



## City of Richmond

## Report to Committee

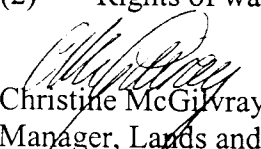
**To:** General Purposes Committee of Council  
**From:** Christine McGilvray  
Manager, Lands and Property  
**Re:** Road Exchange Bylaw 7570 -  
3911 Russ Baker Way

**Date:** September 19, 2003  
**File:** 8060-20-757

### Staff Recommendation

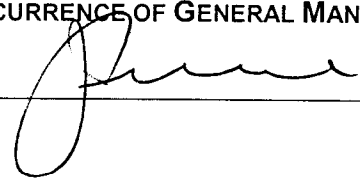
That:

- (1) Road Exchange Bylaw 7570 be introduced and given first, second and third readings; and
- (2) Rights of way for the City and Terasen Gas be granted to cover existing works.

  
Christine McGilvray  
Manager, Lands and Property  
(4005)

Att.

### FOR ORIGINATING DIVISION USE ONLY

ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering .....	Y <input type="checkbox"/> N <input type="checkbox"/>	
Facility Management.....	Y <input type="checkbox"/> N <input type="checkbox"/>	
Law .....	Y <input type="checkbox"/> N <input type="checkbox"/>	
Development Applications .....	Y <input type="checkbox"/> N <input type="checkbox"/>	
Policy Planning .....	Y <input type="checkbox"/> N <input type="checkbox"/>	

## **Staff Report**

### **Origin**

The City's lands between Burkeville and Russ Baker Way, on Sea Island, are the site of a new community safety building. In order to ready the site for construction, three land issues need to be settled. The first involves the closing of a road allowance (Handley Avenue) which bisects the site; the second involves consolidating the five existing separate parcels into one; and the third is the registration of rights of way for both City sanitary sewer works and gas utilities that are located within the old road allowance.

This report deals with the closing of the road allowance, and approval for the rights of way to be registered, both requirements for approval of the final subdivision.

### **Findings Of Fact**

Closing a road allowance under the existing Local Government Act requirements is rather unwieldy and protracted and requires a Petition to the Ministry of Municipal Affairs. A similar outcome may be achieved more efficiently using a road exchange bylaw, because the area exchanged for the road allowance (which becomes titled land) does not have to be an equal area.

In this particular case, the City is dedicating an area of 20.0 square metres to "road" in the location of the proposed new driveway access to the firehall site, from Russ Baker Way, in exchange for the Handley Avenue road allowance of 1533.4 square metres, which will then be legally closed.

Handley Avenue, between Russ Baker Way and the lane allowance at the rear of the single family residences on Lancaster Crescent, has never been developed and is not open to traffic. From the lane allowance to Lancaster Crescent, the road allowance has the physical appearance of a lane, although it is encroached upon by a portion of the old Sea Island Firehall building (on Lot 17). This remainder portion of Handley Avenue and the encroachment situation will be dealt with by the demolition of the old fire hall, and reconfiguring the remaining lands (the creation of two single family lots should be possible).


Rights of way will be registered on the newly titled lands, to cover existing works located within the Handley Avenue road allowance, for Terasen Gas and the City's sanitary sewer forcemain. The shared right of way area will be 11.0 metres wide.

### **Financial Impact**

The City is funding the cost of its own subdivision application, preparation of survey plans and registration costs. Terasen Gas will provide the necessary documentation for its right of way. The City's costs, estimated at approximately \$6,784.00, will be funded from 1501-40-000-LEGAL-40909 (the Community Safety Buildings project account).

**Conclusion**

Council approval of the Road Exchange Bylaw and rights of way is needed in order to meet the requirements of the subdivision approval.



Christine McGilvray  
Manager, Lands and Property  
(4005)



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**A Bylaw to Authorize the Exchange of Certain Portions of a Road for Other Lands in Sections 29 and 30 Block 5 North Range 6 West New Westminster District**

The Council of the City of Richmond enacts as follows:

1. Pursuant to the Local Government Act, being Chapter 323 of the Revised Statutes of British Columbia 1996, as amended, the Council of the City of Richmond does grant and dispose to the City of Richmond or nominee:

All and singular that certain parcel or tract of land in the City of Richmond contained in Sections 29 and 30 Block 5 North Range 6 West dedicated as "road" on Plan 9740 and being more particularly described as Parcel "B" as shown on Reference Plan to Accompany Bylaw 7570 prepared by Hans J. Troelsen, B.C.L.S. and completed on the 31st day of July, 2003 a paper print of which is attached hereto.

2. The Mayor and Clerk are hereby authorized to execute a Form of Transfer to have effect as a Crown Grant disposing, conveying and granting the said Parcel "B" unto the City of Richmond or its nominee, by affixing the seal of the City thereto and attesting to the fact by signing their names.
3. The said Parcel "B" described in Section 1 of this Bylaw shall be stopped up and closed to traffic.
4. It shall be lawful, pursuant to the said Chapter 323 of the Revised Statutes of British Columbia, 1996, for the City of Richmond or its nominee, to enter into a Form of Transfer or file a subdivision plan for the purpose of disposing, conveying and granting to Her Majesty the Queen in Right of the Province of British Columbia, in exchange for the said Parcel "B" the following lands:

Parcel "A" of (PID: 006-169-406) of Lot 29 Section 29 Block 5 North Range 6 West New Westminster District Plan 47142 as shown on the Reference Plan to Accompany Bylaw No. 7570 prepared by Hans J. Troelsen, B.C.L.S. and completed on the 31st day of July, 2003 a paper print of which is attached hereto, such land being necessary for the purpose of establishing a roadway within the City of Richmond.

5. This Bylaw is cited as **“Road Exchange Bylaw 7570”**.

FIRST READING

SECOND READING

THIRD READING

DULY ADVERTISED ON

DULY ADVERTISED ON

ADOPTED

\_\_\_\_\_  
MAYOR

_____
_____
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_____
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_____

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
CITY CLERK

REFERENCE PLAN TO ACCOMPANY THE CITY OF RICHMOND ROAD EXCHANGE  
BYLAW NO. 7570 OVER PART OF SECTIONS 29 AND 30  
BLOCK 5 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT

R-03-13746-REFERENCE

PURSUANT TO SECTION 120 LAND TITLE ACT  
B.C.G.S. 92G.015

BOOK OF REFERENCE

PART OF LOT 29 SECTION 29 BLOCK 5 NORTH RANGE 6 WEST  
NEW WESTMINSTER DISTRICT PLAN 47142

PART OF ROAD DEDICATED ON PLAN 9740 SECTIONS 29 AND 30  
BLOCK 5 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT

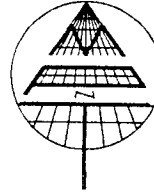
PLAN BCP

REF. No. \_\_\_\_\_

DEPOSITED IN THE LAND TITLE OFFICE  
AT NEW WESTMINSTER, B.C.  
THIS DAY OF \_\_\_\_\_ 2003

DEPUTY REGISTRAR

THIS PLAN LIES WITHIN THE  
GREATER VANCOUVER REGIONAL DISTRICT



EXECUTION DATE: \_\_\_\_\_

TRANSFERS(S) SIGNATURE(S): \_\_\_\_\_

OFFICER SIGNATURE(S): \_\_\_\_\_

CITY OF RICHMOND BY ITS AUTHORIZED SIGNATORIES

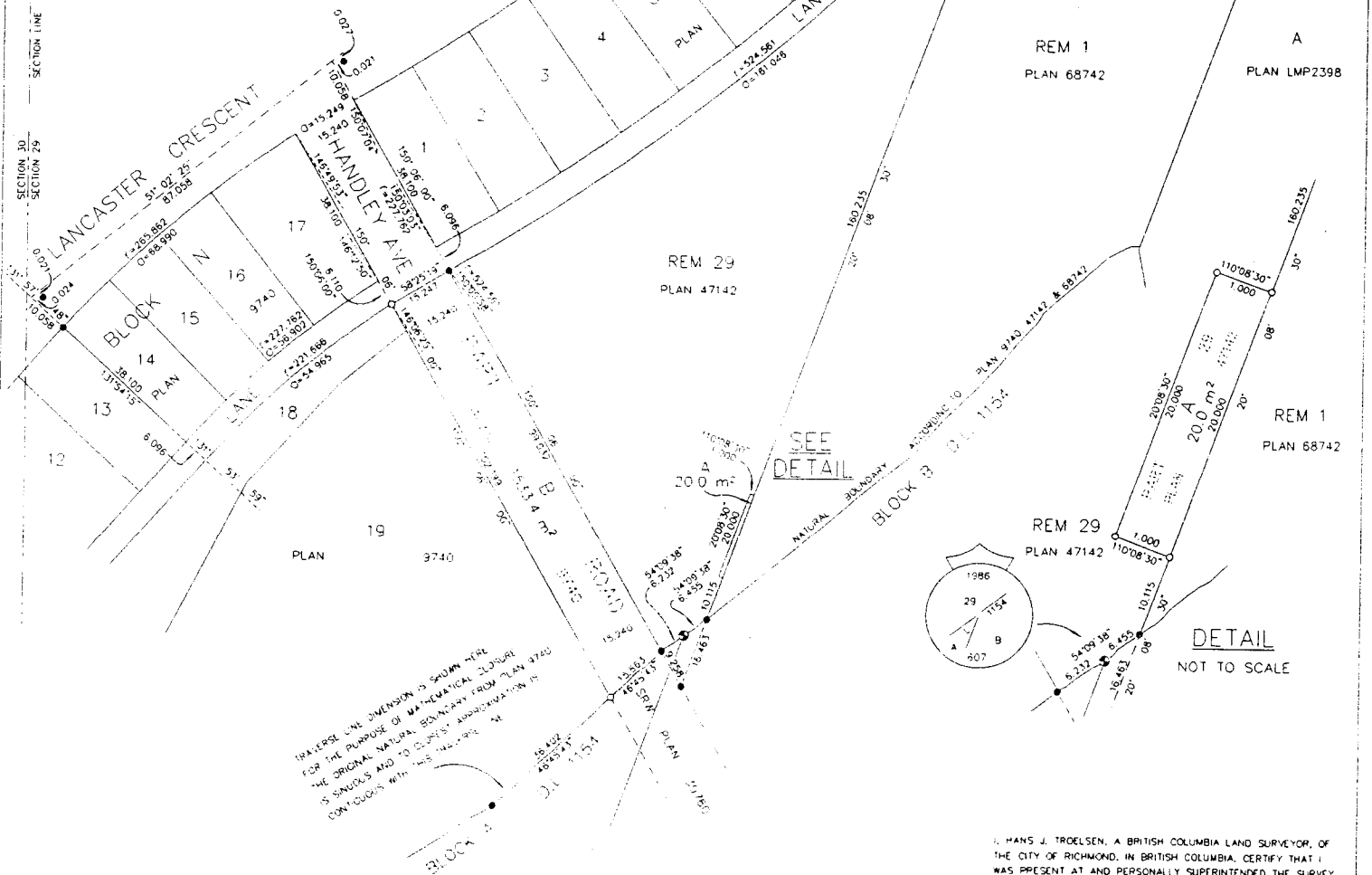
PAUL KENDRICK, SOLICITOR  
CITY OF RICHMOND,  
6911 NO. 3 ROAD,  
RICHMOND, B.C. V6Y 2C1  
604-276-4000

MALCOLM D. BRODIE  
AUTHORIZED SIGNATORY

AS TO THE SIGNATURE OF  
J. RICHARD MCKENNA

J. RICHARD MCKENNA  
CITY CLERK  
AUTHORIZED SIGNATORY

OFFICER CERTIFICATION: YOUR SIGNATURE CONSTITUTES A REPRESENTATION THAT YOU ARE A SOLICITOR, NOTARY PUBLIC OR OTHER PERSON AUTHORIZED BY THE EVIDENCE ACT, R.S.B.C. 1979, C. 116, TO TAKE AFFIDAVITS FOR USE IN BRITISH COLUMBIA AND CERTIFIES THE MATTERS SET OUT IN PART 5 OF THE LAND TITLE ACT AS THEY PERTAIN TO THE EXECUTION OF THIS INSTRUMENT.



LEGEND

SCALE 1:750

ALL DISTANCES ARE IN METRES

ASTRONOMIC BEARINGS ARE DERIVED FROM PLAN 47142

- INDICATES STANDARD IRON POST FOUND
- INDICATES STANDARD IRON POST PLACED
- ⊙ INDICATES STANDARD CAPPED POST FOUND

I, HANS J. TROELSEN, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF RICHMOND, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # 3929 ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

B.C.L.S.

MATSON PECK & TOPLISS  
SURVEYORS & ENGINEERS  
#210 - 9171 COOK ROAD  
RICHMOND, B.C.  
V6Y 3T3  
PH: 604-270-9331  
FAX: 604-270-4137

CADFILE: 13746-REFERENCE.FLX

R-03-13746-REFERENCE