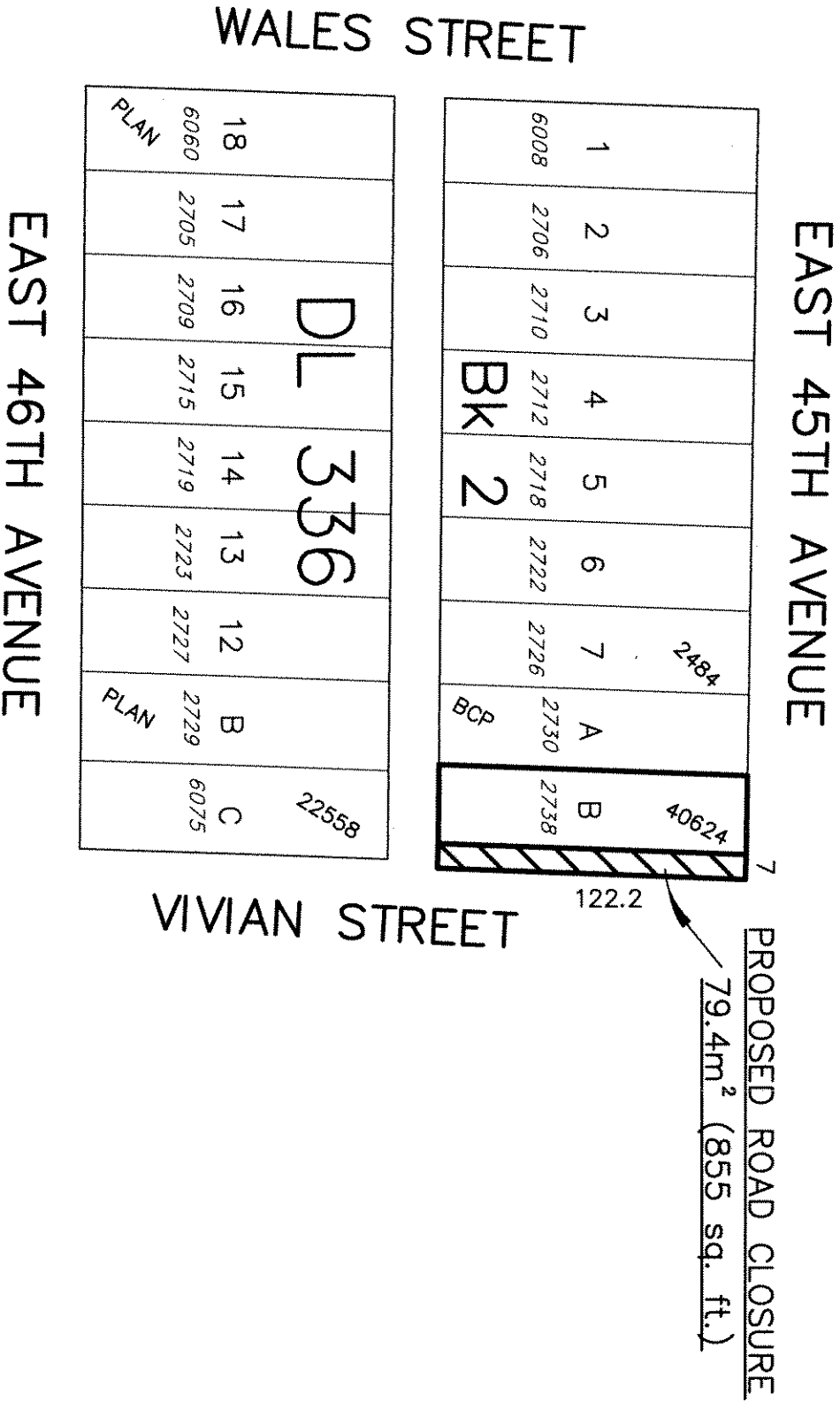
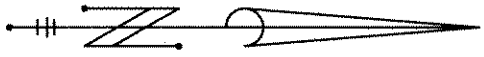
There are no financial implications.

***CONCLUSION***

The General Manager of Engineering Services, in consultation with the Director of Real Estate Services, recommends approval of the Recommendation contained in this report.

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# APPENDIX A



ALL DISTANCES ARE IN FEET  
 DMK, MAP U-20

ENGINEERING SERVICES  
 AUGUST 27, 2009

TERMS AND CONDITIONS OF CONVEYANCE

1. The Road Portion to be closed is to be consolidated with Lot B to form a single parcel, the same as generally shown within the heavy outline of Appendix "A", to the satisfaction of the Director of Legal Services;
2. The abutting owner of Lot B to pay \$103,500 plus GST if applicable for the Road Portion, in accordance with the recommendation of the Director of Real Estate Services;
3. The abutting owner to be responsible for the cost to relocate the existing water shut-off valve for the water service for Lot B onto City property, to the satisfaction of the General Manager of Engineering Services;
4. The abutting owner to be responsible for the cost of replacing any existing street trees within the Road Portion which cannot be retained as a consequence of the redevelopment of the consolidated site, in consideration of the provisions of the Private Property Tree By-law, and to the satisfaction of the General Manager of Parks and Recreation and the Director of Planning;
5. The abutting owner to be responsible for all necessary plans, documents, and Land Title Office fees;
6. The sale proceeds to be credited to the Property Endowment Fund;
7. Any agreements are to be to the satisfaction of the Director of Legal Services;
8. 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.