

NO: **110** COUNCIL DATE: **June 29, 2009**

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 25, 2009**

FROM: **General Manager, Engineering** FILE: **0910-20/407A**
General Manager, Parks, Recreation & Culture

SUBJECT: **Exchange of a Portion of 9097 - 141A Street for**
Portions of the Lands at 14038, 14058, 14072, 14090 & 14130 - 92 Avenue

RECOMMENDATION

The Engineering Department and the Parks, Recreation and Culture Department recommend that Council:

- (i) approve the closure and transfer of a 58.2 m² portion of dedicated parkland at 9097 - 141A Street in exchange for a 4,559 m² portion of privately-owned lands located at 14038, 14058, 14072, 14090 & 14130 - 92 Avenue (as shown on map in Appendix I); and
- (ii) authorize the City Clerk to bring forward a by-law to close and dispose of a 58.2 m² portion of the City parkland located at 9097 - 141A Street, dedicated as park on Plan BCP 1276.

DISCUSSION

1. Property Description:

- (i) 14038, 14058, 14072, 14090 & 14130 - 92 Avenue (4,559 m² of new parkland to be acquired)

These privately-owned lands have a total area of 7.74 acres, are currently zoned Single Family Residential (RF) Zone and One Acre Residential (RA) Zone, and are designated Urban in the Official Community Plan. They are the subjects of a rezoning and subdivision application to create 49 single-family residential lots (Project No. 7906-0458). The related rezoning by-law has received Third Reading on July 14, 2008. The subdivision layout is illustrated in Appendix II.

- (ii) 9097 - 141A Avenue (58.2 m² of surplus parkland)

The parkland on this lot has an area of 437 m² (4,704 ft.²), and is largely located within the riparian protection area of King Creek, which traverses the neighbourhood. The parkland was dedicated as park as part of a subdivision plan (Plan BCP 1276) that was registered in 2002.

2. Reason for the Land Exchange

The applicant (Project 7906-0458) has requested that the City sell a 58.2 m² portion of the dedicated parkland located at 9097 - 141A Street to facilitate the proposed subdivision of the adjacent lands. In return the developer has agreed to transfer to the City approximately 4,559 m² of land within the environmentally sensitive area of King Creek. This 4,559 m² area of land is in addition to the compulsory 0.377 acre (5% of the subdivision site) park dedication requirement (shown in red on map attached as Appendix I).

The proposed land exchange was identified in the June 16, 2008 Planning Report to Council related to development application no. 7906-0458. The proposed land exchange will complete the dedication as parkland of the riparian protection area (watercourse and setback areas) along this section of King Creek.

3. Land Value

The closure and transfer of the surplus 58.2 m² dedicated parkland in exchange for the 4,559 m² riparian lands will be transacted at the nominal value of \$1. City staff appraisers indicate a net financial gain to the City.

4. Park Closure Process

After Council approval of this land exchange, a reference plan will be submitted to the Legislative Services Department requesting the Introduction and Adoption of a park closure by-law to dispose of the dedicated parkland. In accordance with Section 27 of the Community Charter, the City must obtain approval of the electors to a park closure by-law. The City will seek the approval of the electors by alternative approval process under Section 86 of the Community Charter after Third Reading of the By-law. The By-law will be advertised for two consecutive weeks in a local newspaper in accordance with Section 94 of the Community Charter, and the advertisement will give a deadline date of 30 days from the second advertisement for the submission of elector responses. After the deadline date, Council will be asked to give Final Adoption of the by-law, unless 10% or more of the electors indicate that Council must obtain the assent of the electors before proceeding.

Upon completion of all requirements, the park closure by-law will be registered at the Land Title Office to obtain a legal title for the closed park. The rezoning by-law for the related development project will similarly be forwarded to Council for final adoption, followed by the approval of the subdivision plan. The City will then transfer the closed parkland to the developer, and the registration of the transfer documents will occur concurrently with the filing of the approved subdivision plan.

CONCLUSION

Approval of the proposed parkland exchange will give the City ownership of all the creek riparian areas lying within the development site, while also facilitating a mutually preferable subdivision layout.

Laurie Cavan
General Manager
Parks, Recreation & Culture

Vincent Lalonde, P.Eng.
General Manager, Engineering

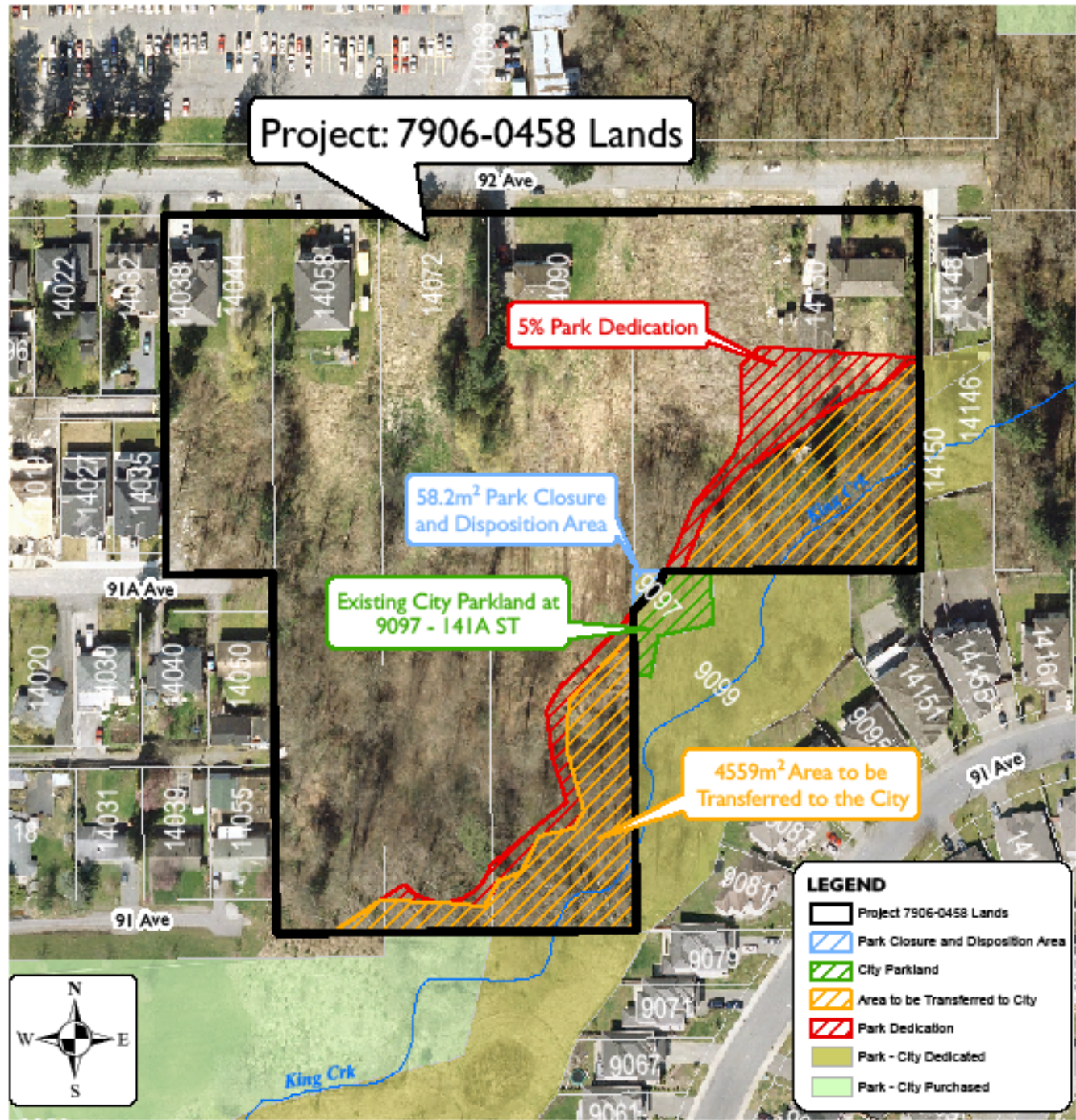
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Appendix I - Aerial Photograph of Site

Appendix II - Subdivision Layout Map

APPENDIX I AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: June 23, 2009, AVW

Date of Aerial Photography: April 2008



SUBJECT CITY PROPERTY
9097 - 141A ST
FILE: 0910-40/407A

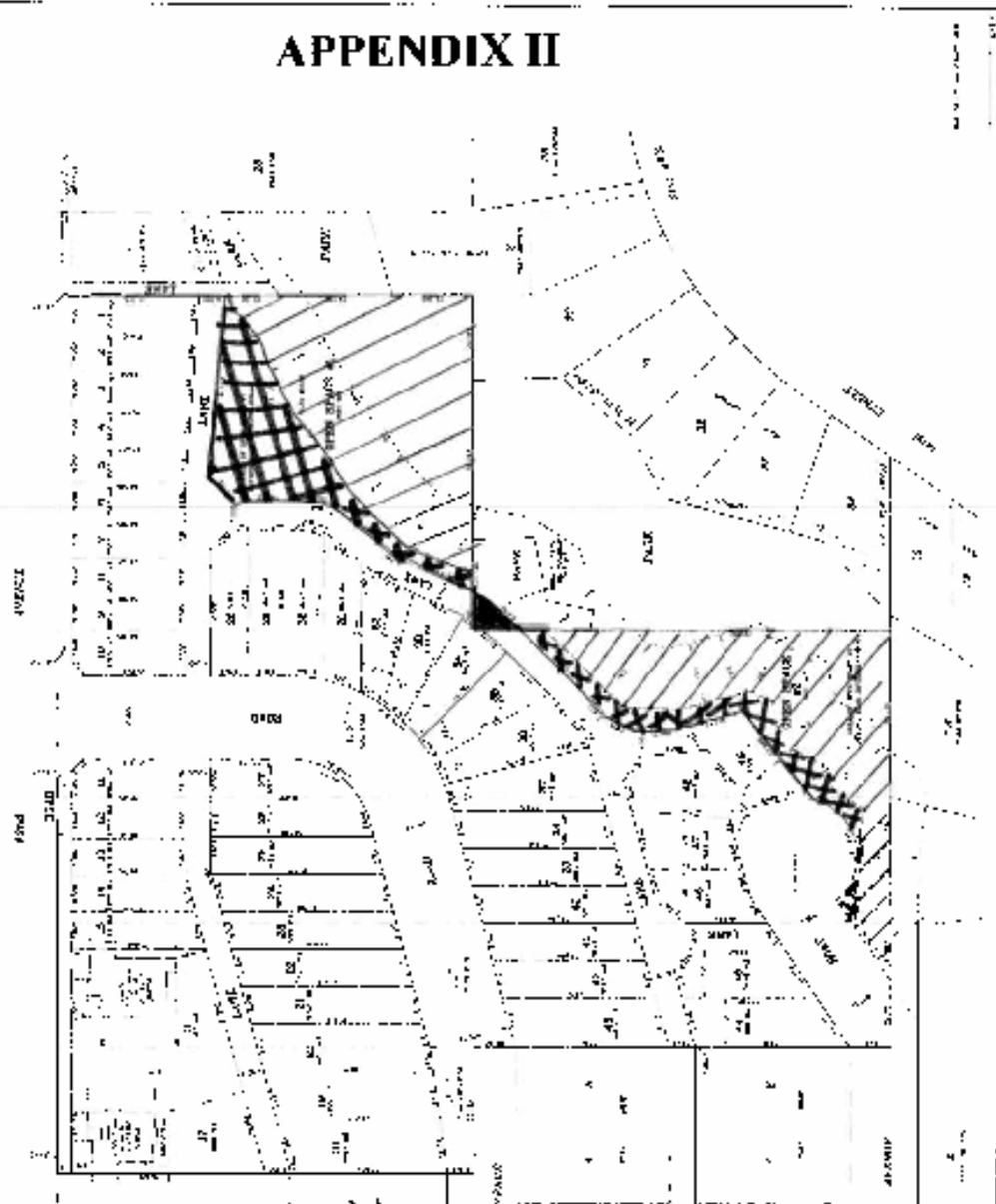
**REALTY
 DIVISION**

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.
 This information is provided for information and convenience purposes only.
 Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

G:\MAPPING\GIS\MAPS\
 CORPORATE REPORTS\Realty\
 9097-141A_Parkland-AP.mxd

APPENDIX II

PROPOSED SUBDIVISION PLAN OF LOT 1 PLAN 1640/100A,
 LOT 2 AND 2 PLAN 4740, 40' PARK TR. ERECT'G.
 ERECT'G. 100' PARK TR. PLAN 6420.
 AND IN LOT A PLAN 10000.
 ALL OF SECTION 33, TOWNSHIP 2,
 4TH RANGING DISTRICT.



NO.	DESCRIPTION	AREA (M ²)
1	LOT 1	10000
2	LOT 2	10000
3	LOT 3	10000
4	LOT 4	10000
5	LOT 5	10000
6	LOT 6	10000
7	LOT 7	10000
8	LOT 8	10000
9	LOT 9	10000
10	LOT 10	10000
11	LOT 11	10000
12	LOT 12	10000
13	LOT 13	10000
14	LOT 14	10000
15	LOT 15	10000
16	LOT 16	10000
17	LOT 17	10000
18	LOT 18	10000
19	LOT 19	10000
20	LOT 20	10000
21	LOT 21	10000
22	LOT 22	10000
23	LOT 23	10000
24	LOT 24	10000
25	LOT 25	10000
26	LOT 26	10000
27	LOT 27	10000
28	LOT 28	10000
29	LOT 29	10000
30	LOT 30	10000
31	LOT 31	10000
32	LOT 32	10000
33	LOT 33	10000
34	LOT 34	10000
35	LOT 35	10000
36	LOT 36	10000
37	LOT 37	10000
38	LOT 38	10000
39	LOT 39	10000
40	LOT 40	10000
41	LOT 41	10000
42	LOT 42	10000
43	LOT 43	10000
44	LOT 44	10000
45	LOT 45	10000
46	LOT 46	10000
47	LOT 47	10000
48	LOT 48	10000
49	LOT 49	10000
50	LOT 50	10000

58.0 M² Park Closure
 51. Park Dedication
 4,559 M² Take
 - transferred to City

PREPARED BY: [Name]
 DATE: [Date]
 SCALE: [Scale]
 PROJECT: [Project Name]