



# Corporate Report

NO: R192

COUNCIL DATE: September 25, 2006

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## REGULAR COUNCIL

TO: Mayor & Council DATE: September 16, 2006  
FROM: General Manager, Engineering FILE: 0870-20/352/D  
SUBJECT: City Land Acquisition at 194A Street and 68 Avenue

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## RECOMMENDATION

That Council authorize the partial acquisition of  $\pm 26,760 \text{ ft.}^2$  (.61 acres) from Rem. of NW $\frac{1}{4}$  Sec 15 Tp 8 NWD for park/open space and the 194A Street road realignment as set out in the East Clayton Land Use Plan.

## BACKGROUND

An unsurveyed, narrow strip of land approximately two acres in area (Rem of NW $\frac{1}{4}$  Sec 15 Tp 8 NWD) exists without a title in the East Clayton area due to an historic Land Title Office error. This unusual situation is technically known as a "gore" and has existed for a number of years.

In the early 1900's, Mr. William Routley received a grant (160 acres, more or less) from the Crown for the NW $\frac{1}{4}$  Sec 15 Tp 8 NWD in East Clayton. Through several land transfers, portions of the property were subsequently transferred to new owners. Each of these transfers was calculated by measuring from the property's outer boundaries towards the centre of the property. It was believed by the surveyors of that time period, and also by the Land Title Office, that the area of the quarter section was 160 acres. In actual fact, the property exceeded 160 acres and resulted in a narrow sliver of untitled land remaining in the middle of the quarter section of land owned by William Routley. Mr. Routley was not aware of this remaining land and the Land Title Office error was not discovered until recently.

City of Surrey maps accurately showed this remaining narrow strip of land; however, Land Title Office records did not show a title for the land. Subsequent surveys and title searches determined the source of the Land Title Office error. Inquiries were made by the City to the Land Title Office respecting correction of their records, and the City was

advised by the LTO that the error would not be corrected until the lands abutting the gore are redeveloped and that they would not accept any further subdivision plans until this problem was rectified.

## **DISCUSSION**

### **1. Gore Acquisition and Development of the Adjacent Lands**

The properties to the east (7902-0363 - "Chia") and to the northeast (7903-0104 - "Platinum") are now being developed. Since 7902-0363 is proceeding first, to satisfy the Land Title Office requirements, as part of the subdivision plan for this development, all of the gore area will be included on that plan, and the process to raise title to the untitled "gore" land will take place. Historical searches have revealed the rightful owner of the untitled land, and arrangements have been made with the appropriate executors for legal transfer of the gore property.

When title is raised to the "gore" land, it will be divided into three sections. These sections will be subsequently consolidated with the appropriate portions of the three adjacent properties to attain the layout shown in the East Clayton Land Use Plan. Two of the portions will be consolidated into the two current development applications (47,530 ft.<sup>2</sup> for 7902-0363 & 15,930 ft.<sup>2</sup> for 7903-0104). The third and most southerly 26,760 ft.<sup>2</sup> portion of the "gore" land (Appendix I) is the subject of this report and is being acquired by the City for consolidation with the adjacent parkland for future redevelopment.

As outlined in the East Clayton Land Use Plan, 194A Street will be realigned between 68 and 70 Avenue. This realignment will occur within parkland currently owned by the City and future plans call for the inclusion of the subject property in the final consolidation and subdivision plans for the City lands in the area (Appendix II).

### **2. Zoning, Plan Designations, and Land Uses**

The subject property is zoned RA (One Acre Residential) and designated as Urban under the Official Community Plan. The Highest and Best Use for the property would be redevelopment in accordance with the land uses and highest densities that would be approved for the subject site under the East Clayton Land Use Plan.

### **3. Purpose of the Acquisition**

The Engineering Department has confirmed with Parks and Planning that the acquisition of this property will allow for the future development of this area of East Clayton, including the required parkland and the relocation of 194A Street as envisioned under the East Clayton Land Use Plan.

The subject property will be consolidated on an interim basis with adjacent parkland purchased under Development Application 7902-0363 (Appendix I) until the final layout for the realignment of 194A Street is achieved. Upon realignment of 194A Street, the

subject property, the closed portion of the current 194A Street, and the eastern portion of City land will be consolidated to create a new City lot for future marketing to create a multi family development (Appendix II). Proceeds from that sale will be placed into the Park Acquisition Fund.

#### **4. Contract of Purchase and Sale**

Staff have negotiated a Contract of Purchase and Sale Agreement with the executors for the owner based on an independent market value appraisal, subject to Council approval by September 26, 2006. Completion is to take place upon registration of the subdivision plan in the Land Title Office.

#### **CONCLUSION**

This acquisition is required to provide the necessary land to finalize the future park and detention pond location, to enable the relocation of 194A Street, and to facilitate development in the area as set out in the East Clayton Land Use Plan.

Paul Ham, P.Eng.  
General Manager, Engineering

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#### Appendices

- I. Aerial Photograph of Subject Site
- II. Proposed Future Configuration of the Subject and Adjacent Lands