

TO : CITY MANAGER DATE: 1997 JUNE 19

FROM : ACTING DIRECTOR RECREATION AND CULTURAL SERVICES

SUBJECT : BURNABY LAKE PARK - GREATER VANCOUVER SEWERAGE & DRAINAGE DISTRICT REQUEST FOR A STATUTORY RIGHT-OF-WAY TO PERMIT CONSTRUCTION OF THE SPERLING AVENUE TRUNK SEWER MAIN

PURPOSE : To request Council to authorize the execution of the Statutory Right-of-Way agreement with Greater Vancouver Sewerage & Drainage District for Burnaby Lake Park.

RECOMMENDATION:

1. THAT authorization be given to execute the subject Statutory Right-of-Way agreement.

REPORT

At its meeting of 1997 June 18, the Parks and Recreation Commission received the attached staff report on the above subject and adopted the two recommendations contained therein.



KATE FRIARS
ACTING DIRECTOR RECREATION
AND CULTURAL SERVICES

tc
Attachment
c:\data\wp\council\ 970619

cc: Director Engineering
Director Planning & Building
Deputy City Manager
City Solicitor

**SUBJECT: BURNABY LAKE PARK - GREATER VANCOUVER SEWERAGE & DRAINAGE
DISTRICT REQUEST FOR A STATUTORY RIGHT-OF-WAY TO PERMIT
CONSTRUCTION OF THE SPERLING AVENUE TRUNK SEWER MAIN**

RECOMMENDATIONS:

1. THAT the granting of a Statutory Right-of-Way over Parcel "A" (RP 2806) Block 17 EXCEPT: FIRSTLY: Part on Reference Plan 3179 ; SECONDLY: Part on Reference Plan 3310; District Lot 79, Group 1 New Westminster District Plan 536, be approved under the terms and conditions outlined in this report.
2. THAT Council be requested to authorize the execution of the subject Statutory Right-of-Way agreement.

REPORT

BACKGROUND

The Greater Vancouver Sewerage and Drainage District (GVS&DD) are constructing a sanitary trunk sewer main. The GVS&DD are requesting a Statutory Right-of-Way to protect their works after construction. The proposed sanitary trunk sewer will be located at Sperling Avenue and the Trans Canada Highway, within Burnaby Lake Park's boundaries as shown on the attached sketch. The GVRD holds a lease agreement with the City of Burnaby for Burnaby Lake Regional Park. The GVS&DD have indicated that they have approval from the GVRD - Parks to build the sewer main.

PROPOSED STATUTORY RIGHT-OF-WAY

Staff have reviewed this proposal with the Legal and Parks Operations staff and it has been determined that a Statutory Right-of-Way should be granted subject to the following conditions:

- The removal of 4 trees that are in poor condition should be compensated by the GVS&DD through a 2:1 tree replacement. A mix of four coniferous, and 4 deciduous species should be planted in the vicinity post construction. The trees should be native species such as Western Red Cedar, Big-Leaf Maple, Bitter or Choke Cherry etc. The GVRD could plant the trees or a work order could be struck against the project and Burnaby would purchase the trees (approx. \$1400).
- The Statutory Right-of-Way agreement provided to us by the GVRD should be amended as recommended by the City of Burnaby's Legal Department.

~~ITEM 7
DIRECTOR'S REPORT NO. 12
COMMISSION MEETING 97/06/18~~

BURNABY LAKE PARK- REQUEST FOR A STATUTORY RIGHT-OF-WAY

Page 2 of 2

The preparation of the Right-of-Way agreement and review of its terms by the City Solicitor is to be coordinated by the Parks Department. To proceed, staff require Commission and Council approval to enter an agreement with the Greater Vancouver Sewerage and Drainage District. We are, therefore, seeking Council Authority pursuant to Subsection (2) of Section 539 of the Municipal Act whereby Council may, by resolution (needs an affirmative vote of at least 2/3 of all Council members), grant rights-of way over property owned by the City.

CONCLUSION

It is requested that the Commission authorize the granting of the right-of-way in Burnaby Lake Park in favour of the Greater Vancouver Sewerage and Drainage District under the terms and conditions outlined in this report, and that Council be requested to authorize the execution of the subject right-of-way.

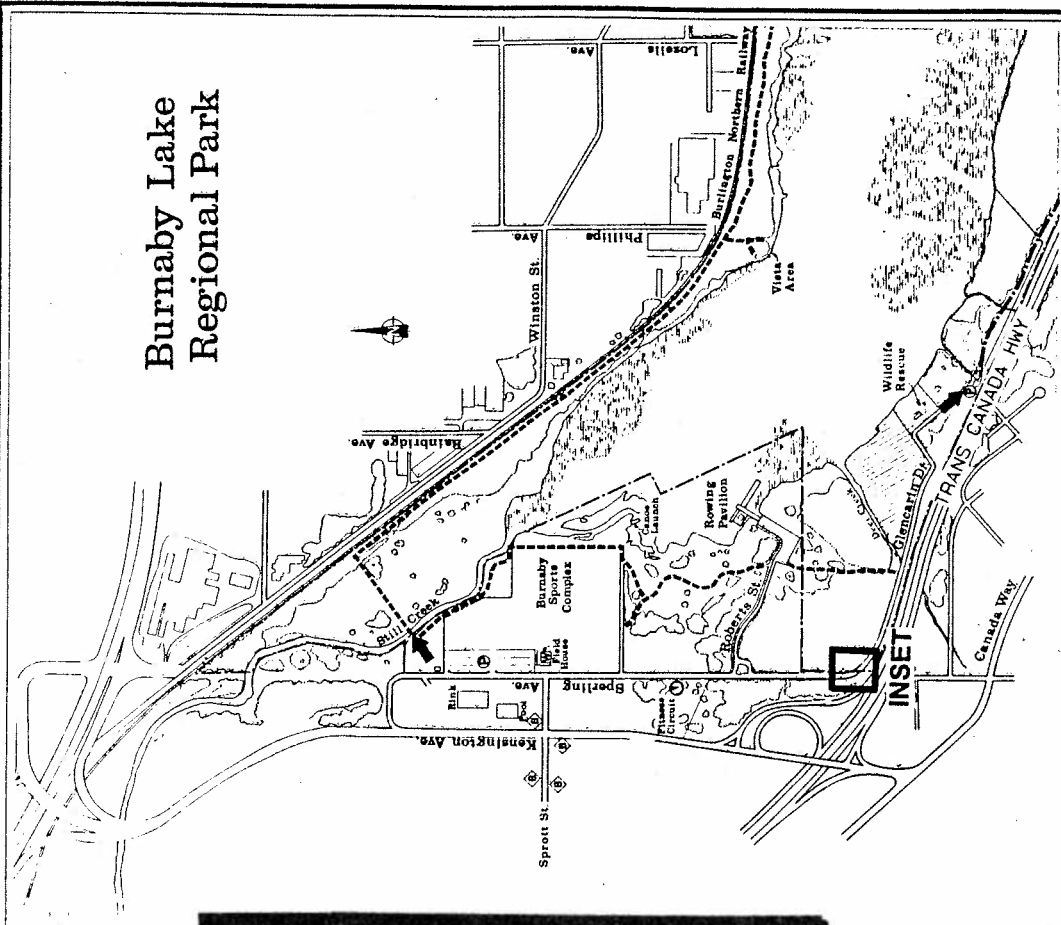
HIB:seo

Attachment

c:\othstaff\hib\bbylkrow.rep.wpd

cc: Director Engineering
Director Planning & Building
Deputy City Manager
City Solicitor

Burnaby Lake Regional Park



Date: 97/05/22
 Drawn by: HHD
 Scale: 1:1000

GVS&DD - BURNABY LAKE PARK
 STATUTORY RIGHT-OF-WAY

INSET DETAIL

