

NO: R108

COUNCIL DATE: May 16, 2016

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **April 20, 2016**

FROM: **General Manager, Engineering  
General Manager, Parks, Recreation & Culture**

FILE: **0910-20/508A**

SUBJECT: **Bylaw Dedication as Park of 16510 – 84 Avenue (Bonnie Schrenk Park)**

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## RECOMMENDATION

The Engineering Department and the Parks, Recreation and Culture Department recommend that Council authorize the City Clerk to bring forward for the required readings a Park Dedication Bylaw pursuant to Section 30 of the *Community Charter, S.B.C., 2003* for the parkland located at 16510 – 84 Avenue (Bonnie Schrenk Park) as illustrated in Appendix “I”.

## BACKGROUND

The property at 16510 – 84 Avenue, known as Bonnie Schrenk Park, is a 3 hectare (7.4 acres) parcel (the “Property”) located adjacent to community parklands to be developed at 16441 Fraser Highway and 16502 – 84 Avenue, which is also contiguous to the Surrey Sports and Leisure Complex at 16555 Fraser Highway. The park was named by Council after the late City Councillor Bonnie Schrenk.

Until recently, the Property was part of a larger parcel that was dedicated as “Park” on a reference plan pursuant to Section 107 of the Land Title Act. On May 11, 2015, Council approved Corporate Report No. Ro68; 2015, that presented the proposal to undertake an administrative “housekeeping” process of redeeming the City’s title ownership in the parent parcel by cancelling the Section 107 dedication and raising titled parcels from the parent parcel. This proposal was outlined in Corporate Report No. Ro68; 2015, a copy of which is attached as Appendix “II” to this report.

## DISCUSSION

The cancellation of the Section 107 of the Land Title Act dedicated park status of the Property’s parent parcel and the raising of two legal titles, which includes the Property, were completed in 2015. It is now in order to proceed with the dedication of the Property as “Park” pursuant to Section 30 of the *Community Charter*. A draft Park Dedication Bylaw for the Property is attached as Appendix “III” to this report.

## SUSTAINABILITY CONSIDERATIONS

The Park Dedication Bylaw pursuant to Section 30 of the *Community Charter* supports the objectives of the City's Sustainability Charter. In particular, the proposals support the following Charter Scope action elements:

- EN12: Enhancement and Protection of Natural Areas, including leadership in the management, conservation and/or development of City-owned lands; and
- EN17: Enhance Biodiversity, including practical, effective and equitable approaches to protect wildlife habitat.

## CONCLUSION

Based on the above discussion, it is recommended that Council authorize the City Clerk to bring forward for the required readings a Park Dedication Bylaw, in the form attached as Appendix "III" to this report, for the Property.

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

Laurie Cavan  
General Manager,  
Parks, Recreation & Culture

AW/amg/clr

Appendix "I" - Aerial Photograph of 16510 - 84 Avenue  
Appendix "II" - Corporate Report No. R068; 2015  
Appendix "III" - Draft Park Dedication Bylaw

AERIAL PHOTOGRAPH OF SITE



**SUBJECT PROPERTY**  
16510 – 84 Avenue  
(Bonnie Schrenk Park)

**ENGINEERING**  
**DEPARTMENT**



## CORPORATE REPORT

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

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### 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**

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### 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

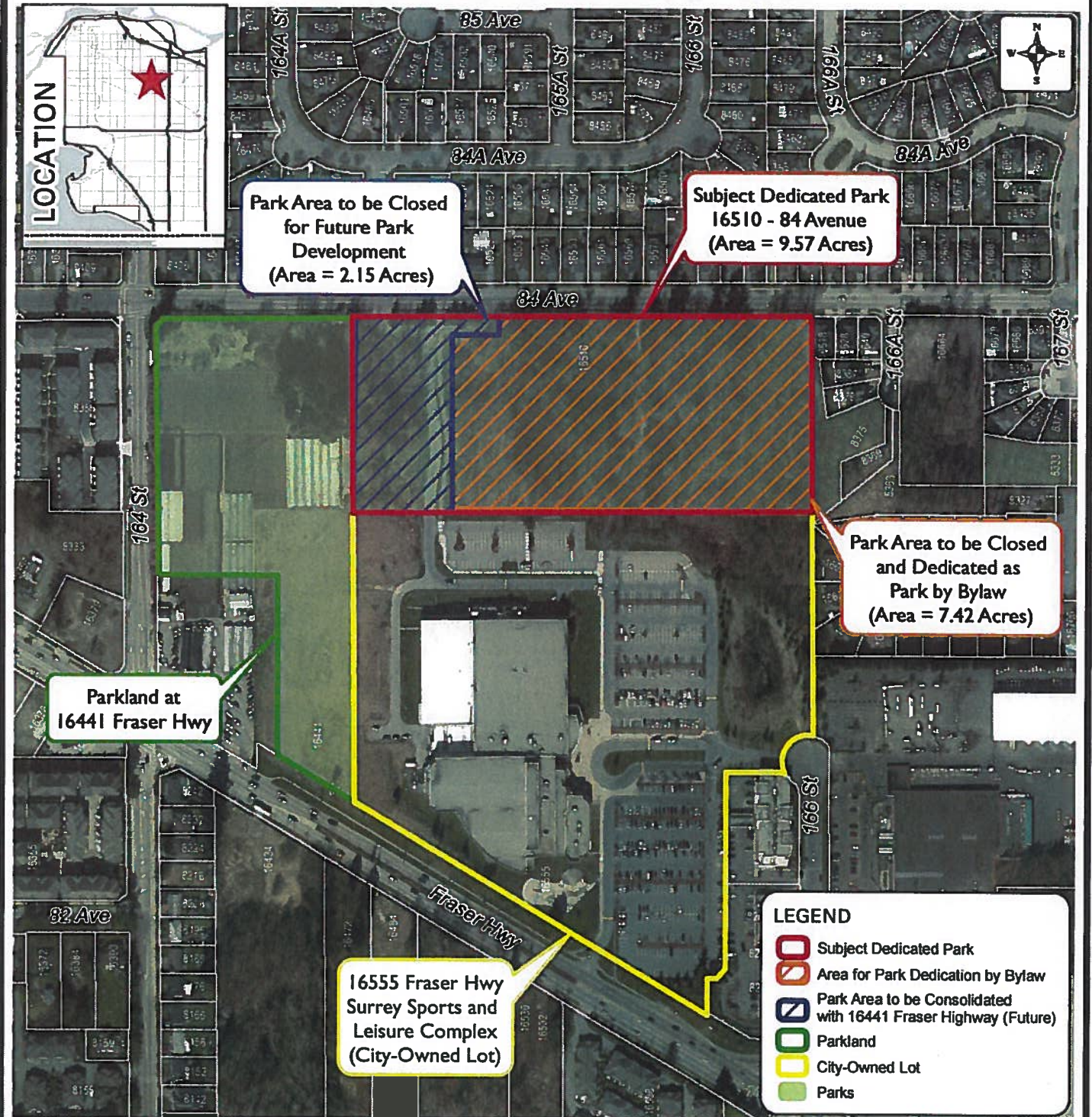


Laurie Cavan  
General Manager  
Parks, Recreation & Culture

AW/amg/am/clr

- 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, AWB

Date of Aerial Photography: March 30, 2014



Closure of Dedicated Park at  
16510 - 84 Avenue

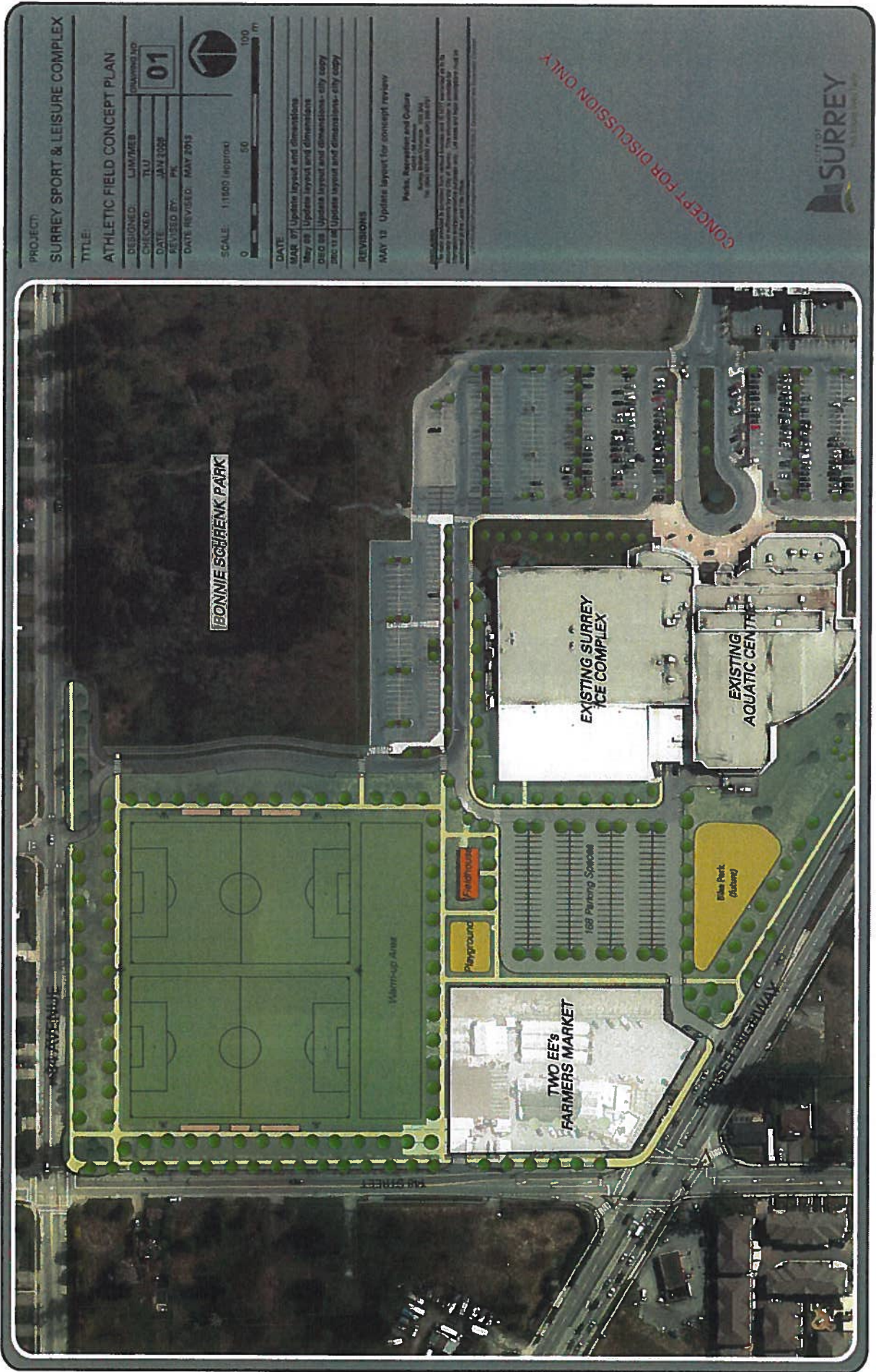
ENGINEERING  
DEPARTMENT

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.

Source: G:\MAPPING\GIS\Maps\CorporateRep\Realty\CW\_AW\_16510\_84Ave\_APL.mxd



APPENDIX II



PROJECT: SURREY SPORT & LEISURE COMPLEX  
 TITLE: ATHLETIC FIELD CONCEPT PLAN

DESIGNED: LJM/WAB	DRAWING NO: 01
CHECKED: TLU	DATE: JAN 2008
REVISED BY: PK	DATE REVISED: MAY 2013

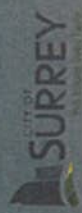
SCALE: 1:1800 (approx)  
 0 50 100 m

DATE: MAR 07 Update layout and dimensions  
 MAY 08 Update layout and dimensions  
 DEC 08 Update layout and dimensions - city copy  
 DEC 09 Update layout and dimensions - city copy

REVISIONS:  
 MAY 13 Update layout for concept review

Parks, Recreation and Culture  
 1500 West Broadway, Suite 100  
 Victoria, BC V8W 2E7  
 Tel: (250) 363-5200 Fax: (250) 363-5201  
 Email: parks@cityofsurrey.ca  
 This plan produced by the City of Surrey, Parks, Recreation and Culture  
 Department. It is the property of the City of Surrey. It is not to be  
 reproduced, stored in a retrieval system, or transmitted in any form or  
 by any means, electronic, mechanical, photocopying, recording, or by  
 any information storage and retrieval system, without the prior written  
 permission of the City of Surrey.

CONCEPT FOR DISCUSSION ONLY



APPENDIX III

REFERENCE PLAN TO ACCOMPANY CITY OF SURREY PARK CLOSING BYLAW NUMBER \_\_\_\_\_ PLAN EPP \_\_\_\_\_

OF PORTIONS OF PARK LYING IN SECTION 25 TOWNSHIP 2

NEW WESTMINSTER DISTRICT DEDICATED PARK BY PLAN BCP30044

BCGS 92G.017

PURSUANT TO SECTION 120, LAND TITLE ACT

PURSUANT TO SECTION 27, COMMUNITY CHARTER

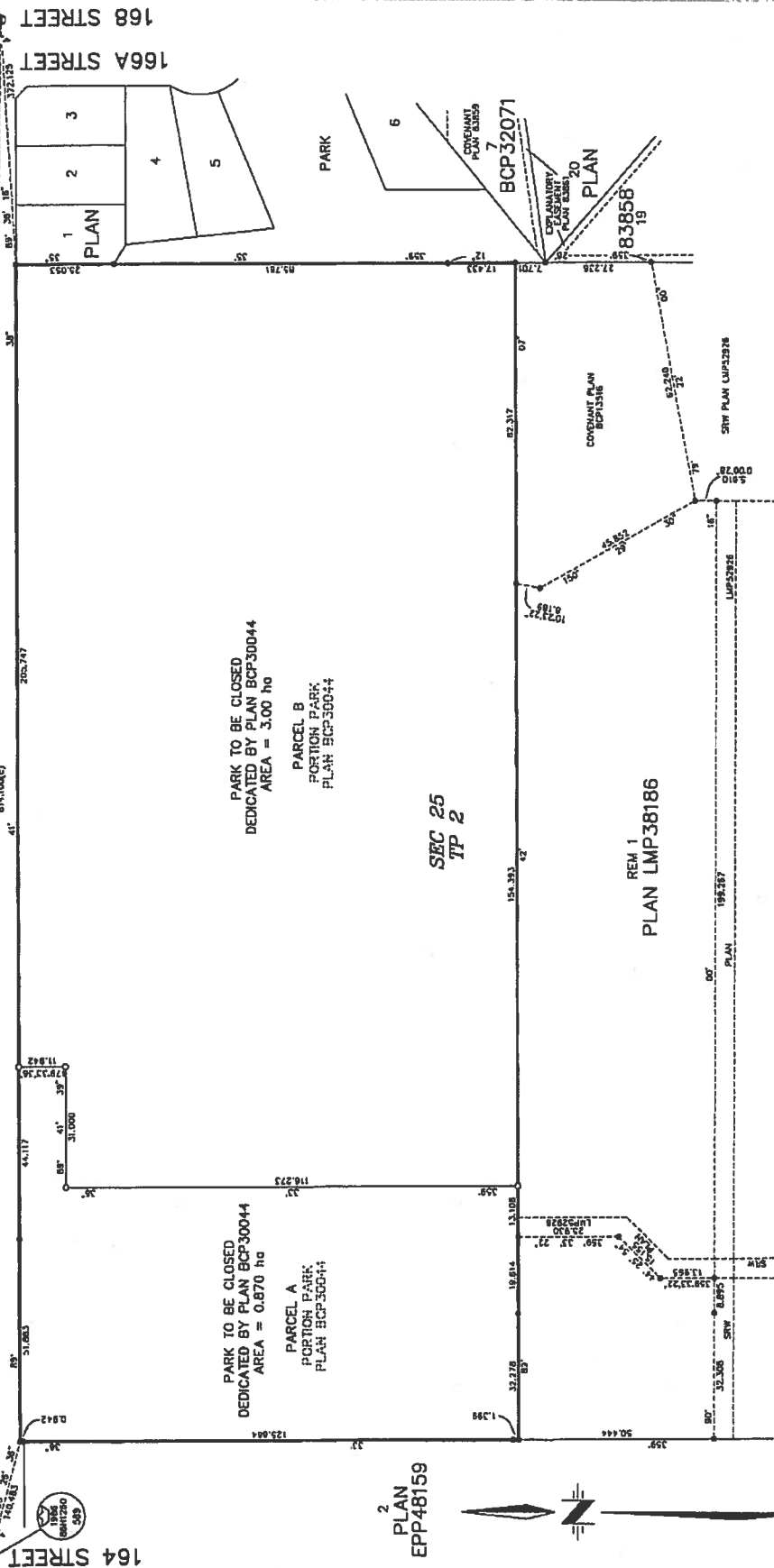
LEGEND

- ⊙ DENOTES CONTROL MONUMENT FOUND
- ⊙ DENOTES STANDARD IRON POST FOUND
- DENOTES STAKING W/OT POST SET

UTM ZONE 10 COORDINATES  
 DATUM: NAD83(CRS) 4.0 D.B.C.L.VORD  
 NORTHING 5444783.489  
 EASTING 348332.013  
 HORIZONTAL ACCURACY 0.020  
 POSITIONAL ACCURACY 0.020  
 COMBINED FACTOR 0.999583

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

UTM ZONE 10 COORDINATES  
 DATUM: NAD83(CRS) 4.0 D.B.C.L.VORD  
 NORTHING 5444783.489  
 EASTING 348332.013  
 HORIZONTAL ACCURACY 0.020  
 POSITIONAL ACCURACY 0.020  
 COMBINED FACTOR 0.999583



INTEGRATED SURVEY AREA NO. 1, SURREY, MADDIX (GSSS), 4.0 D.B.C.L.VORD

ORD BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEOMETRIC CONTROL MONUMENTS S1P0 AND S1P200.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY DISTANCES BY THE AVERAGE SCALING FACTOR OF 0.999583 WHICH HAS BEEN DERIVED FROM MEASUREMENTS.

SCALE 1:250

ALL DISTANCES ARE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT

(USE C SIZE SHEET) WHEN PLOTTED AT A SCALE OF 1:250.

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. BRINSON, BOLS

53033A0106

CITY OF SURREY  
 SURVEY SECTION

13450 - 104 AVE  
 SURREY, B.C. V3T 1V8  
 TEL (604) 991-4233  
 FAX (604) 991-6883

PLAN EPP48159

PLAN LMP38186



CITY OF SURREY

BYLAW NO. 18735

A bylaw to authorize the dedication of certain lands as Park.

WHEREAS pursuant to the provisions of Subsection 30(1) of the Community Charter, S.B.C. 2003, Chapter 26, as amended (the “Act”), the Council of the City of Surrey may, by bylaw, dedicate for a particular municipal or other public purpose real property owned by the City of Surrey;

AND WHEREAS, as a restriction, a bylaw under Subsection 30(1) of the Act that dedicates property as park may only be adopted by an affirmative vote of at least 2/3 of all members of Council;

AND WHEREAS it is deemed expedient to formally dedicate as park certain lands held by the City of Surrey for park purposes;

AND WHEREAS the intent of the park is to protect and enhance biodiversity while managing for public access where the priority is habitat conservation and protection;

NOW, THEREFORE, the City Council of the City of Surrey, ENACTS AS FOLLOWS:

1. For the purpose of this Bylaw park means:  
  
“Lands held by the City of Surrey for the conservation, protection and enhancement of the native flora, fauna and aquatic habitat, protection and enhancement of biodiversity, and the public’s use and enjoyment of said lands.”
2. The following described lands owned by the City of Surrey are hereby dedicated as park:

PARCEL IDENTIFIER: 029-678-471  
LEGAL DESCRIPTION: That Part of Section 25 Township New  
Westminster District Shown as Parcel B on Plan  
EPP51854 Except Part on Plan EPP56684

(the “Lands”)

3. The foregoing dedication is subject to the following:
- (a) Without limiting the generality of paragraphs 1 and 2 of this Bylaw, this dedication permits forest, riparian, aquatic management and habitat enhancement, and the construction, installation, upgrading, operation, use, carrying out, repairing, clearing, monitoring and maintenance of any and all trails, fencing, gates, bridges, benches, information or educational kiosks or displays, signage, and other park and drainage infrastructure.
  - (b) Without limiting the generality of paragraphs 1 and 2 of this Bylaw, this dedication prohibits fishing, hunting or disturbance of natural habitats.
  - (c) Those interests registered against title to the Lands which are listed below remain unaffected by this Bylaw:  
  
Covenant CA4887026
4. The Mayor and Clerk are hereby authorized and empowered to sign any documents required by and to do any acts necessary and incidental to the carrying out of this Bylaw.
5. This Bylaw may be cited as "Bonnie Schrenk Park Bylaw, 2016, No. 18735"

PASSED FIRST READING on the    th day of    , 2016.

PASSED SECOND READING on the    th day of    , 2016.

PASSED THIRD READING on the    th day of    , 2016.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the    th day of    , 2016.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK