

Re: DEDICATION / RESERVATION
 EASTERN BURRARD INLET FORESHORE AND FOREST GLEN PARK
 (ITEM 10, REPORT NO. 65, OCTOBER 18, 1976)

Council on October 18, 1976 considered a Notice of Motion and a report relating to whether the two subject areas should be dedicated or reserved. The report was referred to the Parks and Recreation Commission for study and comment, and staff was asked to provide comments on six inquiries that were raised by Council during discussion of the matter.

A report from the Parks and Recreation Administrator is attached.

Following are the comments on Council's six inquiries.

1. How Many Parks Have Been Dedicated and Reserved, When was this Done and What is the Acreage Involved?

There are presently 44 dedicated parks and 14 reserved parks in the Municipality. A list of Park Dedication and Reservation By-laws, together with their various enactment dates has been compiled by the Parks and Recreation Department and is attached. Although the list is not complete, it does cover most of the dedicated and reserved parks in the Municipality.

Parks which have a dedicated status and not included in the list are as follows: George Green, Harbourview, Kensington, Ledingham, Scenic, Southwood - McKay, Stratford and Warner Loat. Additional park reservations include Barnet Beach, David Gray, Lakeview School - Park, Westridge, 18th Avenue (Poplar), Willard and Mountbatten.

A breakdown of the acreages included in the various park categories for existing parklands in the Municipality follows:

<u>Park Status Category</u>	<u>Acreage</u>
Dedicated Park	687.1
Reserved Park	119.1
Municipal Land	1381.3
Leased*	233.8
Total	2421.3
*Central Park	225.3
Vancouver Heights	
Reservoir Site	8.5
	<u>233.8</u>

2. Why are Only Two Parks Being Considered for Dedication / Reservation at this Time; Are There not Others in a Similar Position?

It will be recalled that the Council, in considering a report on the implementation of the previously approved Burnaby Mountain Conservation Area, adopted a recommendation, on January 26, 1976, that a park reservation by-law be prepared for all the P3 zoned properties, once these proposed rezonings have been finalized. These rezonings have since been completed, clearing the way for the preparation of such a by-law.

In December, 1974, the Parks and Recreation Commission approved a recommendation from the Planning Department for the reservation of the following park areas: Gilpin School - Park (park portion), Kisbey Park, Maywood Park, Riverway West School - Park (park portion), Lakeview School - Park (park portion), Stride Avenue School - Park (park portion), Buckingham Park and Malvern Park. The actual Park Reservation By-laws for these park areas were passed in May, 1975.

The Commission also approved a further recommendation that the Planning Department report annually on the question of further park reservations and dedications as the various land acquisition programs are completed. Thus, a policy has been established for the gradual application of park preservation measures to various parklands related to the implementation of the Park Acquisition Program.

3. Park dedication has been reported on as being time consuming and expensive. (a) Approximately how long would it take and (b) what costs would be involved?
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- (a) The question of length of time required is somewhat difficult to answer since it could vary considerably depending upon the particular circumstances involved. Firstly, once the Council has adopted a recommendation for a park dedication, a legal description of the property (or properties) included would be required. This could be readily available or, in some instances, may require a survey which could take several weeks to complete.

Once this has been done, the Municipal Solicitor would prepare the necessary park dedication by-law, which would then go before Council for three readings. Under the requirements of the Municipal Act, the proposed by-law would need to be advertised from ten days to one month following third reading.

This would include a newspaper advertisement and the posting of notices in the municipal hall, courthouse and the police station. It would then be necessary to arrange for the preparation of the ballots (approximately 50,000) and distribute them to the various polling stations in the municipality. Finally, the dedication by-law would be returned to the Council for final reading.

- (b) Most of the costs to be incurred relate directly to the preparation of the ballots (approximately \$600). This does not include staff time (work performed by the Clerk, Legal, Planning and Engineering Departments). Advertising, posting, etc. would raise the total non-staff costs of the process to an estimated \$650 to \$700. While these do not seem to be excessive, they are costs which would not apply in the case of a park reservation by-law.

4. What would happen to reserved or dedicated land that is involved in an exchange?
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When lands are exchanged, the reservation or dedication would have to be removed.

5. What would be the situation in the case of an easement or a road right-of-way in a dedicated or reserved park?
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- (a) Dedicated Park

The Solicitor advises that Section 468 (2) of the Municipal Act states:

"(2) Notwithstanding subsection (1), the assent of the electors is not required for the dedication, by any means whatsoever, of real property for highways or of real property of an area of one acre or less for any other public purpose. 1957, c.42, s.466; 1958, c.32, s.220; 1959, c.56, s.39."

This means that the assent of the electors is not required for the dedication of real property for highways. In regards to an easement for public purpose, I believe that the last part of said Section (2) would apply. In other words, if the easement was one acre or less the assent of the electors is not required. If the easement exceeds one acre, an assent of the electors would be required.

(b) Reserved Park

If land owned by the Municipality is reserved by by-law for a particular municipal or other public purpose (Section 467 (1) of the Municipal Act) and then a portion of that land is required for a highway or for granting of an easement, then the portion of land required for a highway or for granting of an easement would have to be unreserved pursuant to Section 467(2) and (3) of the Municipal Act.

6. What would be the Municipality's position if the Parkland in question was first reserved and then dedicated?

The Solicitor advises that:

"Section 467 (1) of the Municipal Act states:

"The Council of a city, town, district, or village municipality may by by-law reserve for a particular municipal or other public purpose any land owned by the municipality."

Section 468 (1) reads as follows:

"The Council of a city, town, district, or village municipality may, with the assent of the electors, by by-law dedicate for any public purpose any real property owned by the municipality."

Before a Dedication By-law was passed under Section 468 (1) of the Municipal Act, I believe the Reservation By-law would have to be removed pursuant to Section 467 (2) and (3) of the said Municipal Act."

Summary

The boundaries of the area proposed for park preservation in the Eastern Burrard Inlet Foreshore area are clearly defined as a result of Council's prior approval of the development plan, and there would be no major problem in proceeding with reservation or dedication at this time. It should be pointed out, however, that there are road allowances within this area, and it would be advisable from an administrative point of view to have these closed and consolidated with adjoining land before the area is before the electorate for dedication (if this latter approach were followed, it could not be acted on until the election in 1977).

The development plan for the area within which Forest Glen Park is located, on the other hand, has not yet been completed. Because of this, the taking of park preservation measures in advance of an approved development plan should be cautioned against due to the possibility of park boundary changes.

From the staff's point of view, it would be preferable to take the time that is required to (a) define the boundaries; (b) close the lane and road rights-of-way within the area and obtain title for them from the crown (c) consolidate the lots and closed road and lane allowances into one parcel and then (d) either reserve or dedicate.

The problem with dedicating parkland before rights-of-way are closed and consolidated is that the procedure to be followed in such cases requires two dedications: one for the unencumbered land, and then at a later election, second dedication of the rights-of-way. As noted above, it is always preferable to have an area presented to the electorate in its entirety so that it can be dealt with at one time.

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By-laws have been placed on the agenda for first, second and third readings. This was done because the time constraints with which we are confronted are such that Council will have to decide at this meeting if it wishes to have ballots prepared for the dedication of the two areas in question for the election in November.

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This is for the information of Council.

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PARKS DEDICATION & RESERVATION BY-LAWS

	<u>NO.</u>	<u>DATE</u>
Avondale	748 (D)	Aug. 1928
	3541 (D)	Jan. 1955
Beecher	3047 (D)	May 1950
	Amendment 5437	Dec. 1963
Bell	3010 (D)	Oct. 1949
Big Bend Area	3047 (D)	May 1950
Bonsor	1882 (D)	Oct. 1945
	1890 (D)	Oct. 1945
Braemar	3047 (D)	May 1950
	Amendment 5907	May 1971
Brentwood	3541 (D)	Jan. 1955
Broadview	748 (D)	Aug. 1928
	995 (D)	Dec. 1929
	1183 (D)	Nov. 1930
	1354 (D)	Dec. 1931
	3627 (D)	Aug. 1955
Buckingham	6654 (R)	May 1975
Burnaby Lake	1898	Nov. 1945
Burnaby Mountain	1772 (D)	June 1942
	Repealed by 3862	June 1957
	Repealed by 4485	Aug. 1963
	3209 (D)	June 1952
	3434 (D)	Mar. 1954
	3692 (D)	Mar. 1956
	3924 (D)	Dec. 1957
Cariboo	1354 (D)	Dec. 1931
Central Park Garden Village Ravine Park	3551 (D)	Mar. 1955
	4010 (D)	Nov. 1958
Charles Rumsel	3634 (D)	Sept. 1955
	3541 (D)	Jan. 1955
Confederation	365 (D)	June 1922
	605 (D)	Aug. 1927
	685 (D)	Mar. 1928
	986 (D)	Nov. 1929
	3541 (D)	Jan. 1955
Deer Lake	1795 (D)	Dec. 1942
	3047 (D)	May 1950
	3546 (D)	Feb. 1955
	3560 (D)	Apr. 1955
	3844 (D)	May 1957
Eagle Creek	6455	Apr. 1974
Eastburn	3047 (D)	May 1950
G.H. Leaf	1646 (D)	Dec. 1938
Forest Glen	3047 (D)	May 1950
Gilpin School Pk.	6654 (R)	May 1975
Graham	3047 (D)	May 1950
	3983 (R)	Sept. 1958
Halifax	3047 (D)	May 1950
Harwood	1090 (D)	May 1930
Hilda	3047 (D)	May 1950
	4133 (D)	Apr. 1960
	6654 (R)	May 1975

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Lobley	1646 (D)	Dec. 1938
Lochdale Community Hall	1850 (D)	Sept. 1944
Lochdale School Park	3047 (D)	May 1950
Maywood	6654 (R)	May 1975
Montrose	3047 (D)	May 1950
Malvern Park	6654 (R)	May 1975
McGill	1183 (D)	Nov. 1930
McPherson	1354 (D)	Dec. 1931
Removal of dedication (part)	4859	Nov. 1965
Powerhouse	748 (D)	Aug. 1928
Rene Memorial	3047 (D)	May 1950
Richmond	1183 (D)	Nov. 1930
	1646 (D)	Dec. 1938
Riverway West School	3541 (D)	Jan. 1955
Robert Burnaby	6654 (R)	May 1975
	551 (D)	Nov. 1926
	591 (D)	June 1927
	1898 (D)	Dec. 1945
Ron McLean	3047 (D)	May 1950
Stride Avenue	6654 (R)	May 1975
Sumas	3708 (D)	May 1956
Suncrest	1878 (D)	Aug. 1945
	3047 (D)	May 1950
Twelfth Ave. School Park	3047 (D)	May 1950
Valleyview	2054 (D)	Dec. 1948
Wesburn	3047 (D)	May 1950
Westridge	4140 (R)	May 1960
Willingdon Heights	3010 (D)	Oct. 1949

It is the preference of the Commission that these areas be dedicated for park purposes. However, in view of the fact that dedication depends on the approval of the electorate, the Commission feels that immediate reservation is necessary to safeguard the areas should the dedication By-laws fail.

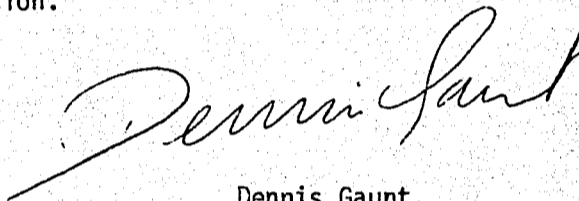
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RECOMMENDATIONS:

1. That Council proceed immediately with a park reservation By-law for the Municipally owned lands in Eastern Burrard Inlet Foreshore area.
2. That Council authorize the preparation of the necessary By-law for the dedication of the Municipally owned lands in Eastern Burrard Inlet Foreshore area for submission to the electorate at the November 20, 1976 election.
3. That Council proceed immediately with a park reservation By-law for the Forest Glen Park as per the boundaries shown on the attached sketch but excluding the portion already dedicated.
4. That Council authorize the preparation of the necessary By-law, for the dedication of the Forest Glen Park as per the boundaries shown on the attached sketch, for submission to the electorate at the November 20, 1976 election.

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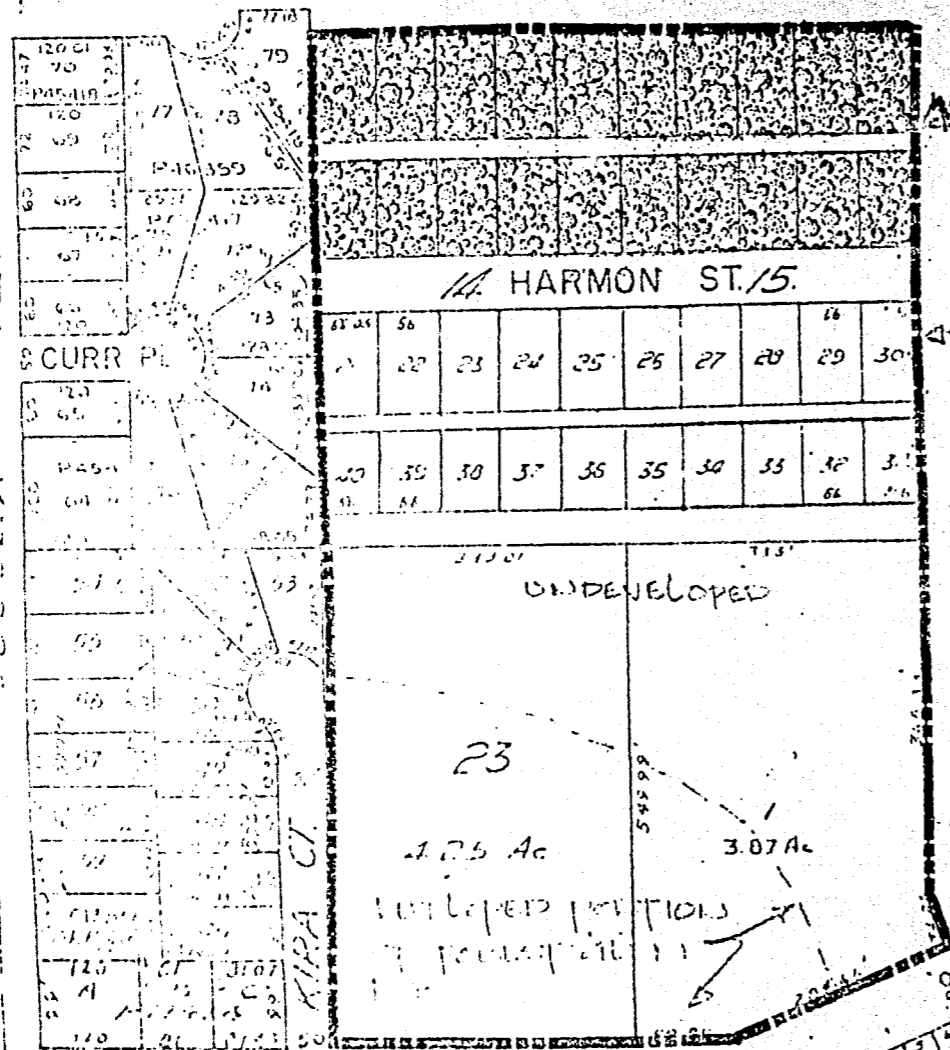
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Dennis Gaunt,
ADMINISTRATOR.

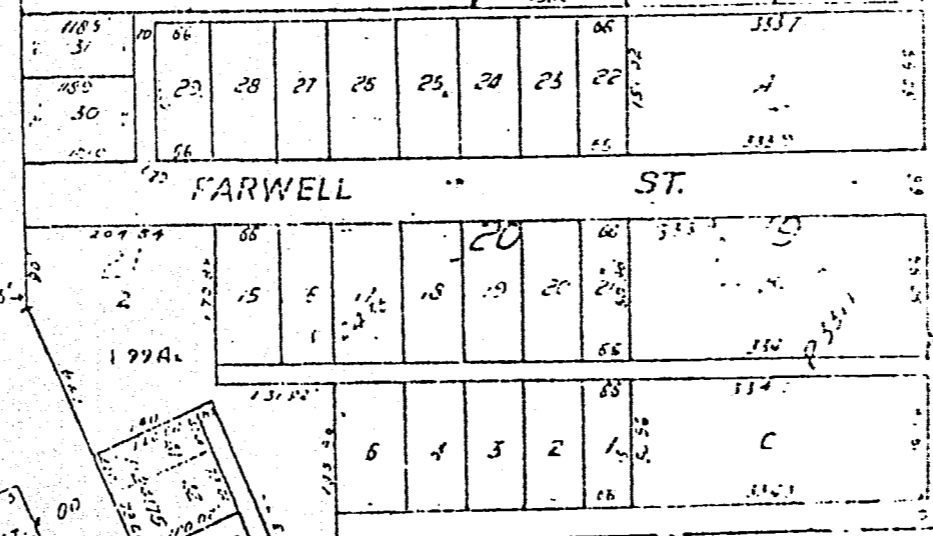


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DEDICATED PORTIONS
OF FOREST GLEN PACK

FOREST GLEN
PACK BOUNDARIES



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