

NO: **R068** COUNCIL DATE: **MAY 11, 2015**

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 7, 2015**

FROM: **General Manager, Engineering** FILE: **0910-20/508A**
General Manager, Parks, Recreation & Culture

SUBJECT: **Cancellation of Section 107 Dedication at 16510 84 Avenue for Future Park Development**

RECOMMENDATION

The Engineering Department and the Parks, Recreation and Culture Department recommend that Council authorize the City Clerk to bring forward a park closure bylaw to close as dedicated park the parkland located at 16510 – 84 Avenue as illustrated in Appendix I attached to this report, subject to compliance with the appropriate provisions of the *Community Charter, S.B.C., 2003*.

INTENT

The intent of this report is to seek Council's endorsement to reverse a previous section 107 Land Title Act process in order to create titled parkland in preparation of developing recreational facilities for the future Fleetwood Athletic Park, and a natural area preservation in Bonnie Schrenk Park, adjacent to the Surrey Sport and Leisure Complex. The general concept of future recreational facilities and natural area preservation is illustrated in the attached Appendix II.

BACKGROUND

16510 – 84 Avenue is part of a larger assembly of land the City acquired in the late 1980s, which includes the Surrey Sport and Leisure Complex lands. In 2007, the City inadvertently dedicated 16510 – 84 Avenue as park on a reference plan pursuant to section 107 of the *Land Title Act* ("LTA"). This form of park dedication removed legal title that is registrable at the Land Title Office from the land.

Property Description (16510 – 84 Avenue)

The land at 16510 – 84 Avenue, known as Bonnie Schrenk Park, is a 3.87 hectare (9.57 acre) lot located adjacent to the Surrey Sport and Leisure Complex at 16555 Fraser Highway in Fleetwood. The land is a passive park in its natural state.

Zoning, Plan Designations, and Land Uses

The subject property is zoned Comprehensive Development (CD) Zone under Bylaw No. 13136 with open space as the permitted use. It is designated “Urban” in the Official Community Plan.

DISCUSSION

Cancellation of Section 107 (Dedicated Park Status)

The Parks Recreation & Culture Department has requested reversing the section 107 of the LTA dedicated park status of the subject property at 16510 – 84 Avenue back to titled land to comprise of a 0.87 hectare (2.15 acre) parcel and a 3 hectare (7.42 acre) parcel as generally illustrated on the proposed reference plan attached as Appendix II. The raising of the titled land is an administrative “housekeeping” process that will facilitate the following proposals:

- (i) The development of recreational facilities on the west 0.87 hectare (2.15 acre) portion of the subject property and the adjacent parkland located at 16411 Fraser Highway. This west 0.87 hectare (2.15 acre) portion and the adjacent parkland at 16411 Fraser Highway are proposed to be consolidated and developed as an active park at a later date; and
- (ii) The dedication for park purpose of the east 3 hectare (7.42 acre) portion of 16510 – 84 Avenue pursuant to the adoption of a bylaw under section 30 of the *Community Charter*. Subsequent to the closure of the subject property as dedicated park under section 107 of the LTA and the raising of title of two legal parcels, the City will re-dedicate for park purpose, the east 3 hectare (7.42 acre) parcel by the adoption of a bylaw pursuant to section 30 of the *Community Charter*. Such park dedication by bylaw will allow the City to retain legal registrable title in the land and to specify terms for the preservation of the east 3 hectare (7.42 acre) parcel for park purposes in the bylaw. As titled land, the City can also maintain the property as an asset in the Parks’ land inventory as is the City’s practice for all parklands acquired with funds from the Parks Acquisition Program.

It is necessary to cancel the property’s section 107 of the LTA dedicated park status and raise legal titles to facilitate the aforementioned matters.

Park Dedications

The ways in which lands are dedicated for park purposes are generally as follows:

Dedication under section 107 *Land Title Act*

When land is dedicated for park by way of section 107 of the LTA the title to that land is extinguished and the parkland is vested in the City in accordance with section 29 of the *Community Charter* and subsection 941 (14) (a) of the *Local Government Act*. The vesting means the City has possession and control of the dedicated land; however, it does not allow the City to define and specify the purpose and the terms and conditions for the park preservation. As well, as there is no title to the land, the value of the asset is not included within the City’s land inventory. Dedication of parkland under section 107 of the LTA usually occurs in the following instances:

- (i) Dedication on a subdivision plan of 5% of the area of single family residential subdivision sites by developers, in accordance with the requirements of section 941 of the *Local Government Act* which states that the 5% parkland dedication area must be shown as park on the subdivision plan and that section 107 of the LTA applies to that parkland; and
- (ii) Dedication by developers of riparian areas and other lands shown as park on a subdivision plan for conservation purposes.

Dedication under section 30 *Community Charter*

A Council may by bylaw dedicate a City-owned property for park purpose pursuant to section 30 of the *Community Charter*. A bylaw under this section may only be adopted by an affirmative vote of at least 2/3 of all members of Council. City-owned land dedicated as park in this manner becomes protected as park and section 30 (3) of the *Community Charter* stipulates that any bylaw to remove this dedication may only be adopted with the approval of the electors pursuant to sections 84 and 86 of the *Community Charter*. If the City deems it relevant to dedicate City-owned land for park purposes, it will use this method of dedication as it allows the City to define and specify the purpose and the terms and conditions for the park reservation in the bylaw, and importantly, it allows the City to retain title ownership in the dedicated park. The dedicated parkland then continues as a capital asset within the City's land inventory.

Park Closure Process

Subject to Council approval, a reference plan will be submitted to the Legislative Services Division along with a request for the introduction and adoption of a park closure bylaw (the "Bylaw"). In accordance with section 27 of the *Community Charter*, the City must obtain approval of the electors to enact the Bylaw. 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 Bylaw. The Bylaw will be advertised for two consecutive weeks in a local newspaper in accordance with section 94 of the *Community Charter*, with the advertisement giving 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 to the Bylaw, unless 10% or more of the electors submit evidence of their objection to the park closure.

Upon final adoption, the Bylaw will be registered at the Land Title Office to obtain legal titles for the closed parkland.

SUSTAINABILITY CONSIDERATIONS

The proposed closure of dedicated park, the development of recreational facilities, and the dedication of park by bylaw pursuant to section 30 of the *Community Charter* support the objectives of the City's Sustainability Charter. In particular, the proposals support the following Charter Scope action elements:

- SC6: Accessible and Appropriately Located Services, including the location of recreational amenities;
- EC4: Sustainable Fiscal Management Practices, including employing sound accounting and financial management practices and structures;

- EN12: Enhancement and Protection of Natural Areas, including leadership in the management, conservation and/or development of City-owned lands; and
- EN13: Enhancing the Public Realm, including the design of parks and natural areas.

CONCLUSION

The dedication of the subject property at 16510 – 84 Avenue was made inadvertently by way of section 107 of the LTA, and correctly, should have been dedicated for park purpose by bylaw under section 30 of the *Community Charter*. The proposed cancellation of dedicated park and the raising of titled lands is therefore an administrative “housekeeping” process to redeem the City’s title ownership in the parkland at 16510 – 84 Avenue.

Based on the above discussion, it is recommended that Council authorize staff to bring forward an appropriate bylaw to close the dedicated park at 16510 – 84 Avenue in preparation for recreational development and natural area preservation as generally described in this report.

Fraser Smith, P. Eng., MBA
General Manager, Engineering

Laurie Cavan
General Manager
Parks, Recreation & Culture

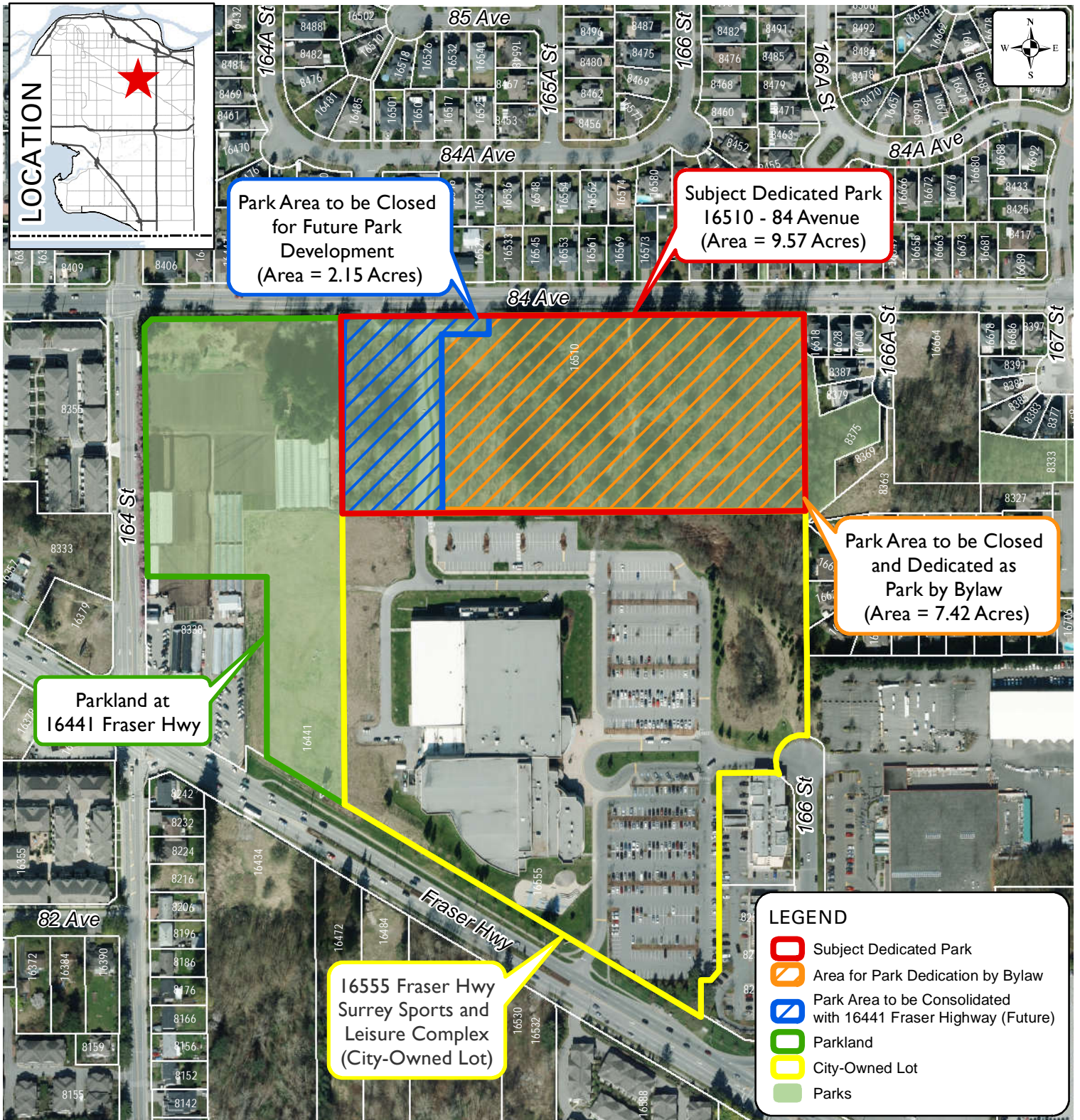
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Appendix I – Closure of Dedicated Park at 16510 – 84 Avenue

Appendix II – Concept Plan

Appendix III – Park Closure Bylaw Reference Plan

APPENDIX I AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: 23-Apr-2015, AW8

Date of Aerial Photography: March 30, 2014



Closure of Dedicated Park at 16510 - 84 Avenue

ENGINEERING DEPARTMENT

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.

APPENDIX II



PROJECT:
SURREY SPORT & LEISURE COMPLEX

TITLE:
ATHLETIC FIELD CONCEPT PLAN

DESIGNED:	LJM/MEB
CHECKED:	TLU
DATE:	JAN 2008
REVISED BY:	PK
DATE REVISED:	MAY 2013

DRAWING NO:
01



SCALE: 1:1500 (approx)
0 50 100 m

DATE	
MAR 07	Update layout and dimensions
May 08	Update layout and dimensions
DEC 08	Update layout and dimensions- city copy
DEC 12 08	Update layout and dimensions- city copy

REVISIONS	
MAY 13	Update layout for concept review

Parks, Recreation and Culture
14245 - 56 Avenue
Surrey, British Columbia V3X 3A2
Tel: (604) 501-5050 Fax: (604) 598-5781

DISCLAIMER
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 and legal descriptions must be confirmed at the Land Title Office.

J:\PARK-REC\Plan\desg\General\PROJECTS\SSLC Expansion\Field Expansion Concept

CONCEPT FOR DISCUSSION ONLY

REFERENCE PLAN TO ACCOMPANY CITY OF SURREY PARK CLOSING BYLAW NUMBER _____
 OF PORTIONS OF PARK LYING IN SECTION 25 TOWNSHIP 2
 NEW WESTMINSTER DISTRICT DEDICATED PARK BY PLAN BCP30044
 BCGS 92G.017

PLAN EPP _____

PURSUANT TO SECTION 120, LAND TITLE ACT
 PURSUANT TO SECTION 27, COMMUNITY CHARTER

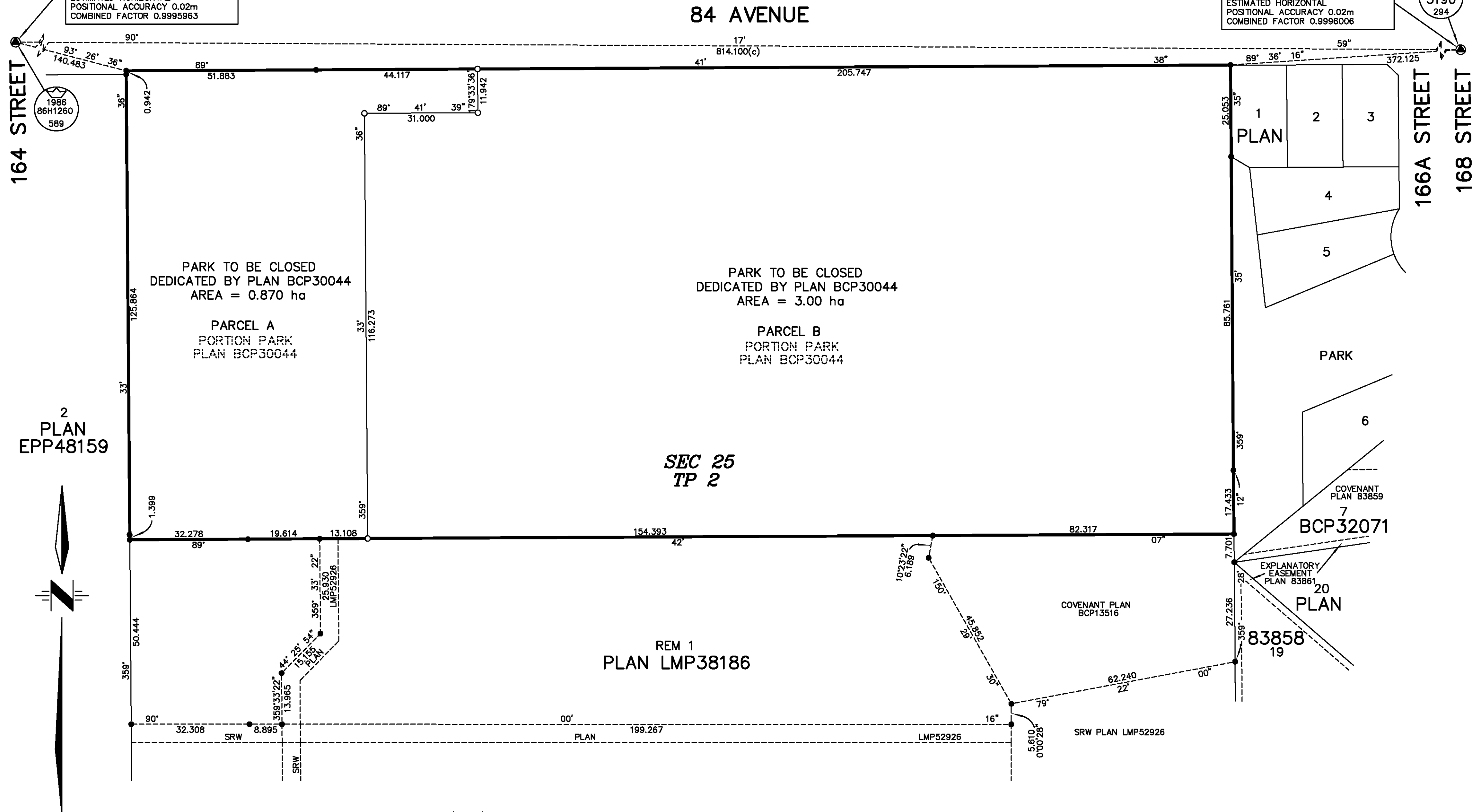
LEGEND

- ⊙ DENOTES CONTROL MONUMENT FOUND
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET

BOOK OF REFERENCE		
DESCRIPTION	AREA	PARCEL
PARK TO BE CLOSED		
PORTION OF PARK LYING IN SEC 25 TP 2 NWD DEDICATED BY PLAN BCP30044	0.870 ha	PARCEL 'A'
PORTION OF PARK LYING IN SEC 25 TP 2 NWD DEDICATED BY PLAN BCP30044	3.00 ha	PARCEL 'B'

UTM ZONE 10 COORDINATES
 DATUM: NAD83(CSRS) 4.0.0.BC.1.GVRD
 NORTHING 5444763.469
 EASTING 516932.013
 ESTIMATED HORIZONTAL
 POSITIONAL ACCURACY 0.02m
 COMBINED FACTOR 0.9995963

UTM ZONE 10 COORDINATES
 DATUM: NAD83(CSRS) 4.0.0.BC.1.GVRD
 NORTHING 5444759.214
 EASTING 51745.773
 ESTIMATED HORIZONTAL
 POSITIONAL ACCURACY 0.02m
 COMBINED FACTOR 0.9996006



2
 PLAN
 EPP48159

PARK TO BE CLOSED
 DEDICATED BY PLAN BCP30044
 AREA = 0.870 ha
 PARCEL A
 PORTION PARK
 PLAN BCP30044

PARK TO BE CLOSED
 DEDICATED BY PLAN BCP30044
 AREA = 3.00 ha
 PARCEL B
 PORTION PARK
 PLAN BCP30044

SEC 25
 TP 2

REM 1
 PLAN LMP38186

COVENANT PLAN
 BCP13516

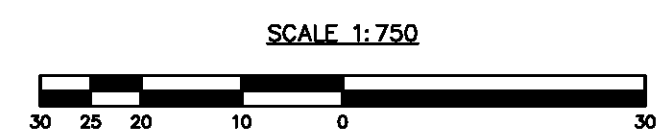
COVENANT
 PLAN 83859
 BCP32071

EXPLANATORY
 EASEMENT
 PLAN 83861

83858
 19

INTEGRATED SURVEY AREA NO. 1, SURREY, NAD83 (CSRS) 4.0.0.BC.1.GVRD

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
 GEODETIC CONTROL MONUMENTS 5190 AND 86H1260.
 THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS
 OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY
 GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF
 0.9995963 WHICH HAS BEEN DERIVED FROM 86H1260.



(USE C SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:750.

THIS PLAN LIES WITHIN THE GREATER
 VANCOUVER REGIONAL DISTRICT

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON
 THE ____ DAY OF FEBRUARY, 2015.

MONTGOMERY C. BRISSON, BCLS

CITY OF SURREY
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