

2000 December 14

TO: CITY MANAGER
FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES
SUBJECT: CONFEDERATION PARK - REQUEST FOR STATUTORY RIGHT-OF-WAY TO CONTAIN EXISTING CITY AND GVWD UTILITIES

PURPOSE: To request Council's approval for the execution and registration of a Statutory Right-of-Way over a portion of Parcel 1, District Lot 122 & 188, Group 1, Plan NWP87902 (Confederation Park) in favour of the Greater Vancouver Water District for regional water main; purposes as outlined in the attached report.

RECOMMENDATION:

- 1. THAT approval be given to the execution and registration of a Statutory Right-of-Way over a portion of Parcel 1, District Lot 122 & 188, Group 1, Plan NWP87902 (Confederation Park) in favour of the Greater Vancouver Water District for regional water main; purposes as outlined in the attached report

REPORT

At its meeting of 2000 December 13, the Parks, Recreation and Culture Commission received the above noted report and adopted the recommendation contained therein.



Kate Friars
DIRECTOR PARKS, RECREATION
AND CULTURAL SERVICES

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Attachment
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cc: City Solicitor
Director Engineering
Director Planning & Building

SUBJECT: CONFEDERATION PARK - REQUEST FOR STATUTORY RIGHT-OF-WAY TO CONTAIN EXISTING CITY AND GVWD UTILITIES

RECOMMENDATION:

1. THAT Council be requested to approve the execution and registration of a Statutory Right-of-Way over a portion of Parcel 1, District Lot 122 & 188, Group 1, Plan NWP87902 (Confederation Park) in favour of the Greater Vancouver Water District for regional water main purposes as outlined in this report.

REPORT

BACKGROUND

On 2000 March 27, Council gave consideration and final adoption to Bylaw 10958 for the McGill Library and City Archive project at Confederation Park. During circulation of the re-zoning application for the library project, the Director Engineering identified two utilities that exist on the Confederation Park site which are not contained within statutory rights-of-way and recommended that the City “clean up” the existing situation by placing these utilities in rights-of-way.

One of these utilities is a Greater Vancouver Water District (GVWD) water main that passes diagonally through Confederation Park (see Attachment # 1). The pipe is a 48 inch diameter steel pipe with a life expectancy of approximately 100 years. Replacement of the pipe, if required in future, would likely take about one month to complete. This regional water main was constructed in 1964 and at that time, public utilities which were on City-owned property did not have a requirement to be contained within rights-of-way.

At their respective meetings of 2000 September 20 and 25, Commission and Council authorized the City Solicitor to negotiate the terms for the granting of a Statutory Right-of-way over a portion of Confederation Park in favour of the Greater Vancouver Water District for regional water main purposes. Negotiations have been successfully concluded and Commission and Council authority is now being sought to execute and register the Statutory Right-of-Way Agreement.

PROPOSED STATUTORY RIGHT-OF-WAY EASEMENT REQUIREMENT

The proposed right-of-way area is improved with open lawn, pedestrian paths, a service road, the Confederation Oval sports field and running track, trees and landscaped areas, a parking lot and an all-weather sports field with backstop. City Planning and Engineering Department staff advise that they have consulted the GVRD to identify its statutory right-of-way easement requirement for the regional water main utility. An easement width of 15 metres was requested. As the easements for this same water main on neighbouring properties is only 9 metres, and as it is desirable to minimize the area of park to be encumbered by the easement, a compromise was reached resulting in a proposed easement width of 10 metres.

Approximately 2/5's (western portion) of the regional water main is located in an area of the park that was dedicated as parkland by Bylaw 986, in 1929. Given that the regional water main is an existing utility within the park, is located under the ground surface, and does not presently interfere with the use of the surface for park purposes, the City Solicitor advises that there is no impediment to the granting of the statutory right-of-way. There is also the benefit, that under a statutory right-of-way agreement, the GVRD assumes the liability for the works and is responsible for maintaining, repairing and replacing the regional water main and for any associated restoration required as a result of such work. Without a statutory right-of-way agreement the responsibility is not clear.

NEGOTIATED TERMS FOR THE PROPOSED STATUTORY RIGHT-OF-WAY

In addition to the standard City terms, the negotiated terms of the proposed statutory right-of-way agreement acknowledge and protect existing and potential future park facilities and park users. The relevant terms are summarized as follows:

- The granting of the right-of-way does not prohibit park development, and specifically reserves the City's right to upgrade the sports fields with an artificial turf surface and the track with a rubberized surface in future.
- The GVWD will restore the upgraded fields and track following any work it undertakes that may cause damage to these facilities.
- Except in the case of an emergency, the GVWD will give the City 10 days advance notice before it carries out any work within the right-of-way area (see following exception for sports fields and track).
- The GVWD will give the City one year's prior written notice before carrying out any work within the right-of-way area which might interfere with the use of the sports fields or track.

As the granting of the right-of-way in favour of the GVWD is being proposed by the Director Engineering to rectify the current situation of an existing regional utility not contained within a statutory right-of-way, compensation for the right-of-way is not being sought.

CONCLUSION

Arising from the McGill Library re-zoning is a request from the Director Engineering to register the statutory rights-of-way for two existing underground utilities within Confederation Park, the first in favour of the City for combined storm and sanitary sewer purposes and the second in favour of the GVRD for regional water main purposes.

The granting of the first right-of-way, in favour of the City, was approved by Council at its meeting of 2000, September 25th. With respect to the second right-of-way, in favour of the GVWD, staff identified a concern regarding the restriction a statutory right-of-way agreement would place on development of park facilities, and specifically, planned future upgrades to the Confederation Oval and Track. To address this concern terms have been negotiated to reserve the City's right to upgrade the Confederation Oval and Track and to ensure that it is restored by the GVWD should the GVWD ever have to excavate to access the water main. It is now recommended that Council be requested to approve the execution and registration of a Statutory Right-of-Way over a portion of Parcel 1, District Lot 122 & 188, Group 1, Plan NWP87902 in favour of the Greater Vancouver Water District for regional water main purposes.

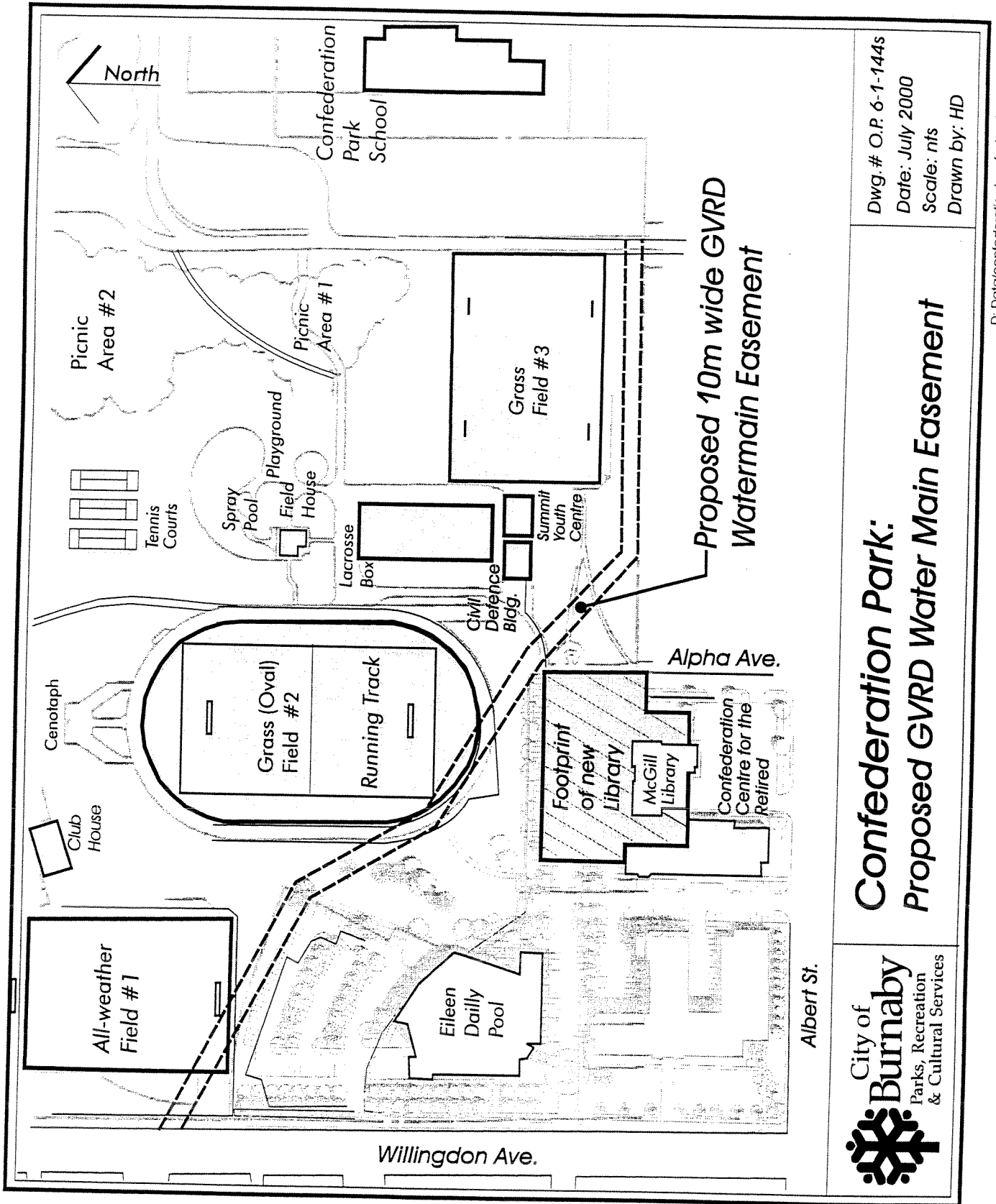
JK.

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Attachment

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cc: City Solicitor
Director Engineering
Director Planning & Building



Dwg. # O.P. 6-1-144s
 Date: July 2000
 Scale: n/s
 Drawn by: HD

**Confederation Park:
 Proposed GVRD Water Main Easement**



D: Data/confederation/confed water main1.cdr

