

ITEM	13
MANAGER'S REPORT NO.	49
COUNCIL MEETING	July 4/77

Re: CENTRAL PARK LEASE
(ITEM 11, REPORT NO. 54, AUGUST 30, 1976)
(ITEM 14, REPORT NO. 64, OCTOBER 12, 1976)
(ITEM 11, REPORT NO. 69, NOVEMBER 1, 1976)

The Municipality last year commenced a road widening and traffic improvement project on Imperial Street. This work was stopped prior to its completion when the Honourable Jim Neilsen, Minister of the Department of the Environment, advised by telephone that "...his legal advisors were of the opinion that 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." On another occasion the Minister in a telegram stated that "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."

On November 1, 1976, Council in connection with a report on this matter adopted the following recommendations:

- "1. THAT Council authorize the expenditure of \$2,000 to replace top soil and seed grass within the Central Park Area on Imperial Street; and
2. THAT Council consider the work called for under work order no. 32-894 to be completed when this corrective work has been undertaken."

The following additional resolution was adopted as well:

"THAT as permission was granted to encroach onto Central Park by the Provincial Surveyor-General, by his acceptance of the plan to widen Imperial Street, that the Provincial Government be sent a bill to cover the cost of replacing the top soil and seeding."

Attached is a reply from Mr. W. R. Redel, Associate Deputy, Minister - Land and Water Management, to the Municipality's claim for reimbursement relative to the restoration work that was carried out when the project on Imperial Street was discontinued at the insistence of the Department of Environment.

By way of clarification, it should be pointed out that Council was never informed by staff that the Surveyor-General granted permission to encroach onto Central Park. What was conveyed was a statement to the effect that the Surveyor-General indicated that he would approve the widening plan if we sent him a certain type of plan as requested. We concur with Council's position regarding the submission of a bill for the cost of restoration, but, unless otherwise directed, staff will make no further attempt to seek reimbursement for the restoration of landscape in Central Park from the Provincial Government.

This is for the information of Council.

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COUNCIL MEETING July 4/77

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RECEIVED
JUN 27 1977



MUNICIPAL MANAGER'S
OFFICE DEPARTMENT OF ENVIRONMENT
OFFICE OF THE DEPUTY MINISTER

VICTORIA, B. C.
V8V 1X5

June 23, 1977

Files: 0336329
Your file: 3-7-76

Mr. Melvin J. Shelley
Municipal Manager
The Corporation of the
District of Burnaby
Municipal Hall
4949 Canada Way
Burnaby, B. C. V5G 1M2

Dear Mr. Shelley:

Reference is made to the lease dated September 4, 1959 between the Province, as Lessor, and the City of Vancouver and the Corporation of the District of Burnaby, as Lessees, covering certain Crown lands referred to as Central Park.

This Ministry has recently received Invoice No. 430 from your municipality for \$2,574.34 covering the cost of replacing topsoil and seed grass within the Central Park area on Imperial Street. As you are aware, this relates to a project to widen Imperial Street which was proceeded with by the District of Burnaby prior to the finalizing of an official plan dedicating part of the park as a road. The municipality was subsequently advised to stop construction and restore that portion of the park disturbed by the road construction.

Section 7 of the Land Act provides that no negotiations or arrangements in writing or otherwise preliminary to the execution of documents under the Act shall be binding on the Crown. In view of this the commencement of construction of the road prior to finalization of the plan dedicating the road was in effect an act of trespass and this Ministry does not intend to pay the costs of the restoration work.

Under the circumstances I am returning herewith Invoice No. 430 in duplicate.

Yours truly,

W. R. Redel
Associate Deputy Minister
Land and Water Management

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INVOICE

THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY
BURNABY, B.C., V5G 1M2
TELEPHONE 294-7332

MAY 11 1977
MAY 11 1977
VICTORIA B.C.

Ministry of the Environment
Province of British Columbia
Parliament Buildings
Victoria, B. C.
Attention: Surveyor-General

Date: 26 May 1977
W.O. No: 132-894
Our Invoice No: 430
Our File No:
Your File No:

Cost of replacing topsoil and seed grass within the
Central Park area on Imperial Street

\$2,574.34

DESCRIPTION

Kind	COSTING			GENERAL LEDGER	RESPONSIBILITY CODE	CAPITAL CODE	AMOUNT	
	W.O. No.	Amount	CR.					CR.

FORM 11237

MAKE CHEQUES PAYABLE TO: THE CORPORATION OF THE DISTRICT OF BURNABY