

11. Re: Proposed Exchange of Easements -  
A.B.C. Salvage and Metals Limited

Following is a report from the Director of Planning regarding a proposed exchange of easements between the Municipality and A.B.C. Salvage and Metals Ltd.

Attached also is a copy of the Big Bend Development Plan that was adopted in 1972.

RECOMMENDATION:

THAT Council rescind the approval given November 30, 1970; and

THAT A.B.C. Salvage and Metals Limited be granted an easement over the easterly portion of Lot 15 in simple exchange for an easement over the easterly portion of Parcel "A"; and

THAT the Municipality assume the survey and legal costs involved, subject to full execution of the documents by A.B.C. Salvage and Metals Limited within 60 days; and

THAT in the event that this arrangement is not fully executed within 60 days, A.B.C. Salvage and Metals Ltd. be required to remove the spur line from the Municipal property.

\* \* \* \* \*

PLANNING DEPARTMENT  
 JANUARY 17, 1974

SUBJECT: PROPOSED EXCHANGE OF EASEMENTS -  
A.B.C. SALVAGE AND METALS LTD.

Background.

On October 26, 1970, the Municipal Council adopted a recommendation to accept a land exchange proposal involving the A.B.C. Salvage and Metals Limited property at Meadow and Thorne Avenues in the Big Bend area. The exchange was to have provided the company with 59,700 square feet of Municipal land on which to construct a rail spur line in exchange for some 60,000 square feet of the Company's site, to allow for widening of the road allowance on Marshland Avenue and an extension of Thorne Avenue across the south-eastern portion of the site. (See attached Manager's Report Item #2, dated October 26, 1970)

Subsequent to this, an amended proposal was approved (Manager's Report #72, 1970, attached.)

The revised arrangement provided for an exchange of easements, and authorization for the Corporation to acquire the south 110 feet of the A.B.C. property for the extension of Thorne Avenue, with the Corporation assuming all legal and survey costs involved. Simultaneously, the original land exchange approval was rescinded. The easement across a portion of the Municipally-owned land north-west of A.B.C.'s site was to provide access for the spur line on a modified alignment, and the easement along the north-easterly boundary of the site was to protect an existing major drainage facility which was found to be on the company's property. It was reported that A.B.C. had agreed to a price of \$.20 per square foot for the land to be acquired.

Developments to date:

In implementing the arrangement as adopted, the Municipality prepared the necessary subdivision and right-of-way plans, and furnished the material to representatives of A.B.C. Salvage for execution. However the Company chose not to complete the transaction, but rather sought to purchase additional property from the Corporation for the purpose of expanding its salvage yard facility. The company has been advised on each such occasion that the Municipal staff could not recommend to

Council that the properties be made available for this purpose (most recently, due to the land use concept embodied in the adopted Big Bend Development Plan), and we have attempted to have the exchange and acquisition completed on the original terms. Moreover, the company has not been willing to accept the amount of \$.20 per square foot for its land as had been previously discussed.

In the meanwhile, the Company has been using a spur track constructed in such a location that it commits a trespass over a portion of Municipally-owned lot 15. Further, in the light of the developments envisioned by the Big Bend Development Plan and the road system related to the projected crossing of the Fraser River, there is considerable doubt that Thorne Avenue will need to be extended, thereby calling into question the need to acquire the south-easterly portion of the salvage yard property at this time.

Current Proposal:

It has now been established that A.B.C. Salvage is prepared to enter into a simple exchange of easements with the Municipality, from the Corporation to A.B.C. over a portion of lot 15 to accommodate the rail spur, and from A.B.C. to the Corporation over a portion of the easterly part of Parcel "A" to protect the drainage course. No sale, acquisition, or exchange of lands is involved.

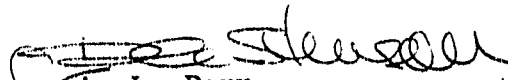
In order to conclude this matter to the mutual advantage of both parties at this time, it is now recommended that the Council rescind the earlier approval, and agree to grant an easement over a portion of lot 15 in return for the necessary easement to protect the drainage channel.

Recommendation:

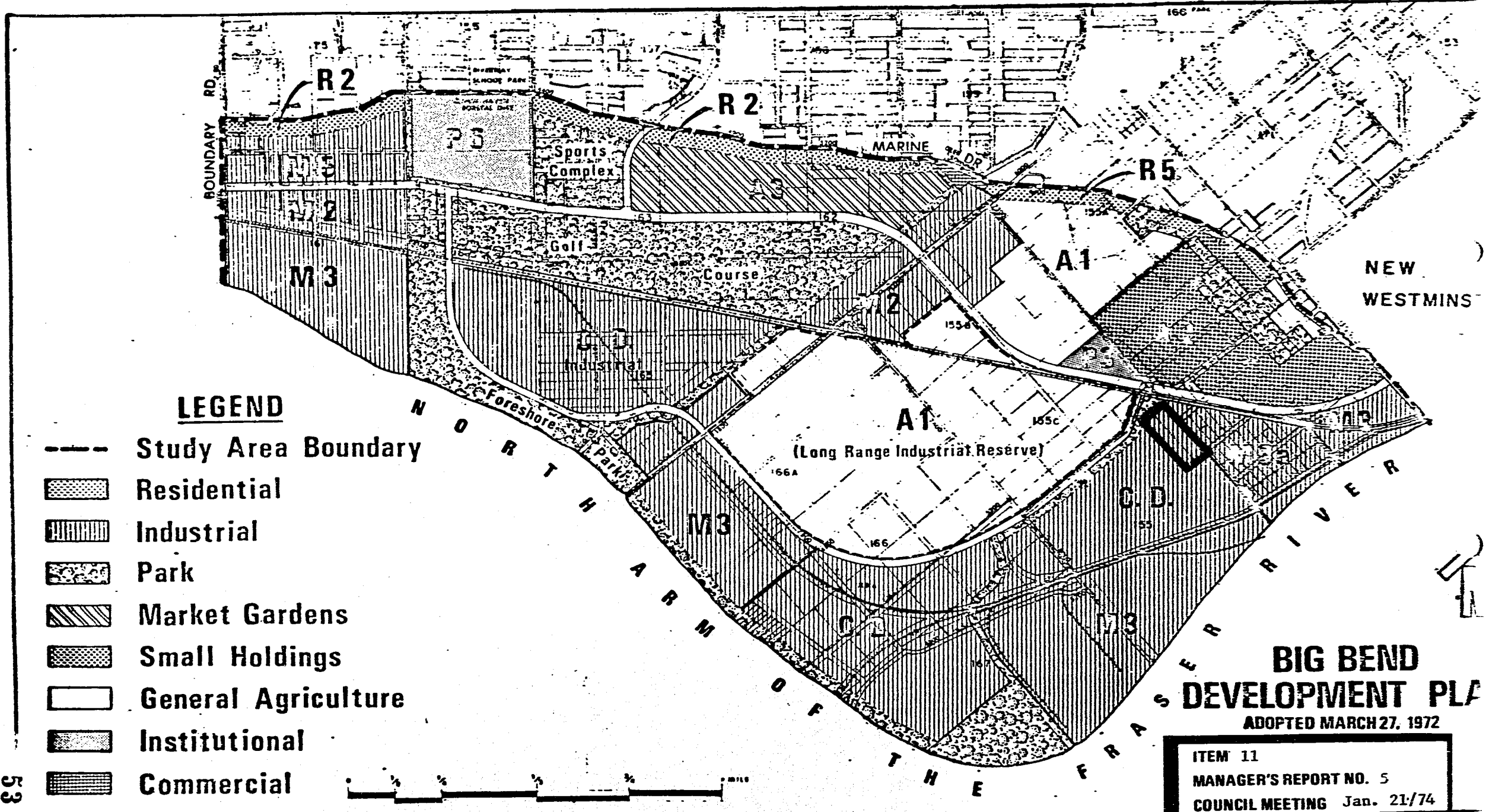
It is recommended that:

- (a) The Council rescind the approval given November 30, 1970.
- (b) A.B.C. Salvage and Metals Limited be granted an easement over the easterly portion of lot 15 in simple exchange for an easement over the easterly portion of Parcel "A", and
- (c) The Corporation assume the survey and legal costs involved, subject to full execution of the documents by A.B.C. Salvage and Metals Limited within 60 days.
- (d) In the event that this arrangement is not fully executed within 60 days, A.B.C. Salvage and Metals Limited be required to remove the spur line from the Municipal property.

Respectfully submitted,

  
A. L. Parr,  
Director of Planning.

  
DGS:dp  
Attach.



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MANAGER'S REPORT NO. 5

COUNCIL MEETING Jan. 21/74

COUNCIL MEETING AGENDA

OCTOBER 26, 1970

2. Re: Proposed Land Exchange  
A.B.C. Salvage and Metal Limited.

Attached hereto is a report from the Planning Director outlining a prepared land exchange between the Corporation and the above mentioned Company.

It is recommended that the land exchange as outlined be approved subject to the Company paying the legal and survey costs.

A number of discussions have been held between this department and Mr. H. Yochlowitz of A.B.C. Salvage and Metal Limited, concerning a proposal to extend a rail spur line into the A.B.C. site from the B.C. Hydro rail line in the Big Bend area. The A.B.C. property is presently separated from the rail line by a Corporation-owned parcel (Lot 19, Block 5, D.L.173) which has given rise to a proposed land exchange.

This proposal would include the consolidation of Lot 19 and the abutting portion of the Meadow Avenue road allowance (outlined in red on the attached Sketch "A") and its exchange for two areas at the northwesterly and southeasterly ends of the A.B.C. site (the cross-hatched areas on Sketch "A"). The retention of an easement along the present drainage ditch on the westerly side of the Meadow Avenue allowance would also be necessary. We have been advised by the Engineering Department that a 60 inch culvert would be the minimum requirement in the Meadow Avenue road allowance to accommodate the proposed railway spur crossing of the drainage course. This would be the responsibility of A.B.C. Salvage.

The proposed land exchange will allow for the development of a 66 foot road allowance on Marshland Avenue, which would be terminated by a cul-de-sac at its easterly end, and for the westerly extension of Thorne Avenue, which is envisaged as a future industrial collector route in the southern part of the Big Bend area. Area-wise, the proposed exchange would involve approximately 60,000 square feet of A.B.C. land and about 59,700 square feet of municipally held property.

Earlier correspondence on this subject is attached for your information. As noted in our letter of August 19, 1970, this department was opposed to the originally suggested rail spur location. However, B.C. Hydro has come forward with a new proposal which we feel to be acceptable since it avoids the crossing of the usable portions of the Meadow Avenue and Marshland Avenue rights-of-way, and makes provision for a diamond crossing that will allow future rail access to the adjoining Corporation-owned parcel on the north-west side of Marshland Avenue. The proposed spur line location is shown on the attached Sketches "B" and "C".

...../2

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INTER-OFFICE COMMUNICATION

DEPARTMENT:

DATE: 14 Oct. 1970

DEPARTMENT:

OUR FILE #

YOUR FILE #

Proposed Land Exchange and Rail Spur Line -  
A.B.C. Salvage and Metal Ltd.

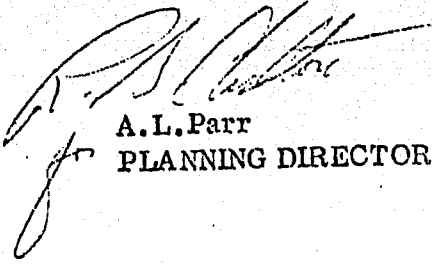
-2-

As noted in the letter of October 9, 1970, from Mr. Yochlowitz, A.B.C. Salvage would request permission to continue to use a portion of the land at the south-erly end of their present holdings for a limited period of time for access and security purposes.

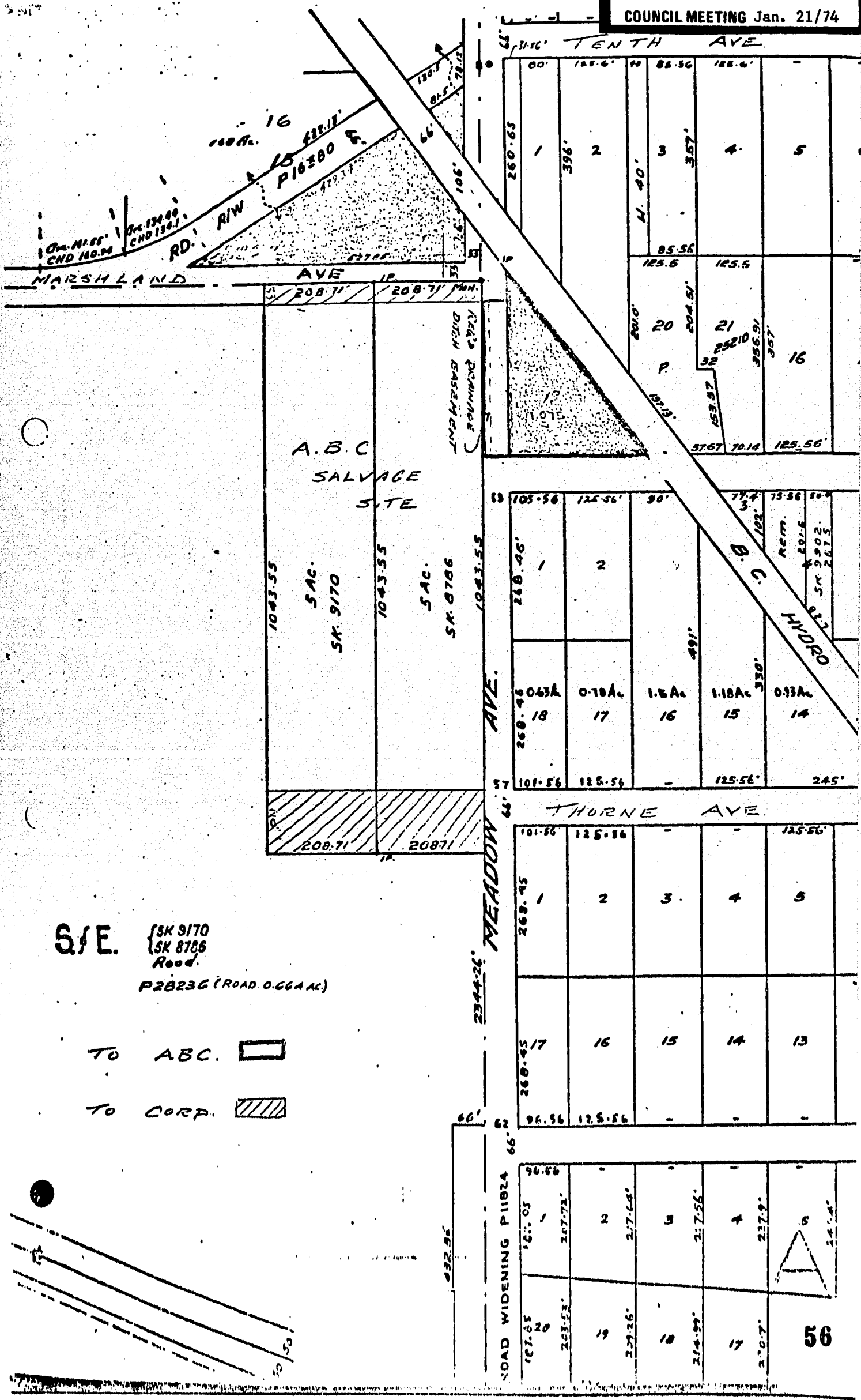
In conclusion, this department would recommend the proposed land exchange which would provide the Corporation with needed road allowances and permit A.B.C. Salvage to proceed with the extension of a spur line into their property for the transporting of scrap metal to the Marpole area of Vancouver.

RBC:ea  
Attchmts.



c.c. Land Agent   
Municipal Engineer   
Municipal Solicitor   
Municipal Treasurer   
Senior Planner

  
A.L. Parr  
PLANNING DIRECTOR

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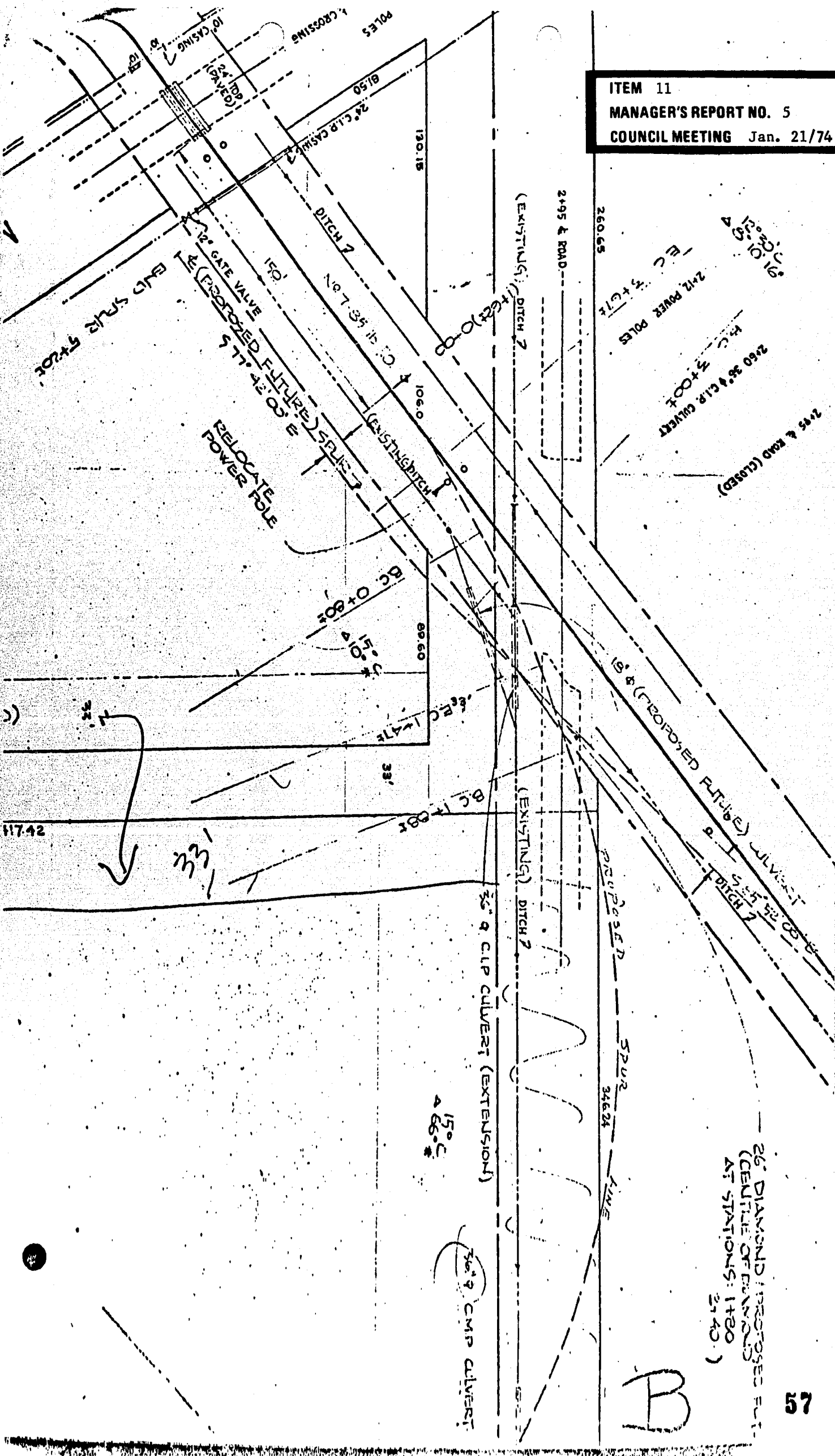


S/E. (SK 9170  
 (SK 8786  
 Road.  
 P28236 (ROAD 0.664 AC.)

TO ABC.   
 TO CORP. 



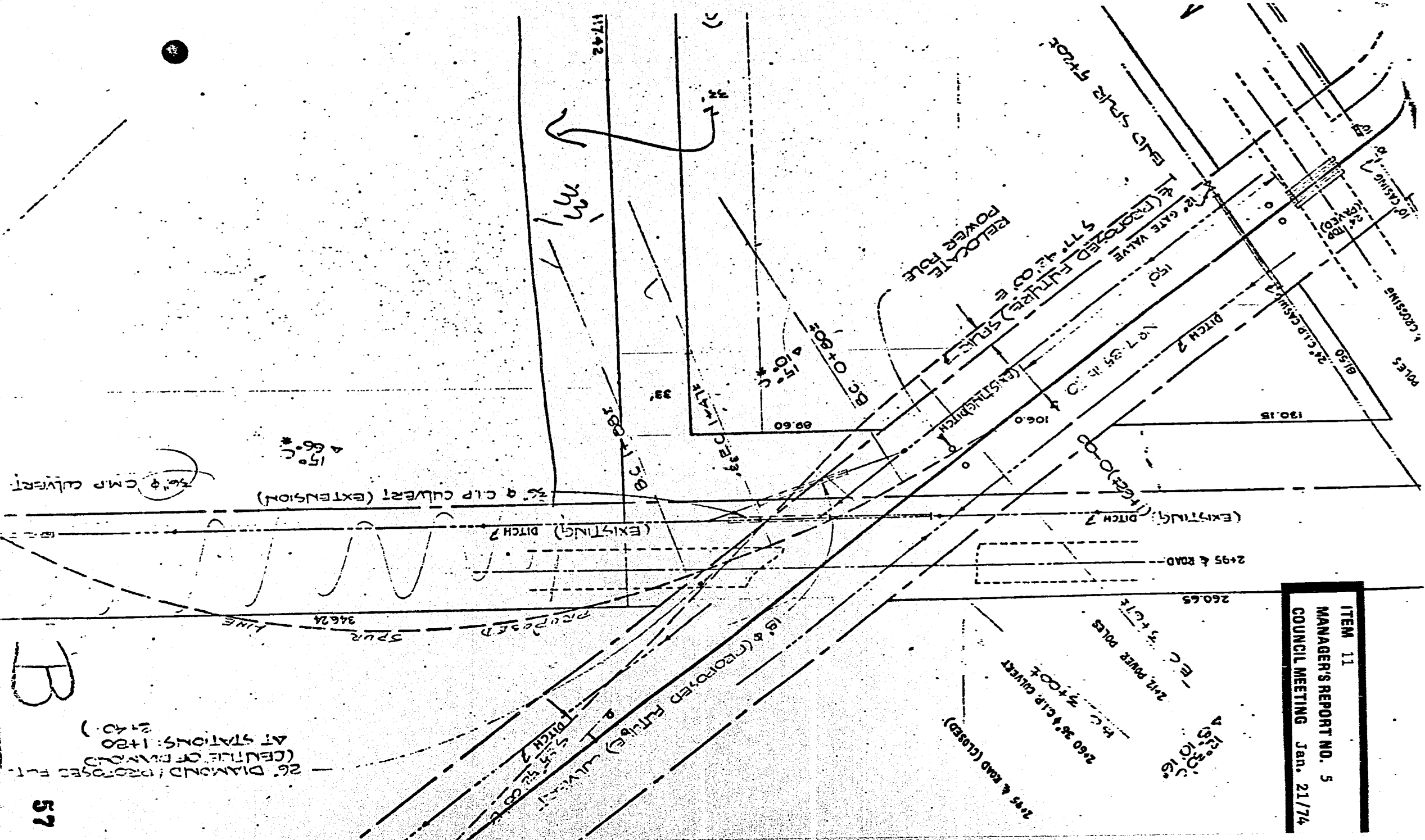
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26" DIAMOND PROPOSED FUTURE  
 (CENTRE OF FUTURE)  
 AT STATIONS: 1+80  
 2+40

B

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B

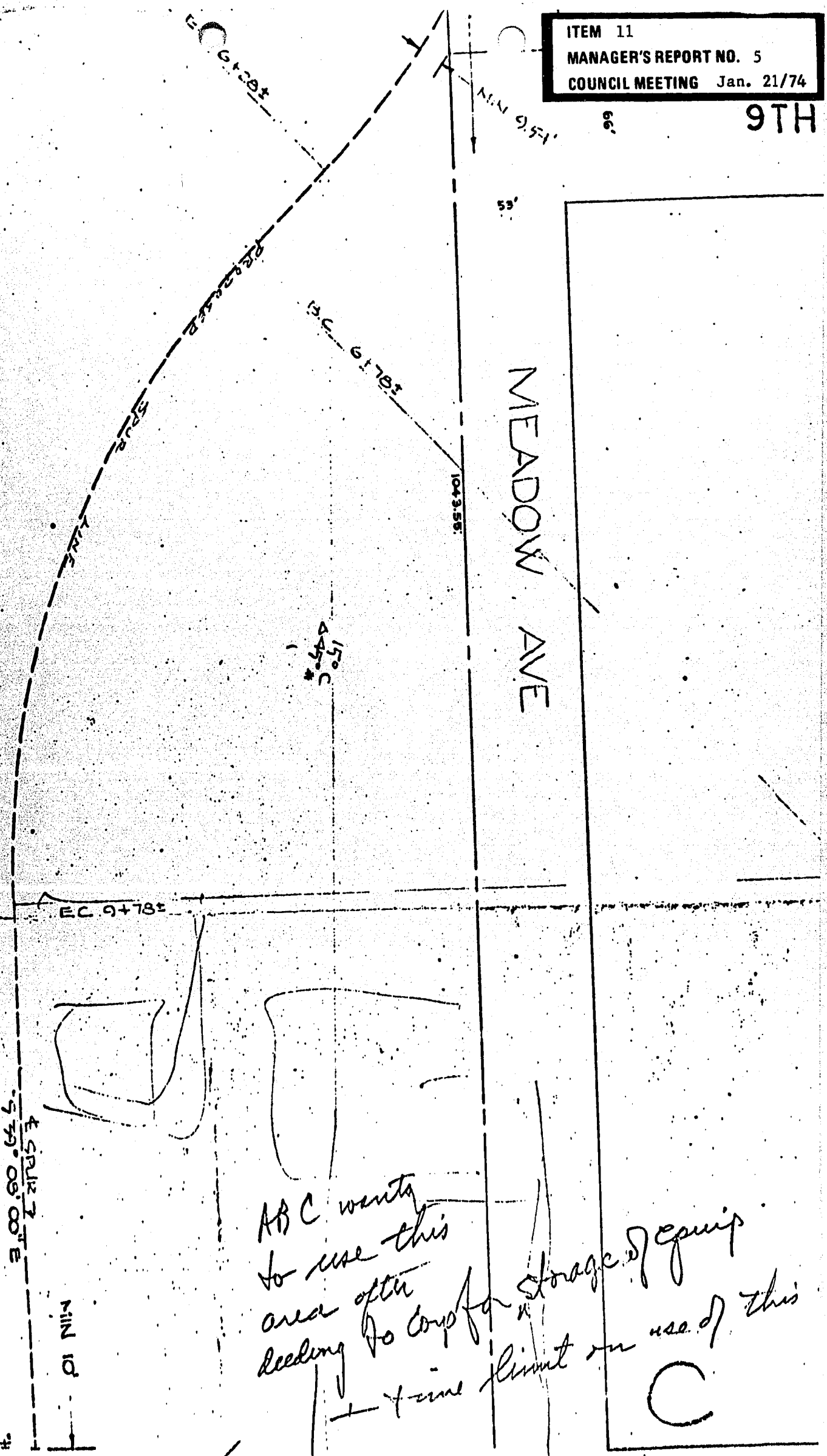
26" DIAMOND PROPOSED FUTURE DITCH  
(CENTRE OF ROAD)  
AT STATIONS: 1+80  
(2+40)



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9TH

NOTE: \* INDICATES APPROX. ONLY  
(SUBJECT TO FIELD CHECK)



ABC wants to use this area often leading to comp for storage of equip. time limit on use of this C

gate here - now Sec. 58

LAND ALLOWANCE (PROPOS)

*November 30/70.*

15. Re: Proposed Land Exchange -  
A.B.C. Salvage and Metals Limited.

Submitted herewith is a further report on this subject. It was found necessary to reconsider the original proposal because of the existence of a dyke and the actual location of a watercourse as determined by survey.

There is some urgency about the matter because of steps taken by A.B.C. Salvage after acceptance of the original report.

A.B.C. Salvage have agreed to a price of 20¢ per square foot for the area of its land being taken by the Corporation. The easements for rail and dyke are to be offsetting easements.

It is recommended that Council approve the revised recommendations of the Planner.

RE: PROPOSED LAND EXCHANGE - A.B.C.  
SALVAGE AND METALS LTD.

Council on October 26th approved a land exchange with the above company based on the details set out in our letter to you dated October 14th, 1970.

Detailed examinations carried out in implementing this action have revealed that there is a better solution which could solve A.B.C.'s immediate problems and also provide a long term benefit to the Corporation. It will be recalled that the initial exchange involved the Parcel marked A being exchanged for parcels marked B and C as shown on sketch 1. The purpose of the exchange was to allow A.B.C. to construct the rail spur marked Route 1 on sketch 2. Detailed studies carried out revealed that the rail spur on the original alignment would make subsequent maintenance or relocation of Municipal facilities both difficult and expensive, and we have, therefore, discussed with the applicant the relocation of the spur to route 2 which is west of a dyke and canal. This is a better location from the Corporation's point of view, is acceptable to the applicant and is acceptable to the Railway.

In order to achieve this route, the following action is necessary:

- 1) Rescind the original approval on the land exchange.
- 2) Grant A. B. C. Salvage an easement across the Municipally owned land to accommodate the spur on route 2.
- 3) Authorize acquisition of the south 110 feet of the A. B. C. Salvage site for road purposes.
- 4) Assume the legal and survey costs involved.

In exchange, A.B.C. Salvage will:

- 5) Grant an easement to protect the major drainage facility which is on their property.

The advantages to this approach are:

- 1) The Corporation retains ownership of its land.
- 2) Rail access to the Municipal parcel is now possible.
- 3) The main dyke and drainage facilities are not encumbered.
- 4) The spur development costs should be reduced.

In conclusion, we would recommend that Council approve the action outlined above.

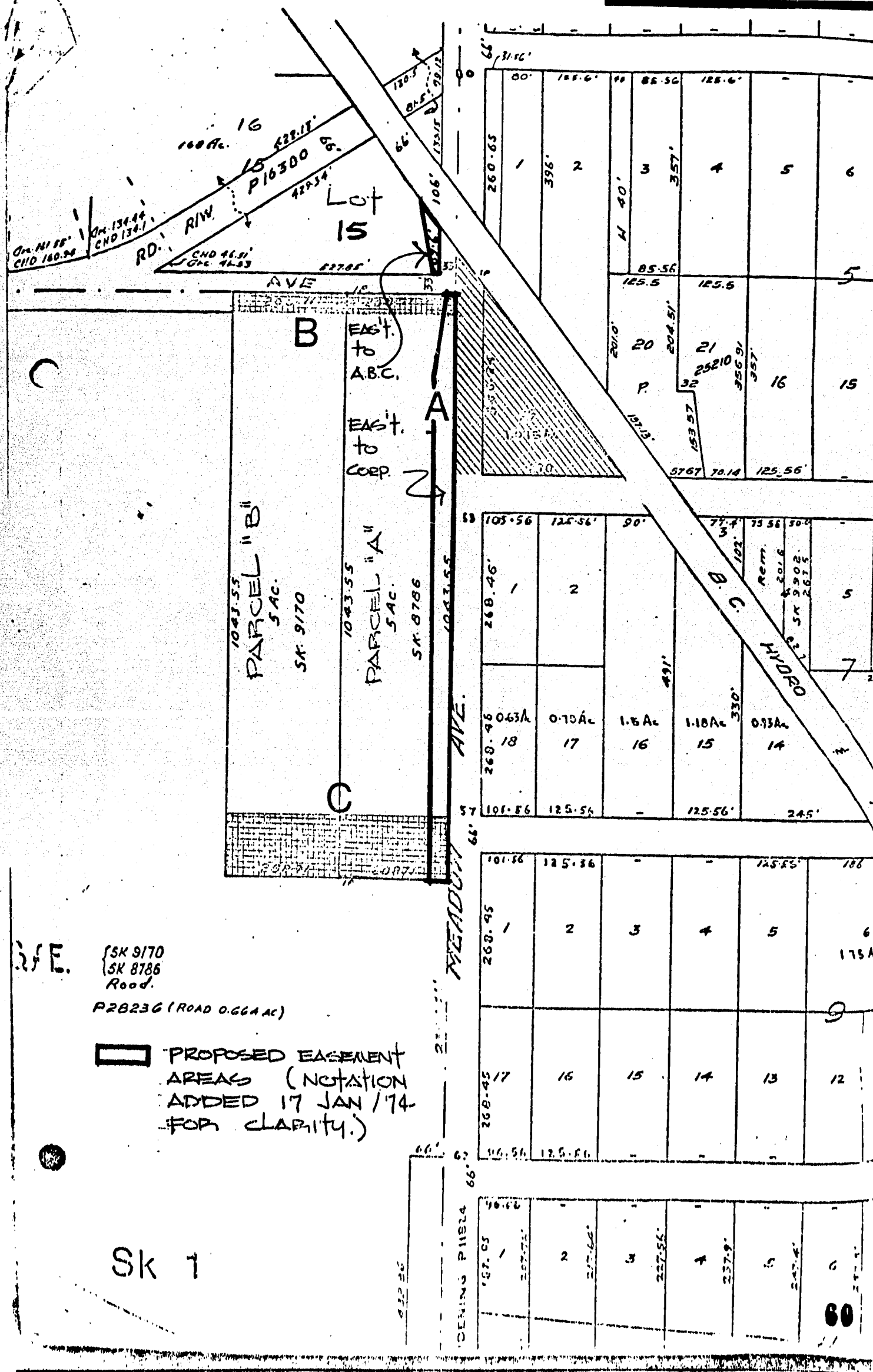
Respectfully submitted,

*A. L. Parr*  
A. L. Parr,  
PLANNING DIRECTOR

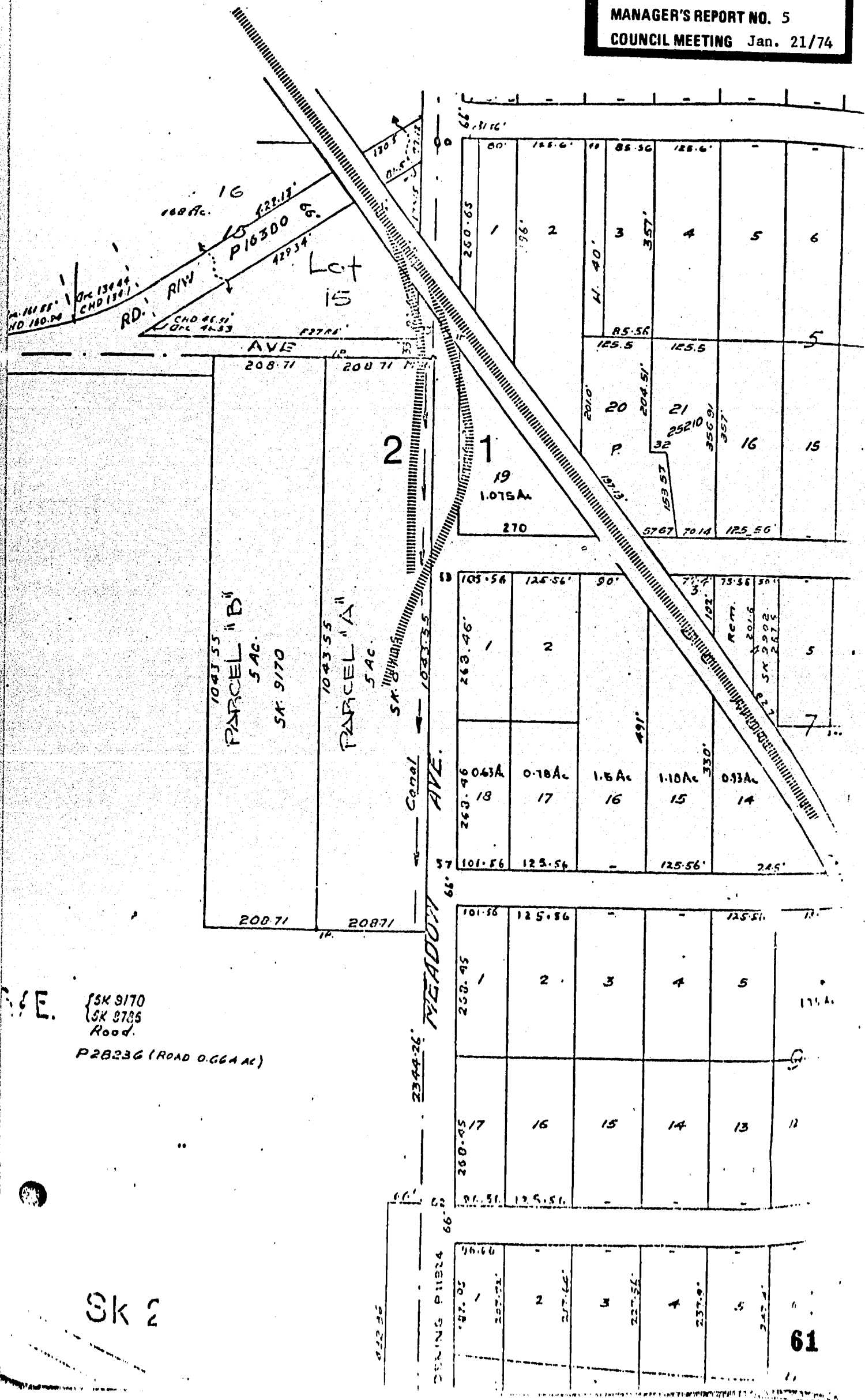
LEA/mp

Attached sketches 1 and 2

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SK 9170  
 SK 9785  
 Road.  
 P28236 (ROAD 0.664 AC)

SK 2