

ITEM	4
MANAGER'S REPORT NO.	26
COUNCIL MEETING	1979 04 02

RE: STATUS REPORT ON BARNET MARINE PARK

The following report from the Director of Planning is submitted in compliance with a request from Council for information on the Barnet Marine Park.

RECOMMENDATION:

1. THAT the recommendation of the Director of Planning be adopted.

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1979 March 23
 Our File: 15.142(8)
 X. Ref.: 15.142(7)

TO: MUNICIPAL MANAGER
 FROM: DIRECTOR OF PLANNING
 SUBJECT: STATUS REPORT ON BARNET MARINE PARK

RECOMMENDATION:

THAT a copy of this report be sent to the Parks and Recreation Commission for information.

REPORT

During the enquiry portion of the 1979 March 12 Council meeting, the current status of the Barnet Marine Park was discussed. The Planning Department was requested to provide Council with an updated status report on this subject.

There are several facets to the development of the park and securing the requisite approvals. They are, therefore, considered individually as follows:

1. ACCESS ACROSS C. P. R.

A. Background

Council will recall that, on 1978 October 10, they adopted certain resolutions which provided for the following:

- (a) The revision of the Master Plan for the Barnet Marine Park as illustrated on the attached Figure 3 entitled "Conceptual Plan of Proposed Vehicular Overpass and Foreshore Access Road".

- (b) The revision of the application to the Canadian Transport Commission to prohibit the use of the Kapoor Crossing as access to the proposed Marina.
- (c) Staff was directed to prepare and submit a detailed report on the proposed establishment of a vehicular overpass and foreshore roadway to provide access to the proposed public boat launching facility and Marina in the eastern sector of the park.

B. Existing Situation on Level Crossing to Core Area (Kapoor Crossing)

Our application to the C.T.C. was revised accordingly and on 1979 February 01, we were advised that an order had been drafted approving the installation of a level crossing with signalized crossing gates. Prior to issuing the final order, the C.T.C. requested clarification on the Municipality's position on the use of the crossing prior to the installation of the crossing facilities. A letter was forwarded to their office confirming that the Municipality will continue to use a crossing guard at the crossing when the park season commences in May until such time as the equipment is operational.

The final order was subsequently forwarded to the Secretary's Branch of the C.T.C. for processing on 1979 February 23 and we anticipate its receipt at any time. For Council's information, in researching the Land Registry records on ownership in the subject area, certain documentation was obtained which, in our view, entitles the Corporation of Burnaby to two level crossings in the area of the Kapoor Crossing to be constructed at the expense of C.P. Rail. This information was forwarded to the C.T.C. for a ruling on the assessment of costs.

It should be noted that it has always been assumed that the costs of the crossing facilities would be paid by the Corporation and the Parks and Recreation Department have budgeted accordingly. The order which is being finally processed by the C.T.C. reserves judgement on the assessment of costs, pending further investigation by their staff.

In order to help expedite the installation of the crossing equipment, a letter was forwarded to C.P. Rail confirming that the Corporation of Burnaby will provide the funds required to cover the cost of the installation, on the clear understanding that the C.P.R. will reimburse the Corporation in the event that the Canadian Transport Commission rules favourably on the Corporation's submission and documentation that the costs should be the responsibility of the C. P. R.

C. Existing Situation On Vehicular Overpass To Eastern Sector (Senior Road Allowance)

A letter was forwarded to the C.T.C. and C.P. Rail providing them with copies of the documentation relating to the establishment of a Senior Road Allowance west of Allied Chemical. The C.T.C. was requested to confirm our position that, as a result of this Senior Road Allowance, the C.P.R. is required under the provisions of the Railway Act, to construct the proposed vehicular overpass to the eastern sector of the parksite.

At the present time, the C.T.C. is awaiting the C.P.R.'s response to our submission.

The establishment of a vehicular overpass in this particular location has a direct influence on the Allied Chemical property as illustrated on Figure 3. Consequently, they were requested to comment on the proposal to construct an overpass and to acquire the requisite foreshore lands for the construction of the access to the proposed Marina. They subsequently confirmed by letter that they are not opposed to the concept, however they advised that they were conducting a review to determine whether or not it would be feasible for their company to operate on a long-term basis in close proximity to a public recreational area.

On 1979 March 19, representatives of Allied Chemical attended a meeting in which they advised that this review is now complete and they have concluded that they intend to remain at their present site. They did reconfirm their agreement to the concept of a vehicular overpass and the acquisition of the area necessary for the access roadways.

It is now in order, therefore, for staff to proceed with the preparation of the detailed report on this subject as requested by Council.

2. RECLAMATION APPROVALS

A. Background

The reclamation works which are currently proposed for development can be divided into two components. The first being the area from the Texaco Tank Farm west to Barnet Beach and the second from Texaco east to a point approximately 800 feet east of the Kapoor Crossing. The approval process for the first phase has been difficult and protracted because of the need to obtain C.P. Rail's approval to the reclamation. The majority of the second phase is not adjacent to the C.P. Rail right-of-way and does not, therefore, require their approval.

B. Existing Situation 1st Stage Reclamation Approval-
West of Texaco

Numerous reports have been submitted in the past outlining the various approvals required for construction of the reclamation project in this area. To date all of the approvals have been obtained with the exception of C.P. Rail. The one outstanding item is the execution of a legal agreement providing the terms and conditions for undertaking this work. Essentially, the major aspect of this agreement which was of concern was C.P. Rail's insistence on the inclusion of an indemnification clause for any claims arising out of the improper construction of the reclamation. The wording of this clause was far too general and in our view, open to liberal interpretation. We have been successful in having the agreement reworded to the satisfaction of the Municipal Solicitor and to limiting any liability to a period of ten (10) years after the completion of the works.

Numerous other clauses of the agreement have been reworded to the satisfaction of staff and a report will be forwarded to Council shortly requesting authority to execute this agreement.

One clause still needs to be clarified and we are awaiting receipt of C.P. Rail's response to the proposed rewording. It is anticipated that this situation will be resolved within three weeks time.

Once the agreement has been executed by the Corporation and C.P. Rail, we can obtain a Reclamation Permit and the work can commence. It should be noted that a limited permit was obtained and a minor amount of reclamation undertaken to validate certain other approvals already in hand.

C. Existing Situation, 2nd Stage Reclamation Approval - East Of Texaco

In view of the difficulties we have experienced with C.P. Rail, the second stage reclamation has been divided into two sections as shown on the attached Figure 5. Section A is not adjacent to the C.P. Rail right-of-way and does not, therefore, require their approval. All of the approvals requisite to obtaining a reclamation permit for Section A have been obtained and copies of these approvals were submitted to the Vancouver Port Engineer on 1979 February 28. The reclamation permit for Section A is expected at any time.

The conditions for C.P. Rail approval in Section B will be similar to those which have been negotiated for the first stage reclamation west of Texaco. Consequently, an agreed upon format will have been established and we do not foresee any undue delay in obtaining this approval.

3. PARK DEVELOPMENT IN RECREATIONAL CORE AREA

The Parks and Recreation Department have undertaken a considerable amount of work in the core area of the parksite and their current development program for 1979 was provided to Council on 1978 December 11, Item 10, Manager's Report No. 11. A copy of this report is attached for Council's information.

4. SUMMARY

Several significant advances have been made in recent months in obtaining the approvals for the development and use of the park. The reclamation agreement between the Corporation and C.P. Rail has virtually been reworded to the satisfaction of staff and a report in this regard will be forthcoming in the near future. Once this agreement has been executed, a reclamation permit can be obtained which would enable construction to commence.

The Corporation has been successful in our application for a level crossing to the recreational core area. This is a major step as we were faced with the possibility that the Canadian Transport Commission could order the construction of a vehicular overpass. It is also conceivable that our research in this regard will provide for the costs of this crossing to be transferred to C.P. Rail. In any event, this crossing is expected to be operational this year, thereby permitting year round use of this component of the Marine Park.

The position of Allied Chemical has been resolved and we are now able to proceed with the preparation of a detailed report on the proposed establishment of the vehicular overpass and foreshore roadway to the proposed public boat launching facility and marina complex. The Canadian Transport Commission has been requested to rule on our submission that C.P. Rail is required, under the provisions of the Railway Act, to construct this overpass.

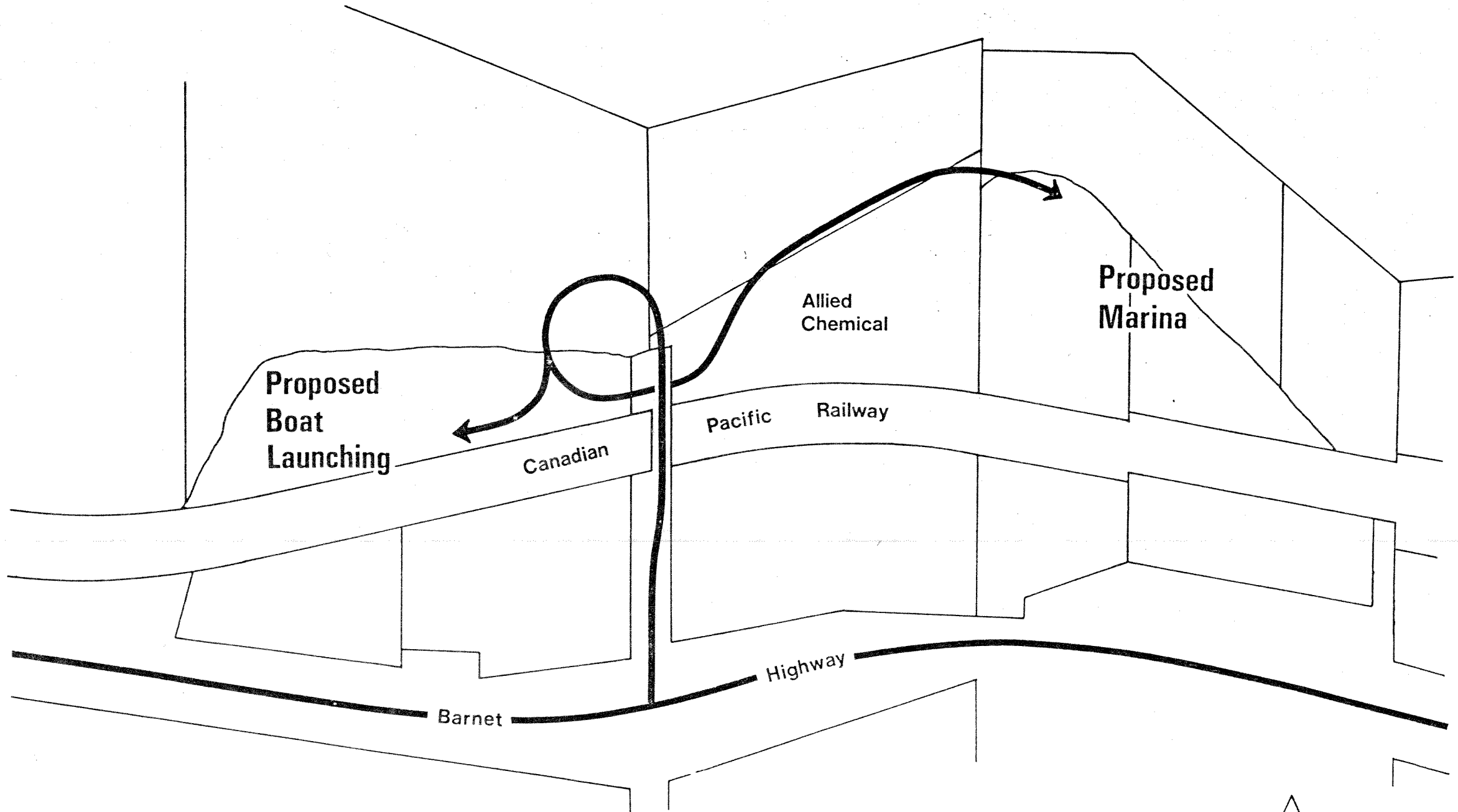
A considerable amount of development has taken place in the core area of the park and further work is planned for 1979. Staff is continuing to pursue the approvals necessary to implement Council's objective of establishing the Barnet Marine Park as one of Burnaby's major recreational areas.




A. L. Parr
DIRECTOR OF PLANNING

PB/sam
Attachments

cc: Parks and Recreation Administrator
Municipal Engineer
Municipal Solicitor
Municipal Treasurer



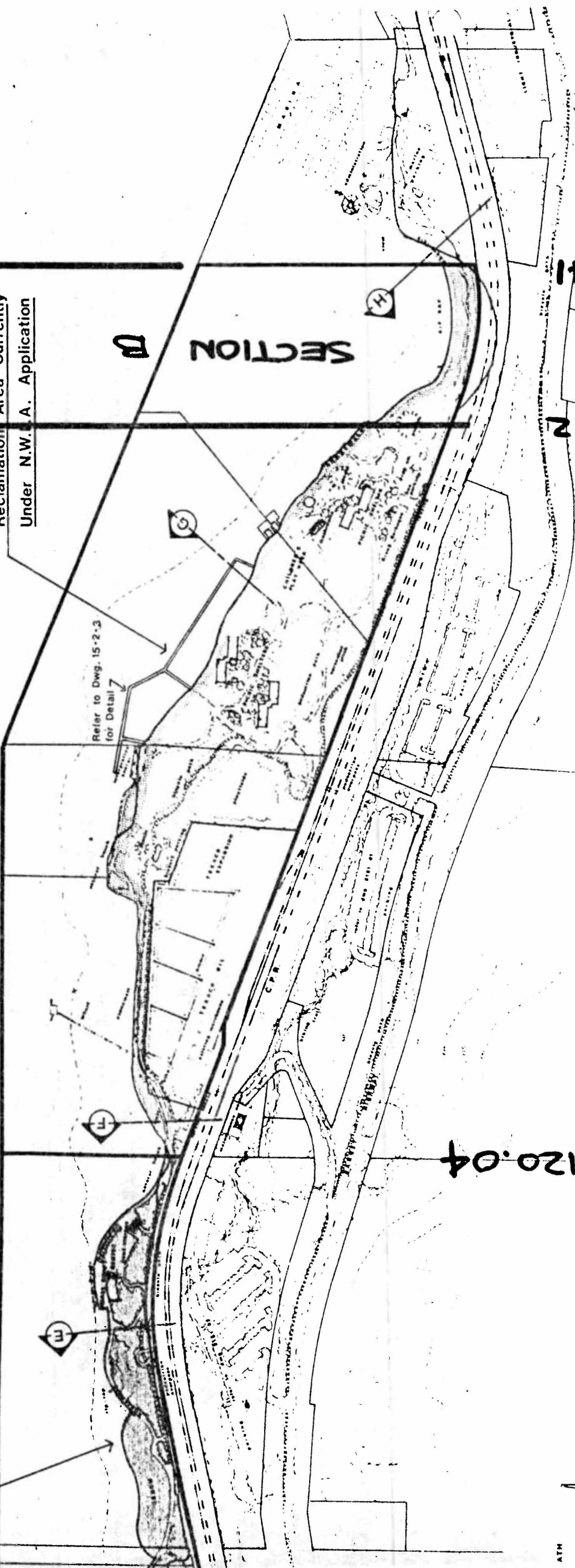
CONCEPTUAL PLAN OF PROPOSED VEHICULAR OVERPASS
AND FORESHORE ACCESS ROAD


Figure 3

Reclamation Area Approved Pursuant
to N.W.P.A. on June 16, 1977

SECTION A

Reclamation Area Currently
Under N.W.P.A. Application



1 MILE 120.04

MILE 119.52

MILE 119.41

Location of Proposed Reclamation and Park Development.

APPLICATION FOR APPROVAL OF A PROPOSED RECLAMATION PROJECT
(FILL & RIP-RAP), DAY USE DOCK, SWIFTERS, EXISTING PIER AND
PROPOSED EXTENSION AND EXISTING DOLPHIN IN BURRARD INLET,
LOT 2, D.L. 214, PLAN 49510, AND LOTS 1 AND 2, D.L. 213, PLAN 47520.
NEW WESTMINSTER LAND DISTRICT B.C.

1" = 400' AB
1977 FEB.

FIGURE 5

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COUNCIL MEETING 1978 12 11

RE: BARNET MARINE PARK - BUILDING CONSTRUCTION

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Following is a report from the Parks and Recreation Administrator regarding proposed construction of facilities at Barnet Marine Park.

The Chief Building Inspector, in accordance with our customary procedure, will serve as the project coordinator for the proposed construction of buildings.

RECOMMENDATION:

1. THAT the recommendation of the Parks and Recreation Administrator be adopted.

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MANAGER'S REPORT NO. 26
COUNCIL MEETING 1979 04 02

TO: MUNICIPAL MANAGER

1978 DECEMBER 07

FROM: PARKS AND RECREATION ADMINISTRATOR

RE: BARNET MARINE PARK - BUILDING CONSTRUCTION

RECOMMENDATION:

1. THAT Council approve the expenditure of \$ 120,000 from the 1979 Capital Improvement Program prior to approval of the annual budget, for the development of Barnet Marine Park.

REPORT

The 1979 Capital Improvement Program contains an item of \$120,000 for continued development at Barnet Marine Park. In addition, \$140,000 was included in the 1978 Capital Improvement Program for the development of the foreshore park west of Texaco.

At its meeting of 1978 December 06 the Parks and Recreation Commission received a staff report advising that in view of the popularity of the core area, which will become much more active in 1979, the development priorities require serious reconsideration. The most pressing requirement is the provision of a fieldhouse which will provide public washrooms, lifeguard quarters, dressingrooms and a concession area. The temporary outdoor toilets provided during 1978 are taxed to capacity and more will have to be provided in 1979. With the volume of park users this type of sanitary facility is extremely difficult to keep clean apart from being primitive and the addition of seven more units would be a visual pollution to this otherwise pleasant area.

Of somewhat equal importance is the need for a works building to contain staff, equipment and supplies for the efficient operation of the park.

The Commission was asked to weigh these immediate requirements against the further development of the foreshore area west of Texaco. Staff have estimated an amount of \$230,000 for the fieldhouse, the works building, sewage disposal, hydro and water connections. The funds available are as follows:

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1956 By-law	\$ 57,642.
1977 Capital Improvement Program	140,987.
1978 Capital Improvement Program	125,000.
1979 Capital Improvement Program	<u>120,000</u>
Total	\$ 433,629.

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Funds already spent or committed are as follows:

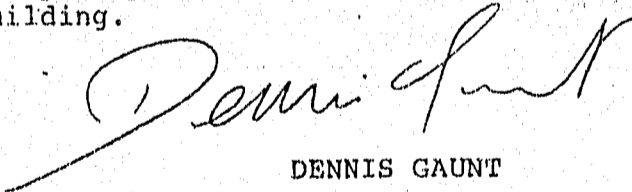
Funds spent to date:	\$ 66,495.
Automatic signals at Kapoor Crossing	62,700
Funds required to complete 1978 program	<u>40,000.</u>
Total	\$ 169,195.

This leaves the net funds available of \$ 274,434. The development program now suggested is as follows:

Buildings and related works	\$ 230,000.
Construction of uplands parking area (gravel only)	30,000.
Park furniture	9,500.
Landscaping and grounds repair (core area)	<u>4,934.</u>
Total cost	\$ 274,434.

Prior approval is requested in order that an architect can be appointed before the end of 1978 which should permit us to have all the buildings constructed, the parking provided, and all the grounds put into condition, for the season beginning approximately mid-May 1979.

The Parks and Recreation Commission approved the new development program and funding as laid out in this report and authorized the appointment of an architect to prepare plans and specifications for the field-house and service building.



DENNIS GAUNT

c.c. Director of Planning
Chief Building Inspector
Municipal Treasurer.