

TO: CITY MANAGER 1993 September 29

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REPEAL OF HIGHWAY RESERVATION BYLAW NO. 9461  
AND PARK RESERVATION BYLAW NO. 9462  
FORMER BURNABY SOUTH HIGH SCHOOL SITE**  
References: Rezoning #7/93 and Subdivision #25/93

PURPOSE: To seek Council authority to repeal the existing Highway and Park Reservation Bylaws and to introduce a new Park Reservation Bylaw at the former Burnaby South School site in order to remove a small portion of road reservation from the future development site and reconfigure the City's park in accordance with the adopted Edmonds Town Centre West Development Plan for this site.

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**RECOMMENDATIONS:**

1. **THAT** the City Solicitor be authorized to prepare a Repeal of Highway Reservation Bylaw No. 9461 and Park Reservation Bylaw No. 9462 as more particularly outlined in this report.
2. **THAT** the City Solicitor be authorized to introduce a new Park Reservation Bylaw subsequent to registration of the subdivision plan creating the reconfigured park in line with the adopted Edmonds Town Centre West Development Plan.

**R E P O R T**

**BACKGROUND:**

On 1990 August 13 Council (Item [supplementary] 34, Manager's Report No. 50) authorized preparation of a Highway Reservation Bylaw and a Park Reservation Bylaw at the Burnaby South High School Site (see *attached* Sketch #1). These Bylaws were subsequently introduced and given final adoption on 1990 September 04.

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.

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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 was seeking assurances that the neighbourhood park site could only be used for park purposes.

In order to assist in expediting completion of that Agreement, City staff reviewed the options available and advanced a proposal, with the concurrence of the Purchaser, that enabled the necessary conditions to be met. The proposal involved the City taking title to the lot which incorporated the 1.7 acre neighbourhood park site that was to be conveyed to the City 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 was to form part of the future central spine road accessing the residential development sites. Inclusion of that area within the lot was necessary in order to provide legal road access to the property.

CURRENT SITUATION:

Under the terms of the current Rezoning #7/93, the new owners of the former school site are working towards achieving subdivision of the property (see *attached* Sketch #2) in accordance with the Edmonds Town Centre West Development Plan.

As Council is aware the City's park site is being reconfigured and slightly reduced from 1.7 acres to 1.5 acres. The developer is also proposing development and maintenance of a Japanese Garden abutting the City Park for which a covenant agreement is to be entered into to ensure generous public access.

To achieve this reconfiguration in line with the currently adopted Edmonds Town Centre West Development Plan, it is necessary to first repeal the existing Park Reservation Bylaw. Section 532 of the Municipal Act requires that an affirmative vote of at least 2/3 of the members of Council is necessary to remove a reservation bylaw. Subsequently, the Minister must give approval prior to the bylaw being finally adopted. The Minister may, before giving his approval, direct that the assent of the electors be obtained.

What is being proposed is to seek the approval of the Minister on the basis that the City will introduce a new Park Reservation Bylaw subsequent to registration of the subdivision plan which creates the new park, and in due course, consider a park dedication by referendum.

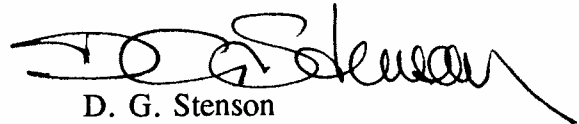
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A repeal of the Highway Reservation Bylaw is also being proposed. While the intent of the Bylaw will be achieved via dedication of the road in the subdivision plan, a minor "sliver" of the reservation area would remain on Lot 6 (shown on Sketch #2). This sliver is no longer necessary for road purposes and it would, therefore, be appropriate to seek removal of the Bylaw concurrently with the Park Reservation Bylaw.

CONCLUSION:

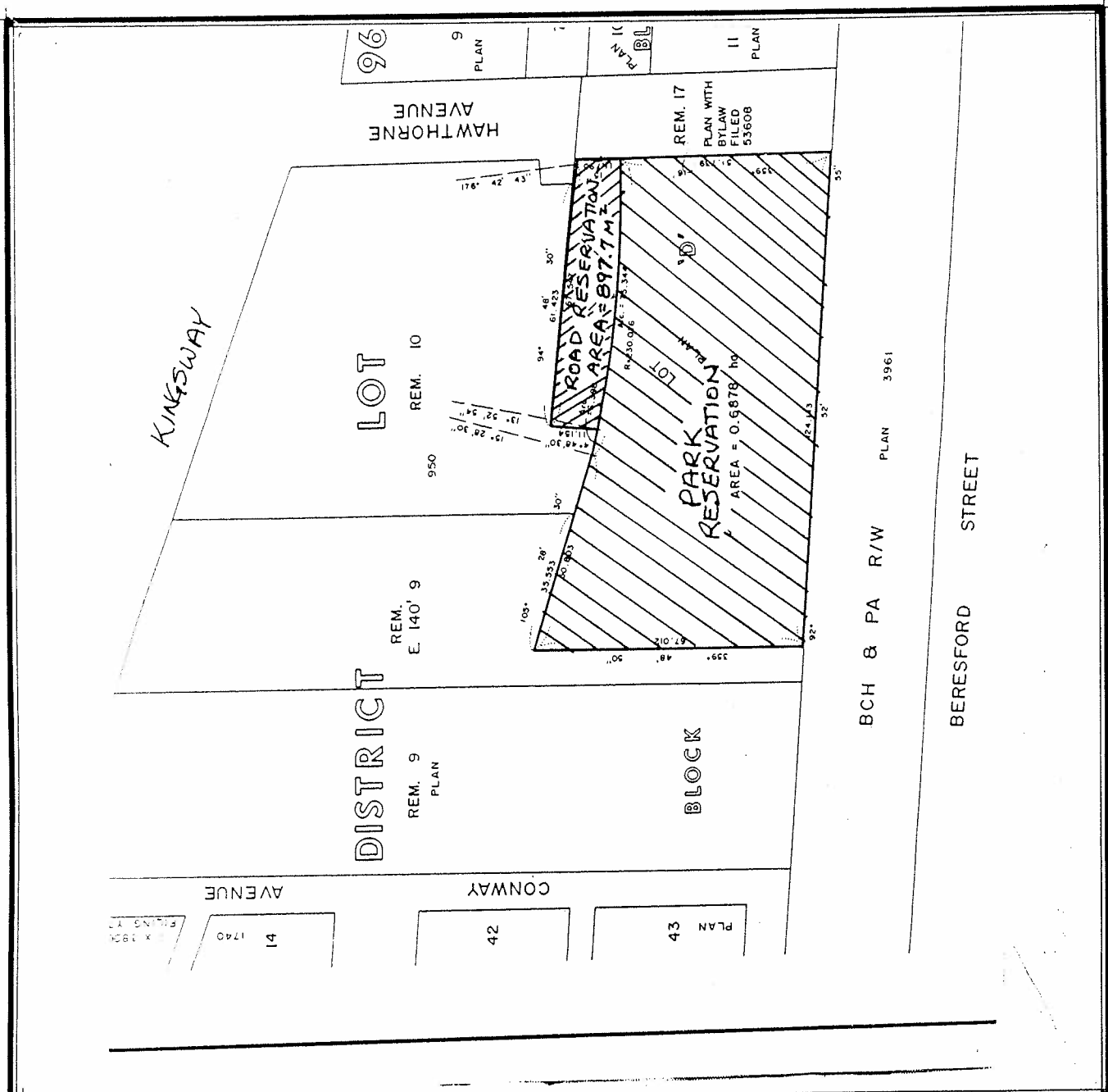
In order to provide for reconfiguration of the park site and to remove the minor portion of road reservation from Lot 6, staff are seeking Council's authority to introduce a Repeal of Park Reservation Bylaw #9462 and Highway Reservation Bylaw #9461, as outlined above and in due course, to introduce a new Park Reservation Bylaw.




D. G. Stenson  
 DIRECTOR  
 PLANNING & BUILDING



CS:hr  
 Atts.

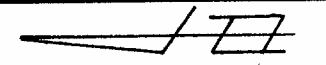
cc: Director Administrative & Community Services  
 City Solicitor



Date:  
 1993 SEPT.  
 Scale:  
 N.T.S.  
 Drawn By:

 City of Burnaby  
 Planning & Building Dept.

 - ROAD  
 - PARK  
 } EXISTING RESERVATION AREAS



SKETCH #1

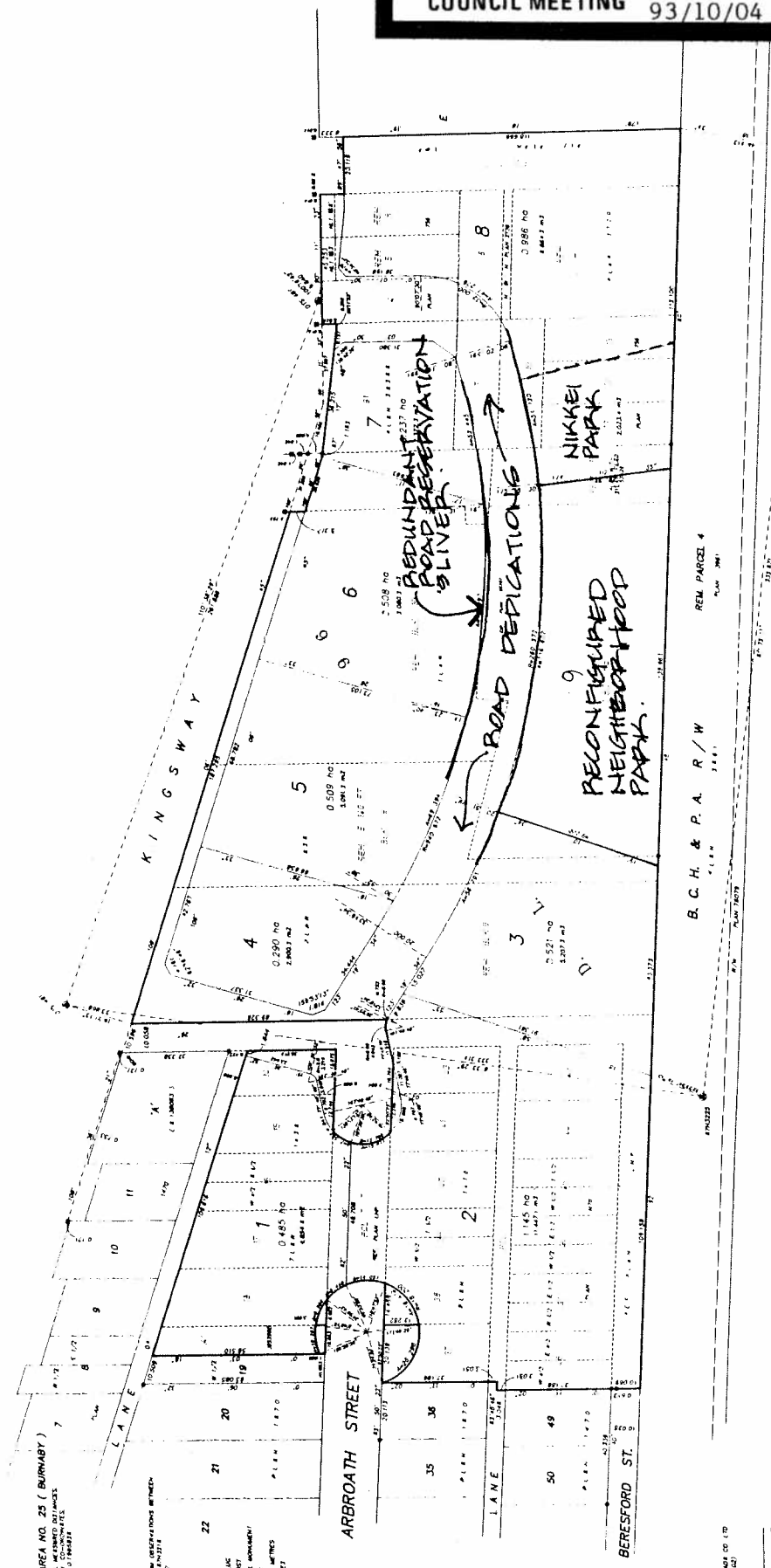
DIVISION PLAN OF PARTS OF  
DISTRICT LOT 96 GROUP 1 NEW WESTMINSTER DISTRICT

92C-026

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BERESFORD STREET SOUTH  
PROPOSED SUBDIVISION  
SKETCH # 2

PRELIMINARY

LAY LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

