

ITEM	11
MANAGER'S REPORT NO.	54
COUNCIL MEETING	Aug. 30/76

Re: Widening - North Side Imperial from Boundary to 580' east of Boundary Road and the Refusal by The Honourable J. Neilsen to Approve the Necessary Road Allowance Dedication from Central Park

The following is a brief report on events to date relating to the above.

On 12 June 1974, the Municipal Engineer wrote the Parks & Recreation Administrator concerning the availability of 14 feet of park property.

On 13 September 1974, the Central Park Committee wrote the Engineer giving approval to the road widening.

On 12 January 1976, work order No. 32-894 was issued, authorizing this work to proceed.

On 10 May 1976, the Municipal Solicitor wrote the Manager enquiring what action had been taken in having the Crown and the City of Vancouver quit claim to Burnaby their interest in this widening strip.

On 13 May 1976, the Municipal Engineer wrote the Manager suggesting that the Municipal Solicitor look after quit claims from the Crown and Vancouver to Burnaby, whereupon on 21 May 1976 the Solicitor requested the Land Agent to make the necessary application to the Crown.

On 27 May 1976, the Land Agent wrote the Director of Lands requesting transfer of the land required to the Municipality.

On 8 June 1976, a reply was received from W.A. Taylor, Acting Surveyor General, asking that a reference plan under Section 106(d) of the Land Registry Act be prepared. The last paragraph of the letter reads:

"The Surveyor General will sign the plan as an Official Plan and it will be deposited by this office in the usual way. One original linen plan is required."

This the Municipal Engineer took to be his authority to proceed. The work was included in a tender awarded to Jack Cewe Ltd. on 5 July 1976. The work was one of 14 projects. At the moment, excavation has taken place along the 580 foot tapering strip to a width into the park at its maximum point of approximately 7 feet. \$3,639.33 has been expended to 20 August.

On 20 August 1976, Mr. Jim Neilsen, Minister of the Department of the Environment advised Mr. V.J. Kennedy, Deputy Municipal Engineer, by telephone "that the Surveyor General did not have the authority to give us the indication that he did in his letter 8 June, 1976, that he would sign the plan required as an official plan for the widening of Imperial Street." Mr. Neilsen further advised "that his legal advisors were of the opinion that the approval could not be given for the widening of Imperial Street without an amendment to the Central Park Act, and furthermore that the reference in the Central Park Lease Agreement to the use of portions of the park for road purposes was invalid."

This was followed up by a telegram dated 20 August 1976 which reads:

"Approval to create a turning lane within Block A of Lot 2 of District Lot 151, Group 1, N.W.D., Plan 3443, has not been granted. Please refrain from any further construction work within the boundaries of Central Park and restore the land to its natural condition."

The work stopped forthwith.

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It will cost about \$2,000 to replace the topsoil and seed grass within the Park area.

The Central Park Agreement provides that there is reserved to the lessor (the Province) the right to enter and take for highway improvements or relocation purposes certain park lands. For this we require permission from the Province.

If the Minister is correct, and the Province cannot give permission, then we must prevail upon the Minister to seek the necessary enabling legislation.

Under the circumstances, an early meeting should be had with the Minister to ensure that he is in possession of all of the facts as we see them.

The Municipal Engineer was asked if there is any alternative to using a strip of park lands for this widening. His reply is as follows:

"In view of the position being taken by the Provincial Government, we must now consider a compromise solution involving the construction of five lanes within the existing 66 foot road allowance, and we find this can be done if one foot of width is taken off each of the five lanes and by eliminating the raised central median and left-turn lane marker by painting. The work could be accomplished by placing the curb within the right-of-way, but immediately abutting the north property line of Imperial Street. This solution is not ideal, as it will leave no room on the north side of Imperial for future construction of a sidewalk, however, it will serve to solve the problem at hand, i.e. the construction of a left-turn lane. (See attached sketch.) We have reviewed the costs involved of restoring the grass in the Park area and by elimination of the raised median, we are confident that the entire work can still be accomplished in the original amount of work order No. 32-894."

This is not a good alternative. This is a busy street and the original proposal would be better.

RECOMMENDATION

1. THAT an early meeting with The Honourable J. Neilsen and his advisors be sought.


Bart McCafferty
ACTING MUNICIPAL MANAGER

BM:gw
Attach.

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PVT.

BOUNDARY VANCOUVER BURNABY ROAD

66' R/W
FLARE TO EXISTING CURB LINE
TAPER TO EXISTING PVT.
EXIST. CURB LINE
PROPERTY LINE

