

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **November 7, 2016**

FROM: **General Manager, Engineering** FILE: **0910-20/490A**
General Manager, Parks, Recreation & Culture

SUBJECT: **Ecological Gift Property at 9016 – 164 Street**
Godwin Farm Biodiversity Preserve Park

RECOMMENDATION

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

1. Receive this report as information; and
2. Authorize the City Clerk to bring forward *Godwin Farm Biodiversity Preserve Park Dedication Bylaw, 2016, No. 18896*, as attached to this report as Appendix “III” and subject to compliance with the notice of provisions of the *Community Charter, SBC 2003, C.26*.

INTENT

The purpose of this report is to publicly acknowledge and bring public awareness to the significant ecological gift of the property located at 9016 – 164 Street (PID: 029-299-985) (the “Property”) to the City under the Canadian Ecological Gifts Program (the “EGP”) from David William Godwin and Andrew Playfair Godwin, in trust for the Thomas Godwin Testamentary Spousal Trust (the “Donors”).

BACKGROUND

The Property is a 10.6 hectares (26.19 acres) parcel, which was previously a working farm that included a homestead and garden with agricultural fields, natural forests, orchards, a constructed pond, a fish bearing stream and a registered heritage tree. The Property is as illustrated in Appendix “I” attached to this report, and in a larger context illustrated on the attached Appendix “II.”

The EGP is an income tax incentive program administered by Environment Canada and is designed to encourage the conservation of ecologically sensitive lands. Environment Canada’s role in the program is to certify the ecological sensitivity and fair market values of lands being donated. The City, as a qualified recipient under the program, must ensure that the biodiversity and natural heritage values of the donated lands are conserved in perpetuity.

DISCUSSION

Ownership of the Property was transferred from the Donors to the City on December 18, 2015. The City agreed, as a condition to the donation, to dedicate the Property for park purposes by a Bylaw pursuant to Section 30 of the *Community Charter S.B.C., 2003 Chap-26*. Prior to the Property's dedication the City has been working with Environment Canada regarding the approval of rights of way and a parking lot that were required to be addressed. The City Clerk is to now bring forward Park Dedication Bylaw No. 18896 for First, Second, and Third Readings by Council at this November 7, 2016 Council meeting. A copy of Bylaw No. 18896 is attached to this report as Appendix "III."

It was the intent of Thomas Godwin, the deceased father of the Donors, to donate the Property for its public use and enjoyment as well as the conservation and enhancement of its biodiversity features. Proposed to be named the Godwin Farm Biodiversity Preserve Park, this ecological gift of property will commemorate the Godwin Family legacy as donors. The donation represents a significant gift of property and is a notable example of owners of ecologically sensitive lands donating lands for lasting preservation under the EGP. The ecological features of the Property include creeks traversing the Property and connecting to a large regional network of natural and agricultural areas, which include Tynehead Regional Park to the north, productive Agricultural Land Reserve lands to the east, and the headwaters of the Serpentine River.

SUSTAINABILITY CONSIDERATIONS

The gifting of the ecological Property to the City and the intended dedication pursuant to Section 30 of the *Community Charter* supports the objectives of the City's Sustainability Charter. In particular, the proposal relates to the Sustainability Charter theme of Ecosystems. Specifically, the proposal supports the following Desired Outcomes:

- Natural Areas, Biodiversity and Urban Forest DO1: Parks, natural areas, urban forests and habit corridors are interconnected throughout Surrey and the region, creating healthy places for people and wildlife;
- Natural Areas, Biodiversity and Urban Forest DO2: Surrey actively protects, enhances and restores its natural environment and habitats;
- Natural Areas, Biodiversity and Urban Forest DO4: Surrey residents support biodiversity conservation and are stewards of natural areas and urban forests on both public and private lands;
- Natural Areas, Biodiversity and Urban Forest DO5: Surrey takes pride in its rich biodiversity, including fish bearing streams, marine habitat and natural areas such as forests, meadows and wetlands;
- Green Infrastructure DO11: Surrey's Green Infrastructure Network is an essential and integrated component of the City's infrastructure, providing essential ecosystem services as well as places for recreation, conservation and rejuvenation; and
- Green Infrastructure DO12: Surrey protects ecosystem services and manages natural assets in order to create resiliency to adapt and thrive in a changing climate.

CONCLUSION

The Property was transferred to the City as a gift under the Canadian Ecological Gift Program in December 2015. The Property is a significant gift and a valuable addition to the City of Surrey's park inventory.

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

Laurie Cavan
General Manager,
Parks, Recreation & Culture

AW/amg/sw/clr/ras

Appendix "I" - Aerial Photograph of the Property at 9016 – 164 Street

Appendix "II" - Aerial Photograph of Large Network of Natural Areas

Appendix "III" – *Godwin Farm Biodiversity Preserve Park Dedication Bylaw, 2016, No. 18896*

AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: 29-Sep-2016, JJR

Aerial Photo: March 30, 2016

Scale: 1:5,000

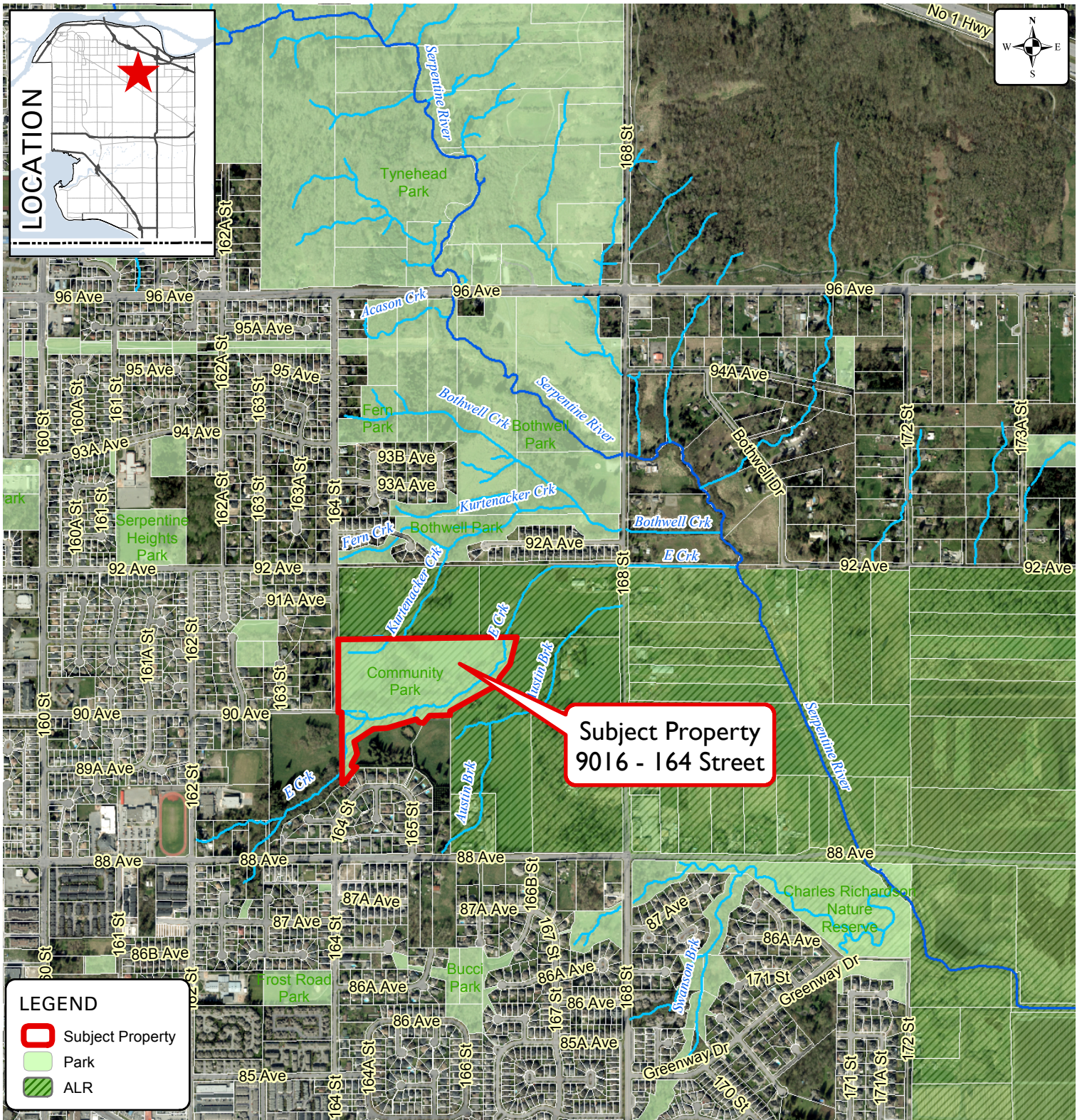
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SUBJECT PROPERTY
 Ecological Gift Property at 9016 - 164 Street
 Godwin Biodiversity Preserve Park

**ENGINEERING
 DEPARTMENT**

AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: 30-Sep-2016, JJR

Date of Aerial Photography: March 30, 2016



SUBJECT PROPERTY
 Ecological Gift Property at 9016 - 164 Street
 Godwin Biodiversity Preserve Park

**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.

CITY OF SURREY

BYLAW NO. 18896

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, in open meeting assembled, HEREBY 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, non-native specimen trees, orchard and berry shrubs, native 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 and shown in bold outline on the attached Schedule "A" are hereby dedicated as park:

Parcel Identifier: 029-299-985

Lot A Section 36 Township 2
New Westminster District Plan EPP35785

(9016 – 164 Street)

(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, orchard, riparian, aquatic and old-field 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, picnic tables, viewing points or platforms, information or educational kiosks or displays, signage, washrooms or community building with storage, parking areas, park access roads and other park infrastructure;
 - (b) Without limiting the generality of paragraphs 1 and 2 of this Bylaw, this dedication prohibits fishing, hunting or disturbance of natural habitats, dogs, horses or other domestic pets on or off leash, motorized and self-propelled vehicles (except parking lot access, maintenance and emergency vehicles, and medical mobility devices), cycling, skateboarding, geocaching, aircraft, radio or battery controlled vehicles (except medical evacuation vehicles), fires, camping and smoking; and

- (c) Those interests registered against title to the Lands which are listed below remain unaffected by this Bylaw:

Statutory Right of Way N134391
Covenant AD223579
Covenant AD223580
Statutory Right of Way AD223581
Covenant BH451407
Statutory Right of Way CA5538405
Covenant CA5538406

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. Schedule "A" forms part of this Bylaw.
6. This By-law may be cited as "Godwin Farm Biodiversity Preserve Park Dedication Bylaw, 2016, No. 18896"

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

