

2000 August 17

TO: CITY MANAGER

FROM: DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

SUBJECT: ROBERT BURNABY PARK - B.C. HYDRO HILL AVENUE CABLE TERMINAL STATION AND CABLE REPLACEMENT PROJECT

PURPOSE: To request Council to authorize the granting, execution and registration of a statutory right-of-way over Block A, District Lot 89, Plan 4517, Group 1, Except Plan 69981 and 75734 and SRW PL 26009, in favour of the British Columbia Hydro and Power Authority for cable replacement purposes under the terms outlined in the attached report.

RECOMMENDATION:

1. THAT authorization be given for the granting, execution and registration of a statutory right-of-way over Block A, District Lot 89, Plan 4517, Group 1, Except Plan 69981 and 75734 and SRW PL 26009, in favour of the British Columbia Hydro and Power Authority for cable replacement purposes under the terms outlined in the attached report.

REPORT

At its meeting of 2000 August 16, the Parks, Recreation and Culture Commission received the attached report and adopted the recommendation contained therein.



Kate Friars
PARKS, RECREATION
AND CULTURAL SERVICES

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Attachment

d:\data\Council Reports\PK- ROBERT BURNABY PARK - B.C. HYDRO HILL AVENUE CABLE

- cc: City Manager
City Solicitor
Director Engineering
Director Finance
Director Planning and Building

**SUBJECT: ROBERT BURNABY PARK - B.C. HYDRO HILL AVENUE CABLE
TERMINAL STATION AND CABLE REPLACEMENT PROJECT**

RECOMMENDATION:

1. THAT Council be requested to authorize the granting, execution and registration of a statutory right-of-way over Block A, District Lot 89, Plan 4517, Group 1, Except Plan 69981 and 75734 and SRW PL 26009, in favour of the British Columbia Hydro and Power Authority for cable replacement purposes under the terms outlined in this report.

REPORT

BACKGROUND

In the fall of 1997, B.C. Hydro approached the City regarding alignment options for a proposed major project to replace two underground 230KV cable circuits between Newell Substation at Kingsway/Griffiths and the Hill Avenue Cable Terminal Station located on the north side of the Trans Canada Highway at Hill Avenue within Burnaby Lake Regional Nature Park and in the vicinity of Robert Burnaby Park on the south side of the Trans Canada Highway. The major construction works involved are the relocation and replacement of the cable terminal and the drilling of new duct banks under the Trans Canada Highway to connect with the existing duct banks within B.C. Hydro's right of way through Robert Burnaby Park.

At its meeting of 1998, November 08 Council received correspondence from B.C. Hydro advising that B.C. Hydro was proceeding with the project for the purpose of providing increased service to its customers in central Burnaby. A 1999 November 22 report to Council outlined the main elements of B.C. Hydro's cable replacement project and provided staff comments with respect to the elements which needed to be addressed by B.C. Hydro to satisfy a number of environmental, park use and engineering concerns. It was noted, at that time, that further details on the drilling of new ductbanks under a portion of Robert Burnaby Park were required and that any additional right-of-way in favour of B.C. Hydro would require the approval of the Parks, Recreation and Culture Commission and Council. Since that time staff have worked closely with B.C. Hydro to ensure that the City's concerns are addressed.

At its July 10th meeting, Council received further correspondence from B.C. Hydro advising that planning for the project was now complete and that B.C. Utilities Commission approval for the project had been received in April, 2000. The project is to be done in three stages with the first beginning in July of this year within Burnaby Lake Regional Nature Park in preparation for the second stage scheduled for the spring and summer of 2001 which will involve the construction of the new Hill Avenue Terminal Station and cable replacement of Circuit 2L39. The third and final stage involves the replacement of Circuit 2L40 and will be carried out in the spring and summer of 2002. Directional drilling under the Trans Canada Highway and Robert Burnaby Park and work to connect the new circuits to the existing cables within Robert Burnaby Park will occur in the second and third stages in the spring and summer of 2001 & 2002.

STATUTORY R.O.W. REQUIREMENT WITHIN ROBERT BURNABY PARK

During the project planning stage, B.C. Hydro requested preliminary approval of an alignment for a new statutory right of way through Robert Burnaby Park for the installation of the two new underground cable duct circuits 2L39 and 2L40. In order to align the new cable ducts with the proposed new Hill Avenue Cable Terminal Station, which is to be relocated immediately east of the existing terminal site, the new cable ducts must be drilled under the Trans Canada Highway at an angle outside the existing SRW within Robert Burnaby Park. The proposed new alignment crosses under a small triangular area of the park where there is a creek and forest grove as illustrated on attached sketch.

Given the depth of the works as they traverse the creek and the forest area, it is not anticipated that the directional drilling and the proposed alignment for the ducts will have any adverse impact on existing vegetation or interfere with the surface use for park purposes. Minor interference at the trail connection within the existing B.C. Hydro Statutory R.O.W. is the only disruption anticipated during the construction period. The key elements identified by staff as issues to be addressed by B.C. Hydro for the Robert Burnaby park component of the cable replacement project are listed as follows:

- 1) The land at Robert Burnaby Park is dedicated parkland. Its dedicated status has implications for the granting of easements and rights of way over the property. The Acting City Solicitor has been consulted to determine if it is possible to grant an easement in this case. As we would not be introducing a new utility into the park (in this instance, there is an existing right of way for the same utility) the Solicitor has advised that there is no impediment to granting additional right of way area to B.C. Hydro. It is, however, preferable to restrict the right of way to as small an area as possible. The terms of the documentation should also recognize that the surface vegetation in the park is to be retained and protected with the rights in favour of B.C. Hydro restricted as much as is practicable to the sub surface area.
- 2) As there was potential for impact at the forest edge where the ducts will rise in depth to meet the manhole connection within the existing right of way staff requested that the ducts be aligned at the maximum depth possible through the wooded area before rising to meet the 1.5 metre connection at the manhole.
- 3) The area which will be subject to the most impact during construction is the existing trail network which both crosses and follows the B.C. Hydro right of way corridor and service road. The excavation and construction of the manhole in this location will cause disruption to trail use by pedestrians and the users of the off-leash dog area. A temporary re-routing of the cross trail and disrupted connection to existing forest trails will be required during construction. A public information program and on site signs notifying the public of the temporary re-routing of trails will also be required. Particular attention is to be given to public information for users of the off-leash dog area.

Items #1 and #2 have been addressed in the alignment and design of the cable ducts and through negotiation of the terms of the SRW's. The granting of two parallel sub surface SRW's rather than one triangular right of way is proposed, thus reducing the total size of the right of way area required. BC Hydro has agreed to address the concerns identified in Item #3.

NEGOTIATED TERMS FOR THE PROPOSED STATUTORY R.O.W.

On 1999 December 15, Council adopted a policy for the negotiation and granting of Statutory Rights of Way over City owned land. The standard form of SRW agreement for easement over City property stipulates that the easement is granted for the “life of the works”. When BC Hydro no longer needs the land, the SRW will expire, and the land will revert back to City use. At the termination of the project, BC Hydro would be responsible for removal of the facilities and any park property restoration required.

In addition to the standard City terms, the Legal and Lands Department, in consultation with Parks staff have negotiated the following terms for the proposed right of way area with B.C. Hydro:

1. B.C. Hydro agrees to pay Burnaby \$2.75 per square foot of horizontal area for the grant of two subsurface Statutory Rights of Way.
2. The horizontal area of the two SRW's is estimated at 19,094 square feet. Please note as the installations will be directionally drilled the actual location may vary slightly from the plan. The estimated purchase price subject to final survey is \$52,508.
3. Survey and related costs will be the responsibility of B.C. Hydro. The dimensions for the volumetric survey will be 6 metres horizontal dimension and 10 metres vertical dimension from the centre line of the directionally drilled duct cable.
4. Burnaby and B.C. Hydro are negotiating a “Permission to Enter and Construct and Agreement to Grant Right of Way” to permit the construction of the works which includes the final form of the Statutory Right of Way.
5. The Statutory Rights of Way are for underground ducts and 230 kv electrical cables which will be buried a minimum of 8 metres below grade.
6. The parties agree that any applicable GST, PST or any other taxes payable in a real estate transaction will be paid as per the industry standard for the interest of land granted.
7. B.C. Hydro agrees to pay compensation for the Statutory Rights of Way within 60 days of completion of construction of the works (adjusted for any increased area based on final survey).

CONCLUSION

B.C. Hydro is proceeding with a major cable replacement project between the Hill Avenue terminal and Newell Substation. The major construction work affecting Robert Burnaby park is related to the cable circuit replacement under the Trans Canada Highway to meet the existing cable circuits located within BC Hydro's existing Statutory Right of Way in Robert Burnaby Park. As the cable circuits are to be constructed using directional drilling techniques from the north side of the Trans Canada Highway, there is only minor disruption to the park anticipated during the construction period. Public use of the park during this period will be maintained by BC Hydro through the temporary relocation of the trail connection located within the existing right of way.

To cover the proposed works, two sub surface Statutory Rights of Way over the park are being requested by B.C. Hydro. Given that the project is an upgrade to an existing utility of significance to a large number of BC Hydro's customers in Central Burnaby, and as the works have no long term impact on park vegetation or the surface use of the park, staff recommend that Council be requested to authorize the granting, execution and registration of the two sub surface Statutory Rights of Way in favour of the British Columbia Hydro and Power Authority for cable replacement purposes under the terms outlined in this report.

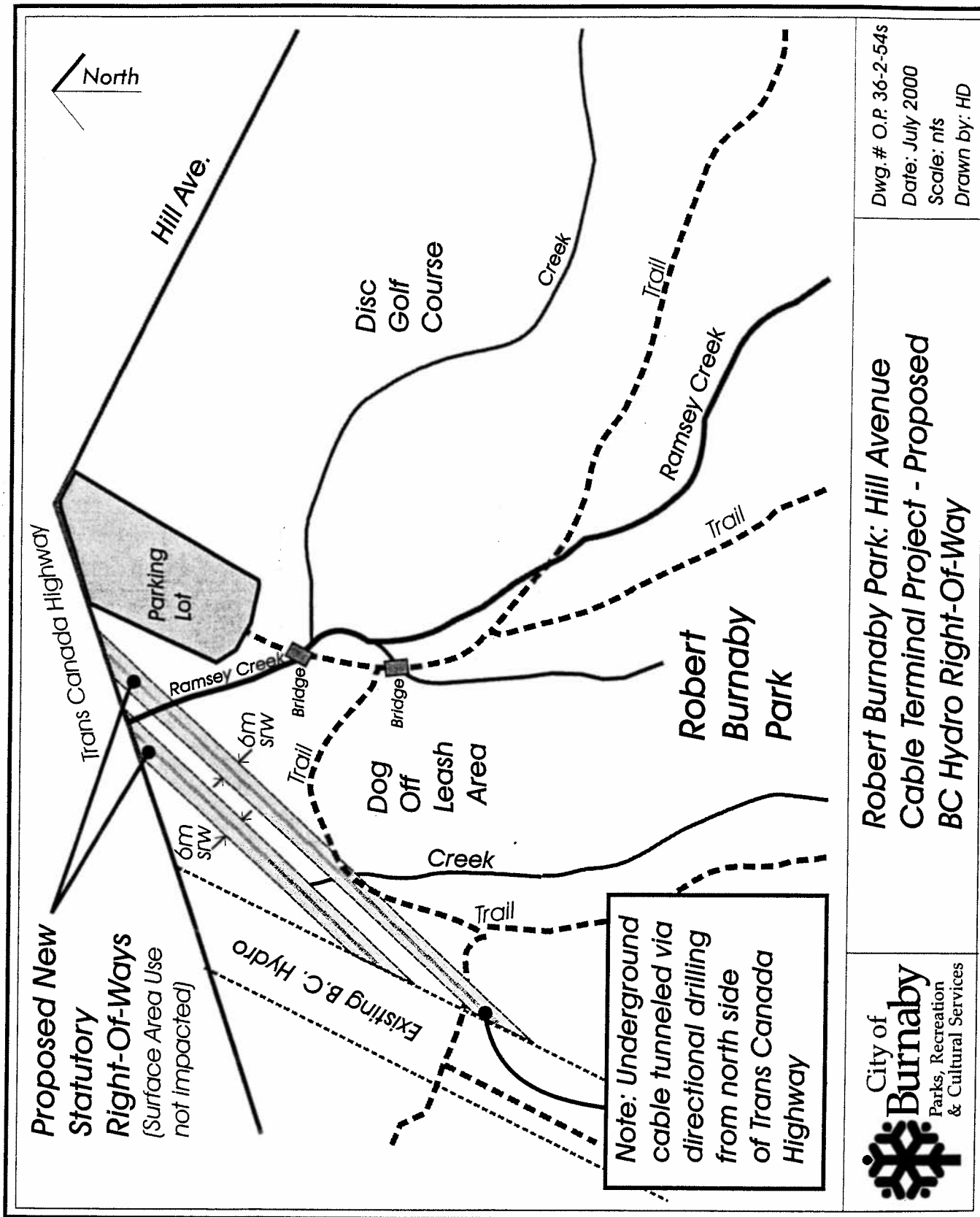
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Attachment

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cc: City Manager
City Solicitor
Director Engineering
Director Finance
Director Planning and Building



Dwg. # O.P. 36-2-54s
 Date: July 2000
 Scale: n/s
 Drawn by: HD

**Robert Burnaby Park: Hill Avenue
 Cable Terminal Project - Proposed
 BC Hydro Right-Of-Way**



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