

ITEM Supplementary 34
MANAGER'S REPORT NO. 50
COUNCIL MEETING 90/08/13

SUPPLEMENTARY

TO: MUNICIPAL MANAGER 1990 August 09

FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 10.101

SUBJECT: PARK RESERVATION AND ROAD RESERVATION BYLAWS - BURNABY SOUTH HIGH SCHOOL SITE

PURPOSE: To seek Council authority to initiate a Park Reservation Bylaw and a Road Reservation Bylaw affecting certain lands that are to be conveyed to the Municipality of Burnaby at the Burnaby South High School site.

RECOMMENDATIONS:

1. THAT Council request the Solicitor to prepare a Parks Reservation Bylaw for the 1.7 acre neighbourhood park site within the Burnaby South High School lands identified as parcel "A" in Figure 1.
2. THAT Council request the Solicitor to prepare a Road Reservation Bylaw for that area within the Burnaby South High School lands identified as parcel "B" in Figure 1.

REPORT

1.0 BACKGROUND

In 1990 June, the Burnaby School Board entered into an Agreement for Sale in relation to the disposition of the Burnaby South High School lands.

As part of this Agreement, the School Board and the Purchaser stipulated that the major portion of the designated neighbourhood park site (that was not part of the sales offering) be subdivided and dedicated as park area. This item was included at the request of the Purchaser who is seeking binding assurances that the neighbourhood park site can only be used for park purposes. The Agreement further stipulates that in the event this dedication, or the conveyance of the municipal lands to the School Board, does not occur by 1990 September 1, then the Purchaser has the option of terminating the Agreement.

2.0 PROPOSAL TO EXPEDITE THE COMPLETION OF THE AGREEMENT

In an endeavour to assist the Board in completing this transaction, municipal staff have reviewed options available and advanced a proposal that with the concurrence of the Purchaser would enable the necessary conditions to be met by 1990 September 01. The proposal involves the Municipality of Burnaby taking title to Lot 1 as shown on the attached Figure 1. Lot 1 incorporates the 1.7 acre neighbourhood park site that is to be conveyed to the Municipality of Burnaby from the School Board under the terms of the Land Exchange/Purchase Agreement with the School District. It also includes an approximately 0.24 acre area that will form part of the future central spine road accessing the residential development sites. Inclusion of this area within Lot 1 is necessary in order to provide legal road access to the property and to avoid a new property line being involved with an existing structure on site.

Under the proposal, the Municipality will take title to these lands by 1990 August 24 and the Municipality will convey its current holdings at Burnaby South to the School District, as also provided for in the Land Exchange/Purchase Agreement with the School District. Obtaining municipal title to these lands will then enable the Municipality to initiate and complete a Parks Reservation Bylaw and a Road Reservation Bylaw for areas "A" and "B" respectively within Lot 1 as shown on Figure 1. The Solicitor for the Purchaser has agreed, subject to the final approval of the company's principals, that these bylaws will provide the desired level of protection for the purchaser with respect to the future use of the lands. Further to this, it is intended that upon demolition of the building on the property, the appropriate portions of Lot 1 will be dedicated as park and road as notations on the future plan of subdivision that will be required.

To ensure that this initiative is successful, it is recommended that Council direct the Municipal Solicitor to prepare the necessary Park and Road Reservation Bylaws. These bylaws would be prepared and submitted to Council for Three Readings at its meeting of 1990 August 27 and, if given, for Final Adoption at the Council Meeting of 1990 September 04.

3.0 RELATED ISSUES

At a meeting with the various parties held on 1990 August 08 to discuss the details of this proposal, it was agreed that the lawyer representing the School District would make the necessary amendments to the Agreement For Sale and forward the revised document to the lawyers representing the purchasers. It was further agreed that the purchasers, who reside in Japan, would have until midday Monday, 1990 August 13 to approve of the amendments, including using the Parks and Road Reservation Bylaw approach. In addition, it was agreed that the Municipality would enter into Agreements with the Burnaby School District to indemnify the Municipality of any costs or liability relating to the continued operation of the Burnaby South High School on municipal lands until its removal from the future park site. As well, the purchaser has agreed to provide the Municipality with an Agreement that it will accept responsibility for the removal of the school building from the park site within 3 months of the closure of the school and that it will assume all costs of demolition including asbestos removal. The Municipality for its part will guarantee right of access to the purchaser to remove the school building.

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A last issue relates to a small area of land (.0181 ac.) shown as area "C" on Figure 1 that when redevelopment of the site occurs will become redundant road allowance. In view of the fact that the involvement of this small parcel as road allowance is only a temporary measure to enable the current subdivision to occur, the purchaser has requested that this land be returned to the developer at the time of the resubdivision of the property. It has been indicated to the purchaser that this would occur as it is the practice of the Municipality in conjunction with applications to rezone property to utilize Highway Exchange Bylaws to exchange any redundant road allowances (up to a value for value basis) for newly dedicated roadways.

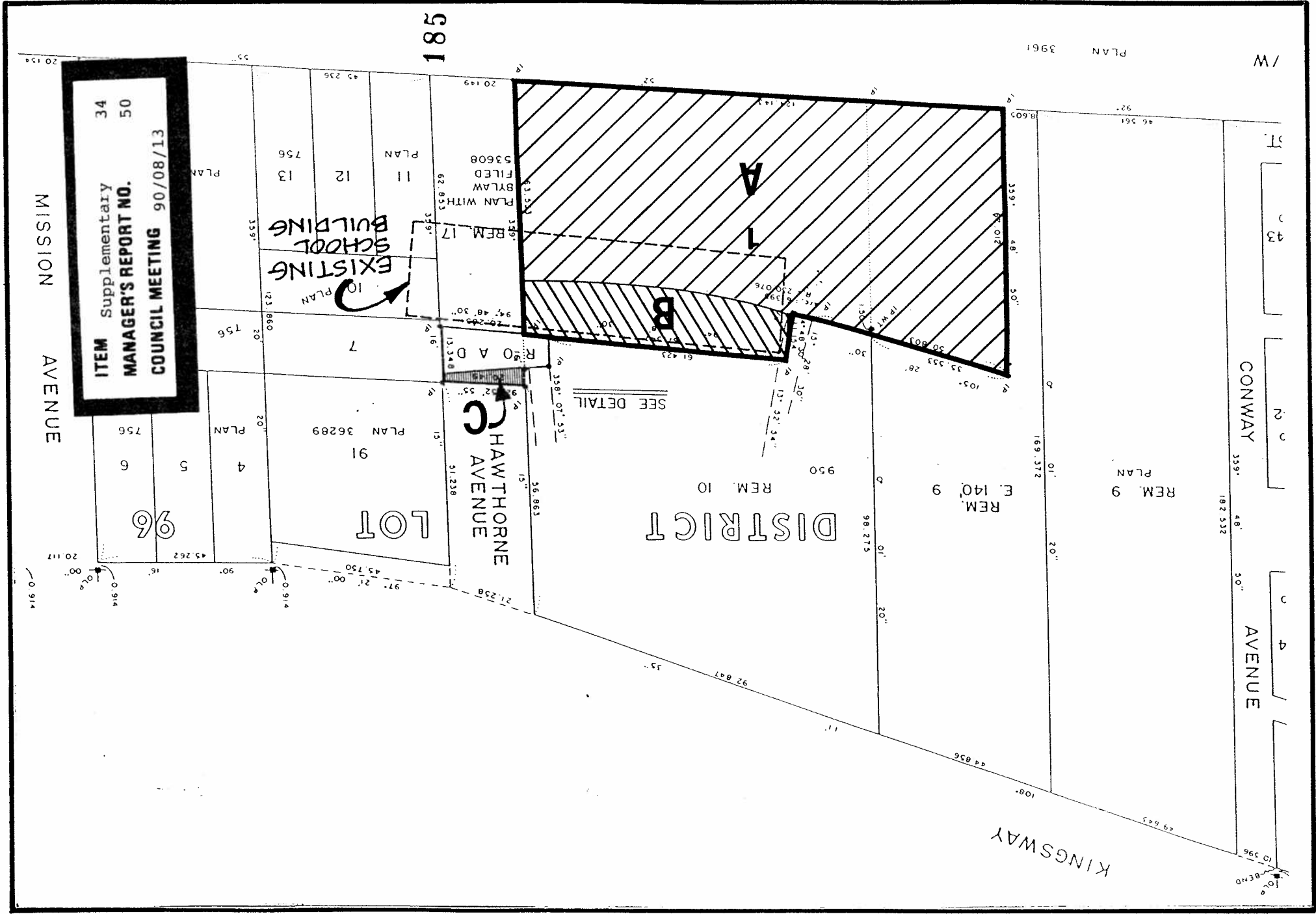
4.0 CONCLUSION

The advancement of the Parks and Road Reservation Bylaws as recommended will, with the final concurrence of the purchaser, enable the transaction associated with the sale of the Burnaby South High School site to be completed and in turn facilitate the development of the Burnaby South 2000 project. The introduction and final approval of these bylaws by 1990 September 4 will meet the completion timetable to be incorporated within the revised Agreement For Sale between the Burnaby School District and the purchaser of the lands.

JSB/mcb
Attach.

cc: Municipal Solicitor
Municipal Clerk
Director Recreation & Cultural Services
Secretary Treasurer, Burnaby School Board


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION



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Planning &
Building Inspection
Department



Date:
1990 AUGUST

Scale:
N.T.S.

Drawn By:
RCN



LOT 1



PROPOSED
PARK RESERVATION



PROPOSED
ROAD RESERVATION



FUTURE REDUNDANT
ROAD ALLOWANCE