



NO: R002 COUNCIL DATE: JANUARY 13, 2014

REGULAR COUNCIL

TO:	Mayor & Council	DATE:	January 7, 2014
FROM:	Acting General Manager, Engineering	FILE:	0910-40/180
SUBJECT:	Sale of a Portion of City-owned Land located at 19438 – 54 Avenue		

RECOMMENDATION

The Engineering Department recommends that Council approve the sale of a 1,218.8 m² (13,119 ft²) portion of City-owned land at 19438 – 54 Avenue as generally illustrated in Appendix I attached to this report subject to compliance with the notice provisions under Sections 26 and 94 of the Community Charter, SBS, 2003, Chap. 26.

BACKGROUND

1. Property Description

The 1,218.8 m² (13,119 ft²) portion of City-owned land is a portion of the City-owned property located at 19438 - 54 Avenue and is adjacent to the south property line of the privately-owned property at 19402 - 54 Avenue.

2. Zoning, Plan Designations and Land Uses

The subject City-owned land and the privately-owned property at 19402 – 54 Avenue are zoned High Impact Industrial (IH) Zone and designated as "Industrial" in the Official Community Plan.

DISCUSSION

The City acquired 17 acres of vacant land in the East Cloverdale Industrial area from BC Hydro in 1997. The majority of these lands were sold for development in 2006 with the City retaining the 2.4 acre site at 19438 – 54 Avenue for environmental habitat area adjacent to McLellan Creek. In 2007 the adjoining owner to the north of the subject property inadvertently constructed a large brick retaining wall on a portion of the City property at 19438 – 54 Avenue. This encroachment was not identified until 2011.

To rectify this encroachment the City and the owner of 19402 - 54 Avenue have now reached an agreement for the purchase from the City of the subject area by the owner of 19402 - 54 Avenue. The $1,219.8 \text{ m}^2$ ($13,119 \text{ ft}^2$) portion of City-owned land at 19438 - 54 Avenue proposed for sale will be consolidated with the adjacent property at 19402 - 54 Avenue. The Department of Fisheries and Oceans (DFO) and the Ministry of Environment have approved the removal of the subject area from the environmental habitat designated area provided the purchaser complies with the following requirements:

- Construction of a culvert within the remaining City-owned land;
- Provision of additional planting within the habitat area; and
- Installation of fencing and placement of habitat signage.

The purchaser has agreed to these requirements and will provide compensation to the City equivalent to the market value of the City-owned land that is being purchased as determined by a qualified appraiser. Staff has agreed to allow the construction of the culvert on the remaining City-owned land.

SUSTAINABILITY CONSIDERATIONS

The proposed sale of City-owned land supports the objectives of the City's Sustainability; more particularly, ensuring that land uses are located in a planned and orderly manner throughout the City. The proposal also supports the protection of natural areas. These outcomes support the following Sustainability Charter action items:

- EN9: Sustainable Land Use Planning and Development Practices; and
- EN12: Enhancement and Protection of Natural Areas, Fish Habitat and Wildlife Habitat.

CONCLUSION

The City-owned land that is the subject of this report is surplus to the City's requirements. Staff have negotiated a purchase and sale agreement with the owner of the adjacent land located at 19402 - 54 Avenue to rectify an existing encroachment. The terms and conditions that have been negotiated for the proposed sale are considered reasonable. It is recommended that Council approve the sale of a 1,218.8 m² (13,119 ft²) portion of City-owned land from 19438 – 54 Avenue, all as generally described in this report.

Gerry McKinnon Acting General Manager, Engineering

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Appendix I - Aerial Photograph of Site

