

ITEM	7
MANAGER'S REPORT NO.	23
COUNCIL MEETING	1978 J4 10

Re: ACCESS EASEMENT THROUGH TEXACO LANDS TO BARNET MARINE PARK

Following is a report from the Director of Planning regarding an easement on property belonging to Texaco Canada Limited.

RECOMMENDATIONS:

1. THAT Authorization be given to prepare and execute an access agreement as illustrated on attached sketch 2 to the fulfillment of those conditions as outlined in the Director of Planning's report.
2. THAT a copy of this report be sent to the Parks and Recreation Commission.

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PLANNING DEPARTMENT
1978 MARCH 30
OUR FILE: 15.142(8)

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: ACCESS EASEMENT THROUGH TEXACO LANDS TO BARNET MARINE PARK

BACKGROUND

The Municipality entered into an agreement with Texaco Canada Limited on 1975 December 30 for the purchase of certain lands for Barnet Marine Park. One of the provisions of this agreement established an access easement through Texaco's property for the purpose of constructing and maintaining the foreshore reclamation project west of Texaco's property. This easement is illustrated on the attached Sketch #1.

EXISTING SITUATION

We have been advised by the Assistant Administrator in charge of Operations for the Parks and Recreation Department that the width of this easement (30 feet) will not be sufficient to permit the unrestricted turning movements associated with the larger tandem trucks which will be transporting construction material and fill to be used in the reclamation project. Moreover, once the reclamation project is completed and the park facilities constructed, it would be desirable to have a larger easement to facilitate emergency access to the park site. One example could be the need to provide access for fire vehicles attending the proposed small craft centre and associated facilities.

The Planning Department advised Texaco of the situation, recommending that the area of the easement be enlarged as shown on the attached Sketch #2. Texaco's Solicitor replied stating that they are prepared to grant the Corporation an easement for ten years as outlined on Sketch #2 subject to the Municipality being responsible for the following items.

ACCESS EASEMENT THROUGH TEXACO LANDS
TO BARNET MARINE PARK
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1. replacement of the fence along the western perimeter and along the new easement boundaries;
2. filling in, in a workmanlike way, the area shown on Sketch 2 to provide additional parking;
3. relocating a lamp standard to a point mutually acceptable to both parties;
4. be responsible for all legal and survey fees;
5. at the termination of the temporary easement agreement, the fences outlining the temporary easement are to be removed and the fences for the permanent easement to be established at the expense of the Corporation;
6. indemnify and waive Texaco harmless from any damage or liability.

This matter was placed before the Parks and Recreation Commission on 1978 March 15 at which time they agreed to accept the terms of Texaco Canada Limited as described.

RECOMMENDATION

It is recommended:

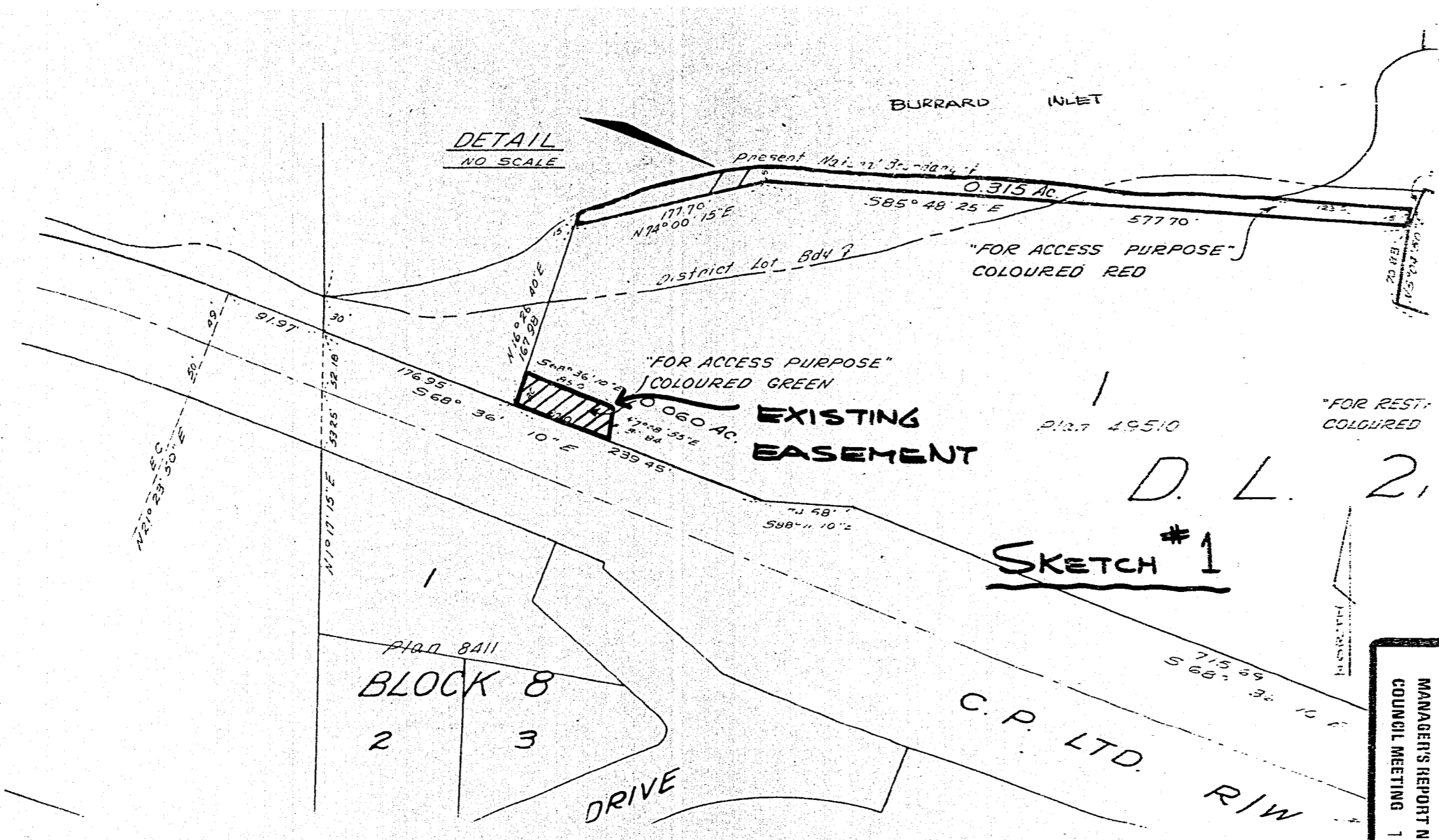
THAT Council authorize the preparation and execution of an access easement as illustrated on the attached Sketch #2 subject to the fulfillment of those conditions outlined in the foregoing report.


A. L. Parr
DIRECTOR OF PLANNING

PB/ds

attachments

cc Municipal Solicitor
Parks and Recreation
Administrator
Municipal Engineer
Director - Fire Services



DETAIL
NO SCALE

BARRARD INLET

0.315 Ac

"FOR ACCESS PURPOSE"
COLOURED RED

"FOR ACCESS PURPOSE"
COLOURED GREEN

**EXISTING
EASEMENT**

PLOT 49510

"FOR REST."
COLOURED

D. L. 2,

SKETCH #1

PLAN 8111
BLOCK 8

2 3

DRIVE

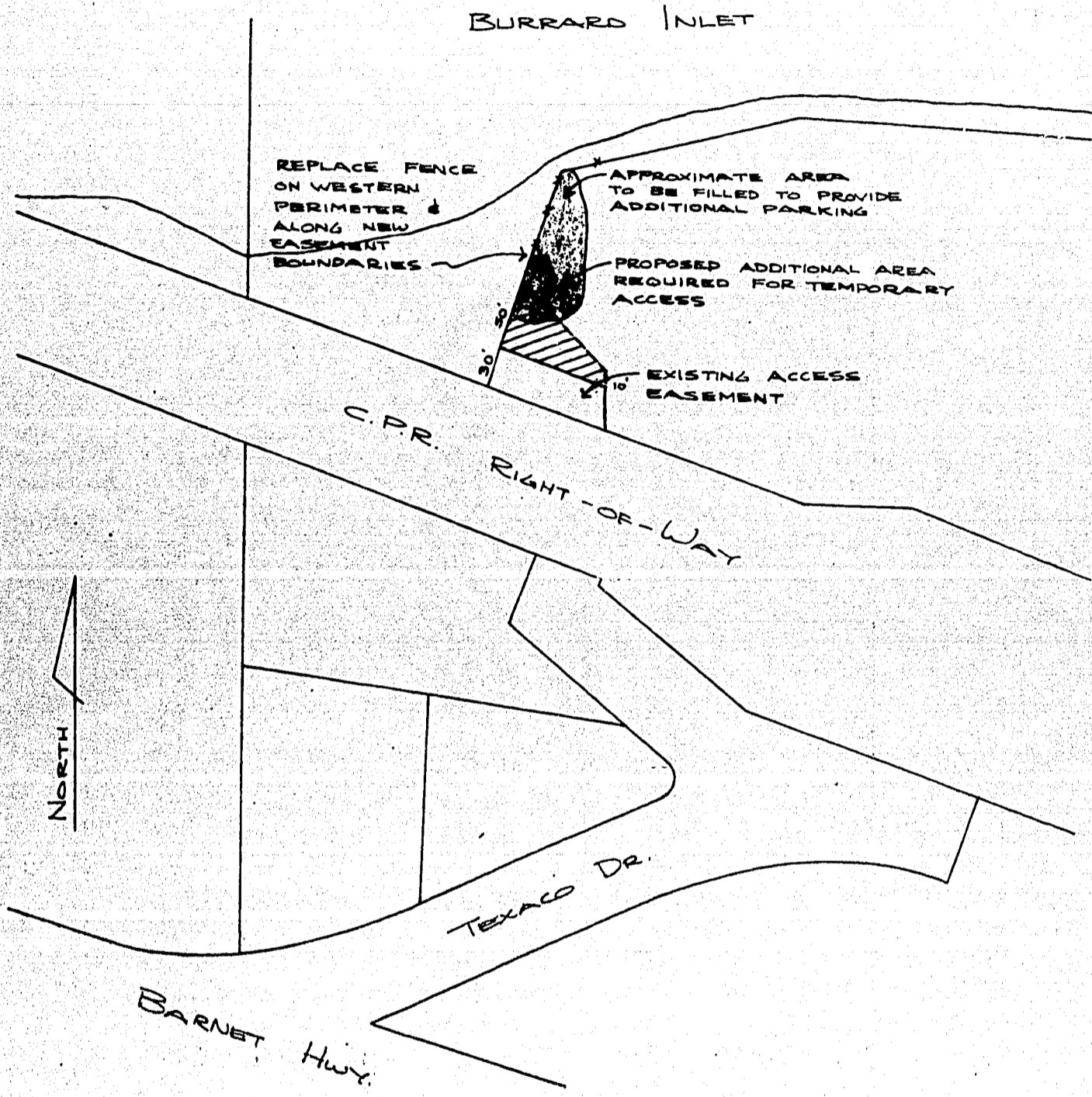
C. P. LTD.

R/W

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PROPOSED ADDITIONAL ACCESS
EASEMENT - BARNET MARINE PARK.

SKETCH # 2

1"=100' FB
1978 MARCH