

ITEM 7  
MANAGER'S REPORT NO. 1  
COUNCIL MEETING 35/01/02

RE: PROPOSED ROAD EXCHANGE BYLAW  
INVOLVING THE DEDICATION OF PORTIONS OF SEARS PROPERTY  
(4750 KINGSWAY) AND  
THE CLOSURE OF FERN AVENUE BETWEEN BENNETT STREET AND BRIEF STREET  
D.L. 152/153 - ROAD CLOSURE REFERENCE #16/84

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Approving Officer be adopted.

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TO: MUNICIPAL MANAGER 1984 DECEMBER 24  
FROM: APPROVING OFFICER

SUBJECT: PROPOSED ROAD EXCHANGE BYLAW  
INVOLVING THE DEDICATION OF PORTIONS OF SEARS PROPERTY  
(4750 Kingsway) AND  
THE CLOSURE OF FERN AVENUE BETWEEN BENNETT STREET AND  
BRIEF STREET  
D.L. 152/153  
ROAD CLOSURE REFERENCE #16/84

RECOMMENDATION:

1. THAT Council authorize the preparation and introduction of a Road Exchange Bylaw involving the dedication of portions of Sears property (4750 Kingsway) and the closure of Fern Avenue between Bennett Street and Brief Street in accordance with Section 4.0 of this report.

REPORT

1.0 SUMMARY:

Sears has made application to subdivide its property in order to enable the southern portion of its property to be acquired by Cal Investments. It is also proposed that these outlined subdivision procedures would essentially resolve the uncompleted terms of a previous land exchange agreement entered into with Sears as described in Section 2.0 of this report; as well as to accomplish various dedications which are essential to the achievement of the desired and high priority Metrotown core-related road network. In order to achieve this in an expeditious manner as requested by Sears, it is proposed that this matter be accomplished in part by way of the Road Exchange Bylaw procedure as outlined in Section 4.0 of this report. Council is requested to authorize the preparation and introduction of the subject Road Exchange Bylaw.

2.0 PREVIOUS LAND EXCHANGE AGREEMENT:

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The Municipality had entered into a previous land exchange agreement with Simpson-Sears Limited which has not yet been fully achieved but would be essentially resolved by the current subdivision procedures which include the subject Road Exchange Bylaw. This previous agreement included the following:

- a) The closure of portions of lane allowance and of Irving Street, Bonsor Avenue and Fern Avenue. These closures except for the Fern Avenue portion, were accomplished by Road Closing Bylaw No. 12, 1967 (Bylaw 5228) which was given final adoption by Council on 1967 November 06. Titles to these closed rights-of-way are vested in the name of Simpson-Sears Limited, although further steps are required to finalize the transfer based on the completion of the various terms of this agreement. One of the terms is the provision of easements to protect any existing public services within the rights-of-way which have been closed.
- b) To date, the dedication of rights-of-way for and the construction of the Bennett Street extension from Nelson Avenue to Fern Avenue has been achieved. This procedure also achieved the closure of the portion of Fern Ave. right-of-way between Nelson Avenue and Bennett Street not accomplished by Bylaw 5228.
- c) The dedication of the 16.5 ft. widening of Kingsway still needs to be done. The subdivision procedures now underway will accomplish this widening dedication along the Simpson-Sears property frontage similar to that being provided along the Kelly-Douglas property frontage.  
  
The dedication of the 16.5 ft. widening of Kingsway along the Bill's Investments (Super-Valu) property frontage (4850 Kingsway) had also been part of this previous agreement but has not been completed to date due to the third-party nature of this transaction. These current procedures do not include this widening dedication along the frontage of 4850 Kingsway in order not to cause undue delay to Simpson-Sears' desires related to the consolidation and resubdivision of its properties. However, this aspect of the previous agreement will be expected to be resolved in due course through the continued best efforts of Simpson-Sears.

3.0 CURRENT SUBDIVISION PROCEDURES:

Cal Investments is working in co-operation with Simpson-Sears Limited to redevelop for commercial purposes the southern portion of the Sears property utilizing in great part the large redundant Sears catalogue distribution centre building. Staff are still pursuing preliminary discussions with Cal Investments and Sears on the proposed development which are expected to result in the determination of appropriate overall development parameters and procedures early in the new year.

Sears has made application to create consolidated sites which will accommodate further development in line with the adopted Metrotown conceptual development plan and to permit the subdivision of the northern portion of the Sears property encompassing the Sears department store, the automotive centre, and parking areas, from the southern portion. This southern portion is intended to be acquired by Cal Investments for its proposed commercial redevelopment. Sears has requested that this subdivision matter be expedited. This subdivision proposal will be achieved through standard procedures including the technical use of the Road Exchange.

Bylaw procedure. These subdivision and road exchange bylaw procedures will accomplish various dedications which are essential to the achievement of the desired and high-priority Metrotown core-related road network. These needed dedications include those related to the Kingsway widening, the Bennett Street extension between Fern Avenue and Bonsor Avenue, and Central Boulevard. As part of the proposed Road Exchange Bylaw which will achieve dedications amounting to approximately 58,700 sq.ft., the Fern Avenue right-of-way between Bennett and Brief Streets amounting to approximately 15,000 sq. ft. would be closed for inclusion in the Sears property. It is noted that in the light of the decision to eliminate the Brief Street alignment and to include the Brief Street right-of-way with Bonsor Park, it is imperative that Bennett Street be extended to Bonsor Avenue to provide an appropriate alternative distribution/collector connection west from Nelson Avenue. The Bennett Street extension would be constructed by the applicant to Bonsor Avenue. The western access to the Bonsor Park parking lot would be available from the Brief Street alignment east of Bonsor Avenue.

Easements will be required to protect any public services within any proposed closed rights-of-way. All standard subdivision requirements will apply including those related to services, underground wiring, and street construction.

#### 4.0 PROPOSED ROAD EXCHANGE BYLAW:

As generally described in the preceding sections, Sears' desire for an expeditious subdivision will be facilitated through the pursuance of a Road Exchange Bylaw as outlined in the attached sketch.

The Road Exchange Bylaw will entail:

- a) The dedication of rights-of-way involving the Kingsway widening, Central Boulevard, Nelson Avenue widening north of Bennett Street, and the westward extension of Bennett Street to Bonsor Avenue (totalling approximately 58,700 sq. ft.); and the closure of Fern Avenue right-of-way between Bennett Street and Brief Street (approximately 15,000 sq. ft.) for inclusion in the Sears property.
- b) Easements will be provided by Sears and registered to protect any public services within the closed rights-of-way.
- c) The registration of the Road Exchange Bylaw Plan will be followed by the registration of a subdivision plan of consolidation, creating Parcels 'X', 'Y', and 'Z' (attached sketch).
- d) Compliance by the applicant with all standard subdivision requirements will apply including the construction of the Bennett Street extension to a full standard, the provision of required services, and the undergrounding of wiring.
- e) Steps required to finalize the transfer of ownership of road rights-of-way previously closed by Road Closing Bylaw No. 12, 1967 (Bylaw 5228).

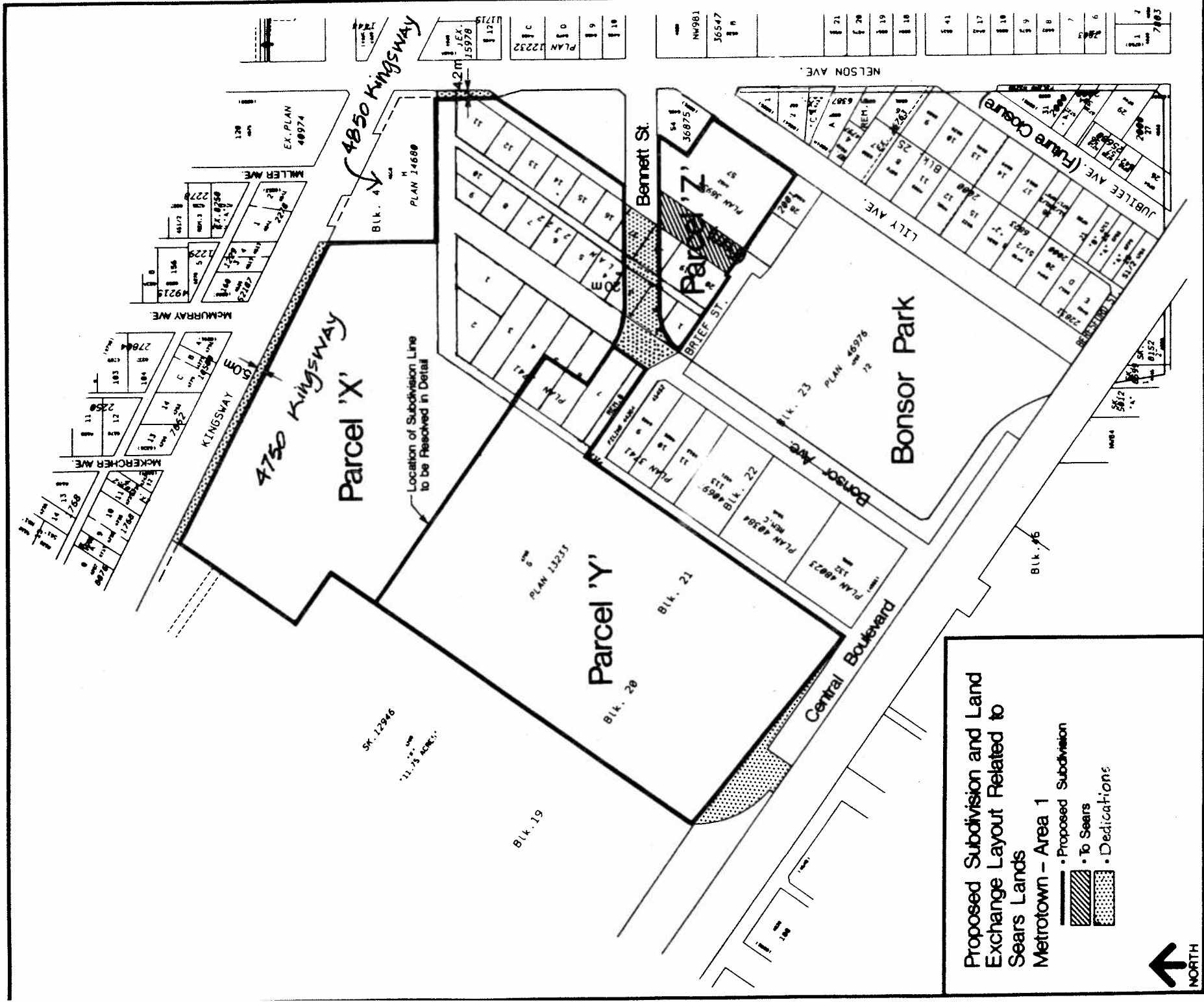
KI:mdw  
Attachment  
C.C.

Municipal Solicitor  
Director Engineering  
Director Recreation & Cultural Services

  
A. L. Parr,  
APPROVING OFFICER.

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 COUNCIL MEETING 85/01/02

R.C. REF #16/84 122  
 D.L. 152/153



Proposed Subdivision and Land Exchange Layout Related to Sears Lands  
 Metrotown - Area 1

- Proposed Subdivision
- To Sears
- Dedications

Scale=NTS

← NORTH