



ADMINISTRATIVE REPORT

Report Date: January 11, 2010
Contact: David Parkin
Contact No.: 604.873.7328
RTS No.: 8202
VanRIMS No.: 08-2000-20
Meeting Date: February 2, 2010

TO: Vancouver City Council

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

SUBJECT: 555 Pacific Street - Land Exchange

RECOMMENDATION

- A. That Council close, stop-up and convey to the owner of Lots 8 to 18 Block 114 District Lot 541 Group 1 New Westminster District Plan 210 and Lot 19, Except Part in Explanatory Plan 3342 Now Road Block 114 District Lot 541 Group 1 New Westminster District Plan 210 ("Lot 19"), (collectively the "Abutting Lands"); that portion of Pacific Street (the "Old Road Portion") the same as generally shown in heavy bold outline on the plan attached as Appendix "B", subject to the following conditions:
1. The owner of the Abutting Lands (the "Owner") to consolidate the Old Road Portion with Lot 19 to form a single parcel ("Lot A"), as shown within heavy bold outline on the plan attached as Appendix "C", to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
 2. The transfer back to the City by the Owner of that 29.6 square metre portion of Lot A generally shown bold outlined on Reference Plan attached as Appendix "D" and establishment as road of said portion, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services;
 3. The Owner to subdivide the remainder of Lot A with Lots 8 to 18 Block 114 District Lot 541 Group 1 New Westminster District Plan 210 to form a single parcel and road as shown within the heavy bold outline on the plan attached as Appendix "E", to the satisfaction of the General Manager of

Engineering Services, the Director of Legal Services and the Approving Officer;

- B. THAT Recommendation A be subject to the additional conditions (the "Additional Conditions") described in Appendix "A".
- C. THAT the land exchange be completed on an equivalent land value for land value basis such that no purchase money changes hands for the road closure and conveyance, the road establishment and the road dedication.
- D. THAT any agreements are to be to the satisfaction of the Director of Legal Services.
- E. THAT the Director of Legal Services or the Director of Real Estate Services, as applicable, be authorized to execute all plans, transfers, and documents as required.
- F. THAT no legal right or obligation shall be created and none shall arise hereafter until the documents are executed by the parties thereto.

THE GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services recommends approval of the foregoing.

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 and stop-up the Old Road Portion and to complete a land exchange with the owner of the Abutting Lands.

BACKGROUND

A portion of Lot 19 Block 114 District Lot 541 Plan 210 Group 1 New Westminster District as shown on Explanatory Plan 3342 (see Appendix "B") was established as road in October 1949, as recorded in the Land Title Office under filing E30528, to improve the intersection of Pacific and Seymour Streets. The road established by Explanatory Plan 3342 was never constructed and in September 1979 was closed, stopped-up and leased to the owner of the balance of Lot 19 for a 10 year term commencing September 1, 1979.

As a result of an initiative in 1983 to improve the right turn lane at the northwesterly corner of Pacific and Richards Streets it was reported to Council on October 4, 1983, that an exchange of property with the owner of Lot 19 was required to provide an adequate boulevard width and to align the property line to be parallel to the constructed curbs.

On April 3, 1984, Council gave approval to the required exchange, very similar to the current proposal, to close effectively a 20.3 square metre (218 square foot) portion of Pacific Street in exchange for a 1.300 metre widening of Pacific Street and a 2 metre by 2 metre corner

truncation at Seymour Street and Pacific Street to resolve the Pacific Street alignment and provide an adequate boulevard width. Council approved the recommendation that the exchange be on a parcel for parcel basis at equal value to both parties but the exchange was never concluded.

In 1996 Council rescinded the 1984 motion and re-affirmed, out of "an abundance of caution" the same exchange proposal. Once again documentation was never executed by the applicant and the exchange was not completed. In 2002 the proposal was resurrected once again and a new Council Resolution was approved to acknowledge the changes in the survey plans. Despite the 2002 efforts the transaction was never completed by the applicant.

Subsequent to the previously approved exchange proposals in 1984 and 1996, the 2 metre by 2 metre corner truncation requirement at Seymour Street and Pacific Street was eliminated and replaced with a road widening requirement of 1.524 metres (5 feet) in width along Seymour Street adjacent to the development site.

The Owner, on July 20, 2006 and May 22, 2008, obtained demolition permits and removed the buildings located at 555 Pacific Street (BU436481), 1372 Seymour Street (BU436485), 1376 Seymour Street (BU436484), 1340 Seymour Street (BU441654), 1358 Seymour Street (BU441655), and 1364 Seymour Street (BU411656). These properties are currently being utilized as a temporary community garden.

The Owner has made a development application under number DE412219 that includes part of the Old Road Portion in the development of the site with a 41 storey residential tower having 5 and 7 storey podium levels that contain a childcare centre.

Engineering Services has conducted a review and found that the closure and sale of the Old Road Portion can be supported subject to the Recommendations and Additional Conditions noted in this report.

DISCUSSION

The approximately 20.1 square metre (216 square feet) part of the Old Road Portion is to be exchanged for the approximately 17.8 square metre (192 square foot) portion of Lot 19, each generally shown hatched on the plan attached as Appendix "F" and as recommended by the Director of Real Estate Services. The Director of Real Estate Services and the Owner have entered into a Land Exchange Contract to complete the aforementioned land exchange. The lands being exchanged are of almost equal area and hence of almost equal value, and as such, no purchase money is to be paid for the property by either the City or the owner of the Abutting Lands.

In order to effect the exchange, the approximately 49.7 square metre (535 square feet) Old Road Portion will be conveyed to the Owner and consolidated with Lot 19 to form a single parcel (Lot A), as shown bold outlined on reference plan attached as Appendix "C". Subsequent to the creation of Lot A, the approximately 29.6 square metre portion of Lot A is to be transferred back to the City by the Owner and established as road (as shown bold outlined on reference plan attached as Appendix "D") resulting in a net City exchange area of 20.1 square metres to the Owner. The remaining portion of said Lot A and Lots 8 to 18 inclusive are to be subdivided to form a single parcel and road as shown bold outlined on the subdivision plan attached as Appendix "E". The said subdivision includes, among other road dedication area that is required by the development permit, the dedication of the

approximately 17.8 square metre Owner's exchange area to the City. The conveyances are to be completed concurrently, with neither conveyance completing independently of the other.

The conveyance of the Old Road Portion, establishment of road, subdivision and dedication of road reflects a net increase in road area for the City of approximately 135.2 square metres (1455 square feet).

The Owner will be making an application to subdivide in accordance with the proposed subdivision plan attached as Appendix "E" and Council approval is necessary to close, stop-up and convey this portion of Pacific Street before the subdivision plan can be registered in the Land Title Office.

FINANCIAL IMPLICATIONS

The Director of Real Estate Services and the Director of Finance support the land exchange such that no purchase money changes hands for the closure or dedications based on a principle of "No Net Loss" to either party. The City receives a net land area benefit and an improved street network.

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 to F.

* * * * *

ADDITIONAL CONDITIONS

1. The Owner to be responsible for all necessary plans, documents and Land Title Office fees;
2. The provision by the Owner of all required legal survey plans related to this land exchange, prepared by a British Columbia Land Surveyor, to a standard suitable for registration in the Land Title Office, to the satisfaction of the General Manager of Engineering Services, the Director of Legal Services and the Approving Officer;
3. The Owner to be responsible to provide written confirmation, to the satisfaction of the General Manager of Engineering Services, from BC Transit and BC Hydro that arrangements have been made to their satisfaction and that they have no objections to the closure of the Exchange Lands;
4. The Owner to be responsible for the cost of removal and replacement, if necessary, of all existing utilities located within the Old Road Portion area to be closed and conveyed to the satisfaction of the General Manager of Engineering Services;
5. The registration in the Land Title Office of a Bridge Proximity Agreement for any future development in form and substance satisfactory to the Director of Legal Services and the General Manager of Engineering Services;
6. The Conveyances to be completed concurrently, with neither conveyance completing independently of the other.

089 LF

Map of Lot 541

DEPOSITED UNDER SECTION OF THE LAND REGISTRY ACT
THIS _____ DAY OF _____ 1949.

REGISTRAR

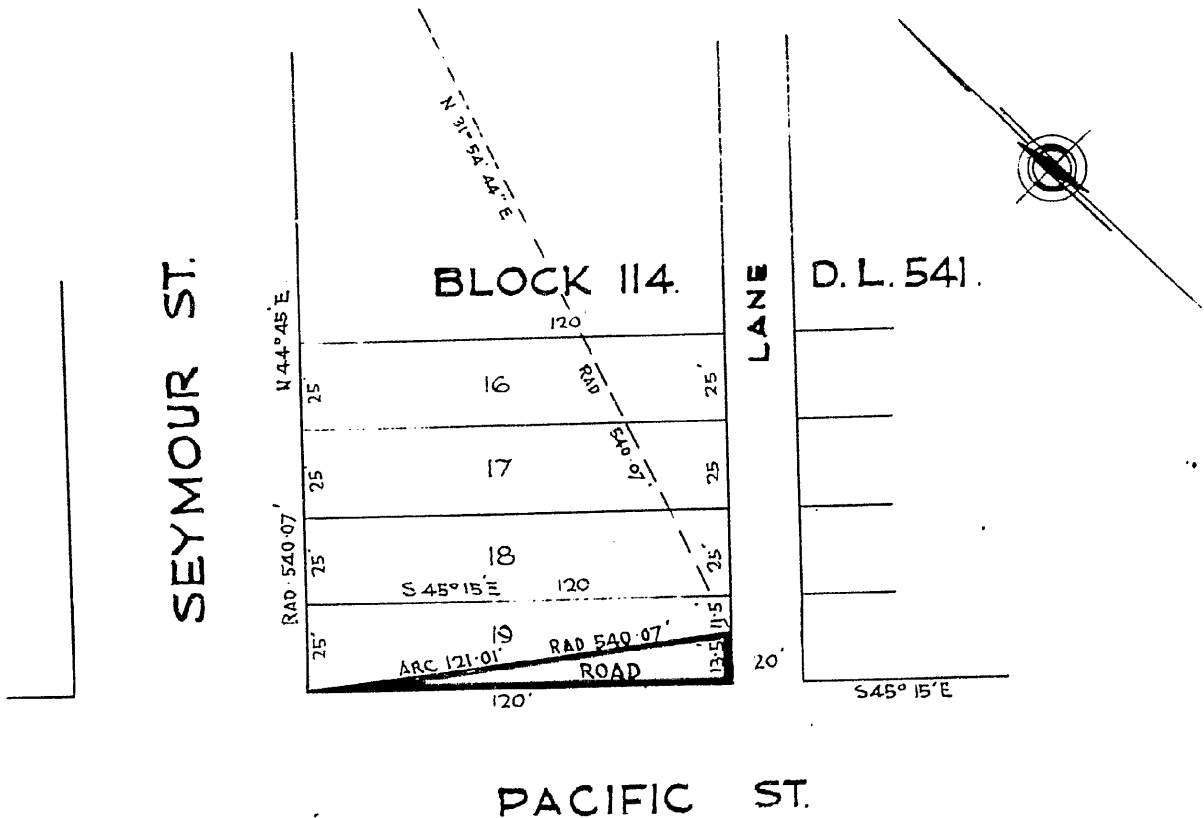
EXPLANATORY PLAN SHOWING PORTION OF LOT 19.

BLOCK 114. DISTRICT LOT 541.

GROUP ONE. NEW WESTMINSTER DISTRICT. REGISTERED PLAN 210.

ALLOCATED FOR HIGHWAY PURPOSES.

SCALE: 1 INCH = 50 FEET



CERTIFIED CORRECT IN ACCORDANCE WITH
LAND REGISTRY OFFICE RECORDS

Hubert C. Roberts B.C.S.
AUGUST 24TH 1949.

CITY ENGINEER'S OFFICE
VANCOUVER, B.C.

LF 680.

REFERENCE PLAN OF
 LOT 19, EXCEPT PART IN EXPLANATORY PLAN 3342 NOW ROAD,
 AND THAT PART OF LOT 19 IN EXPLANATORY PLAN 3342,
 ALL OF BLOCK 114 DISTRICT LOT 541 GROUP 1
 NEW WESTMINSTER DISTRICT PLAN 210

BCGS 92G.025

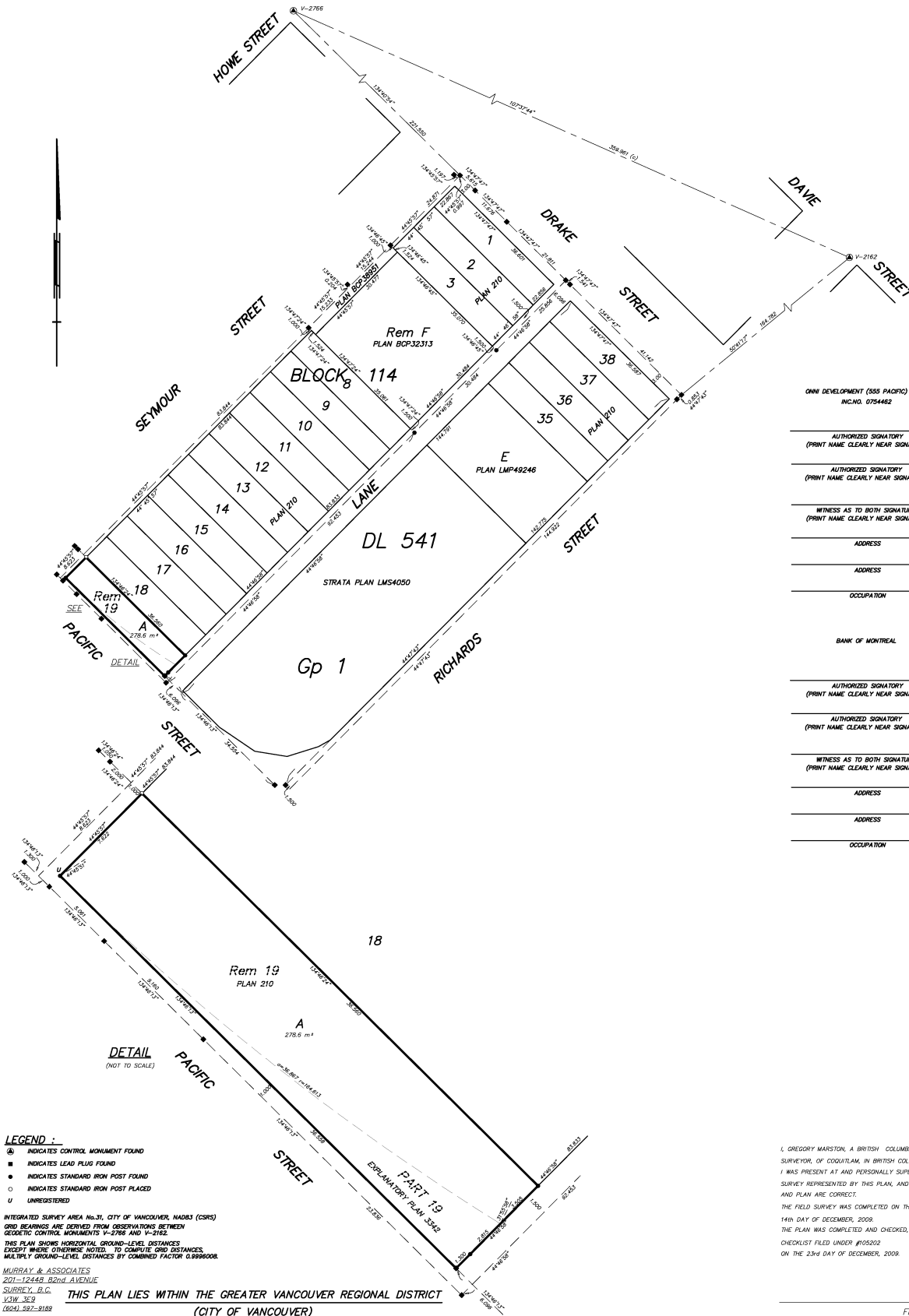


ALL DISTANCES ARE IN METRES
 THE INTENDED PLOT SIZE OF THIS PLAN IS 560MM IN WIDTH BY 864MM IN HEIGHT
 (USE D SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:500
 PURSUANT TO SECTION 100(1)(c) LAND TITLE ACT

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE
 AT NEW WESTMINSTER, B.C.
 THIS DAY OF _____, 200__

 REGISTRAR
 REF: _____



OWN DEVELOPMENT (SIS PACIFIC) CORP.
 INC. NO. 0754462

AUTHORIZED SIGNATORY
 (PRINT NAME CLEARLY NEAR SIGNATURE)

AUTHORIZED SIGNATORY
 (PRINT NAME CLEARLY NEAR SIGNATURE)

WITNESS AS TO BOTH SIGNATURES
 (PRINT NAME CLEARLY NEAR SIGNATURE)

ADDRESS

ADDRESS

OCCUPATION

BANK OF MONTREAL

AUTHORIZED SIGNATORY
 (PRINT NAME CLEARLY NEAR SIGNATURE)

AUTHORIZED SIGNATORY
 (PRINT NAME CLEARLY NEAR SIGNATURE)

WITNESS AS TO BOTH SIGNATURES
 (PRINT NAME CLEARLY NEAR SIGNATURE)

ADDRESS

ADDRESS

OCCUPATION

- LEGEND :**
- ⊕ INDICATES CONTROL MONUMENT FOUND
 - INDICATES LEAD PILING FOUND
 - INDICATES STANDARD IRON POST FOUND
 - INDICATES STANDARD IRON POST PLACED
 - U UNREGISTERED

INTEGRATED SURVEY AREA No. 31, CITY OF VANCOUVER, NAD83 (CSRS)
 GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
 GEODETIC CONTROL MONUMENTS V-2766 AND V-2162.
 THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
 EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES,
 MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996006.

MURRAY & ASSOCIATES
 201-12449, 82nd AVENUE
 SURREY, B.C.
 V3W 3E9
 (604) 597-9188

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT
 (CITY OF VANCOUVER)

I, GREGORY MARSTON, A BRITISH COLUMBIA LAND
 SURVEYOR OF COQUITLAM, IN BRITISH COLUMBIA, CERTIFY THAT
 I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE
 SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY
 AND PLAN ARE CORRECT.
 THE FIELD SURVEY WAS COMPLETED ON THE
 14th DAY OF DECEMBER, 2009.
 THE PLAN WAS COMPLETED AND CHECKED, AND THE
 CHECKLIST FILED UNDER #105202
 ON THE 23rd DAY OF DECEMBER, 2009.

REFERENCE PLAN TO ACCOMPANY RESOLUTION OF THE COUNCIL OF CITY OF VANCOUVER ESTABLISHING FOR HIGHWAY PURPOSES A PORTION OF LOT A, BLOCK 114, DISTRICT LOT 541, GROUP 1, NEW WESTMINSTER DISTRICT, PLAN BCP

BCGS 926.025



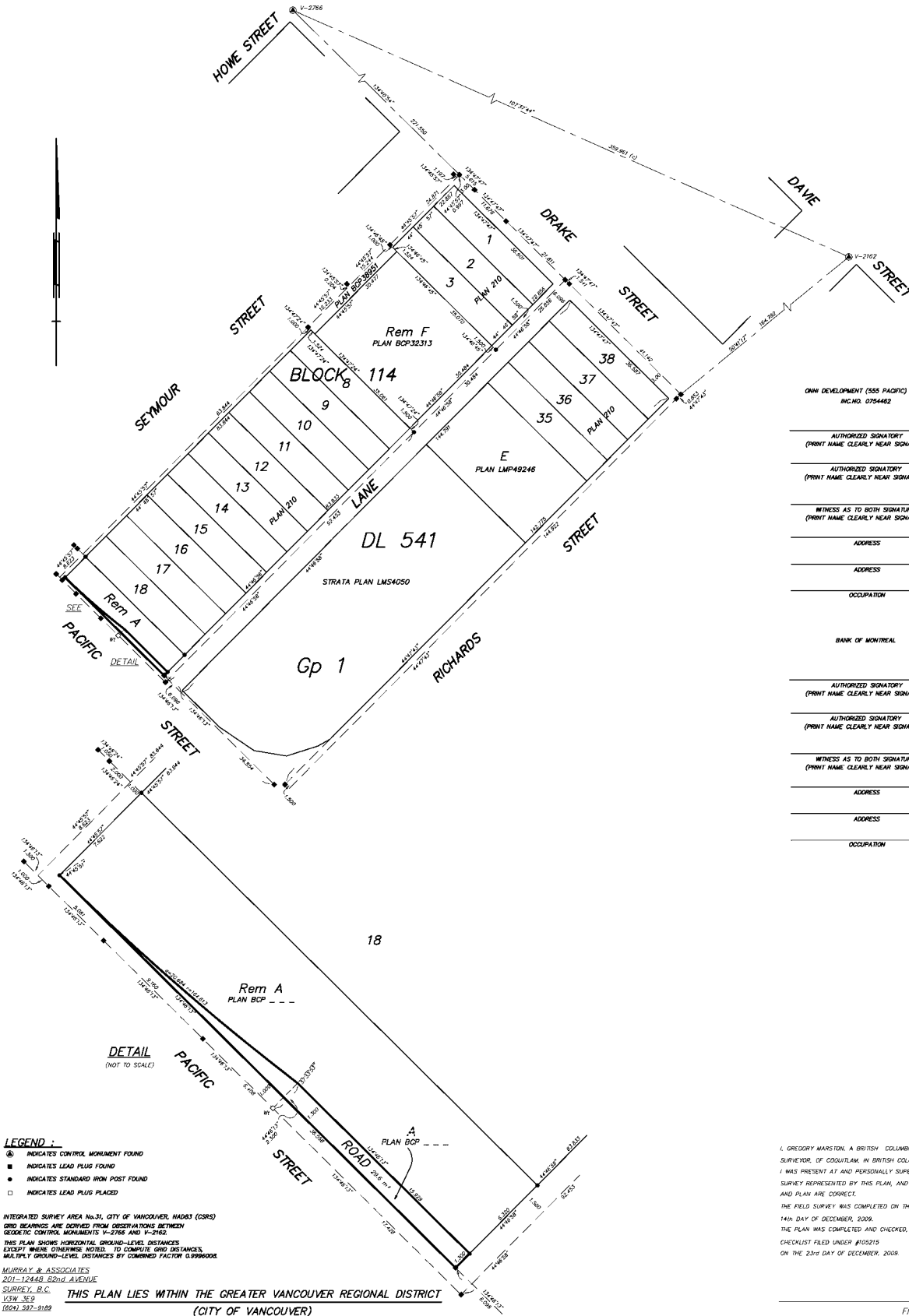
ALL DISTANCES ARE IN METRES.
THE INTENDED PLOT SIZE OF THIS PLAN IS 560MM IN WIDTH BY 864MM IN HEIGHT (USE D SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:500
PURSUANT TO SECTION 291, VANCOUVER CHARTER

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C.
THIS DAY OF _____, 200__

REGISTRAR

REF:



OWN DEVELOPMENT (555 PACIFIC) CORP.
INC. NO. 0754462

AUTHORIZED SIGNATORY
(PRINT NAME CLEARLY NEAR SIGNATURE)

AUTHORIZED SIGNATORY
(PRINT NAME CLEARLY NEAR SIGNATURE)

WITNESS AS TO BOTH SIGNATURES
(PRINT NAME CLEARLY NEAR SIGNATURE)

ADDRESS

ADDRESS

OCCUPATION

BANK OF MONTREAL

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WITNESS AS TO BOTH SIGNATURES
(PRINT NAME CLEARLY NEAR SIGNATURE)

ADDRESS

ADDRESS

OCCUPATION

- LEGEND:**
- ▲ INDICATES CONTROL MONUMENT FOUND
 - INDICATES LEAD PLUG FOUND
 - INDICATES STANDARD IRON POST FOUND
 - INDICATES LEAD PLUG PLACED

INTEGRATED SURVEY AREA No.31, CITY OF VANCOUVER, HA083 (CSRS)
GND BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS V-2766 AND V-2162.
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GND DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY CORRECTION FACTOR 0.9996006.

MURRAY & ASSOCIATES
201-12448, 62nd AVENUE
SURREY, B.C.
V3W 1E3
(604) 587-9189

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT
(CITY OF VANCOUVER)

I, GREGORY MARSTON, A BRITISH COLUMBIA LAND SURVEYOR OF COQUITLAM, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT.

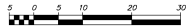
THE FIELD SURVEY WAS COMPLETED ON THE
14th DAY OF DECEMBER, 2009.
THE PLAN WAS COMPLETED AND CHECKED, AND THE
CHECKLIST FILED UNDER #102915
ON THE 23rd DAY OF DECEMBER, 2009.

B. C. L. S.

FILE 9541-04

**SUBDIVISION PLAN OF
LOTS 8 TO 18 INCLUSIVE, PLAN 210
AND
LOT A, EXCEPT PART IN PLAN BCP - - - - , PLAN BCP - - - -
ALL OF
BLOCK 114, DISTRICT LOT 541, GROUP 1,
NEW WESTMINSTER DISTRICT**

BCGS 92G.025



ALL DISTANCES ARE IN METRES
THE INTENDED PLOT SIZE OF THIS PLAN IS 550MM IN WIDTH BY 864MM IN HEIGHT
(USE D SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:500

PLAN BCP

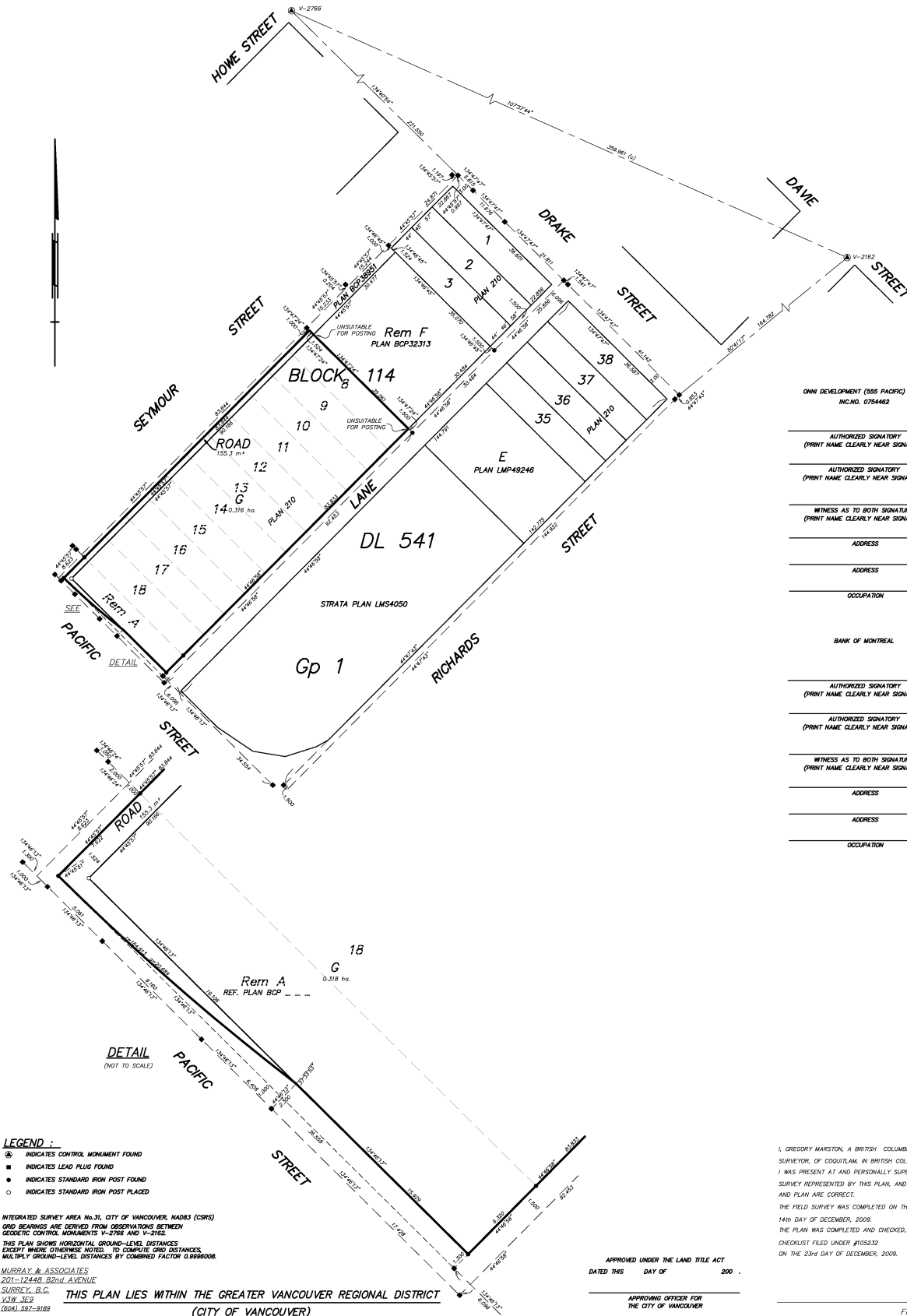
DEPOSITED IN THE LAND TITLE OFFICE

AT NEW WESTMINSTER ,B.C.

THIS DAY OF ,200 .

REGISTRAR

REF:



OWN DEVELOPMENT (255 PACIFIC) CORP.
INC. NO. 0754462

AUTHORIZED SIGNATORY
(PRINT NAME CLEARLY NEAR SIGNATURE)

AUTHORIZED SIGNATORY
(PRINT NAME CLEARLY NEAR SIGNATURE)

WITNESS AS TO BOTH SIGNATURES
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BANK OF MONTREAL

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WITNESS AS TO BOTH SIGNATURES
(PRINT NAME CLEARLY NEAR SIGNATURE)

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OCCUPATION

- LEGEND**
- INDICATES CONTROL MONUMENT FOUND
 - INDICATES LEAD PILING FOUND
 - INDICATES STANDARD IRON POST FOUND
 - INDICATES STANDARD IRON POST PLACED

INTERFERED SURVEY AREA No. 31, CITY OF VANCOUVER, NAD83 (CSRS)
GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS V-2786 AND V-2162.
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996008.

MURRAY & ASSOCIATES
201-12449 82nd AVENUE
SURREY, B.C.
V3W 3E9
(604) 592-9182

**THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT
(CITY OF VANCOUVER)**

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THE FIELD SURVEY WAS COMPLETED ON THE 14th DAY OF DECEMBER, 2009.
THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #105232 ON THE 23rd DAY OF DECEMBER, 2009.

APPROVED UNDER THE LAND TITLE ACT
DATED THIS DAY OF 200 .

APPROVING OFFICER FOR THE CITY OF VANCOUVER

B. C. L. S.
FILE 9541-05

SKETCH PLAN SHOWING PROPOSED ROAD EXCHANGE ADJACENT TO LOT A, BLOCK 114, D.L. 541, PLAN BCP

