

2003 JANUARY 16

TO: CITY MANAGER

FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

SUBJECT: BURNABY FRASER FORESHORE PARK - RENEWAL OF WATER LOT LEASE NO. 07015 FOR THE COMMONWEALTH PIER

PURPOSE: To seek Council's authorization for the renewal of North Fraser Port Authority Water Lot Lease No. 07015 (Fraser River North Arm) for public recreation purposes for a further one year term, commencing 2003 January 01.

RECOMMENDATION:

1. THAT authorization be given to the renewal of North Fraser Port Authority Water Lot Lease No. 07015 (Fraser River North Arm) for public recreation purposes for a further one year term, commencing 2003 January 01, as outlined in the attached report .

REPORT

At its meeting of 2003 January 15, 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

P:\DATA\WP\COUNCIL\BURNABY FRASER FORESHORE PARK - RENEWAL OF WATER LOT

cc: City Solicitor
City Risk Manager
Director Planning and Building

SUBJECT: BURNABY FRASER FORESHORE PARK - RENEWAL OF WATER LOT LEASE NO. 07015 FOR THE COMMONWEALTH PIER

RECOMMENDATION:

1. THAT Council be requested to authorize the renewal of North Fraser Port Authority Water Lot Lease No. 07015 (Fraser River North Arm) for public recreation purposes for a further one year term, commencing 2003 January 01, as outlined in this report .

REPORT

INTRODUCTION

In January of 1999, a water front property on the Fraser River was transferred to the City as part of the re-zoning and subdivision of Guy F. Atkinson Holdings' (Commonwealth Construction) property located off of Tillicum Street. Along with the transfer of this property for inclusion in Burnaby Fraser Foreshore Park, the Commission approved the transfer of a loading pier facility for conversion to public use as a viewing and fishing pier. The pier's location within the park is indicated on the attached plan of the Big Bend area of Burnaby (Attachment #1).

The pier is located in North Fraser Port Authority (NFPA) Water Lot 5679 on the North Arm of the Fraser River (Attachment #2). Commencing 1999 January 01, the City has leased this water lot from the NFPA on an annual basis for public recreation purposes at a reduced rate of \$2,625.00 per annum (plus GST). The reduced rate reflects the Port's intention to reduce the water lot area to be leased by the City to the immediate vicinity of the pier (approximately 1/3 the area). The Port subsequently waived the requirement for the City to survey the water lot to reflect the proposed area reduction and is presently leasing the entire water lot to the City at the reduced rate.

The purpose of this report is to seek authorization to renew the water lot lease for a further one year term.

EXPLORATION OF ALTERNATE FORMS OF LEGAL ACCESS

Under the NFPA lease the City accepts and occupies the Land "as is". The NFPA lease contains a number of standard clauses related to tenant responsibility for environmental contamination, including contamination resulting from activities upstream, which would expose the City to an unpredictable and immeasurable financial risk. In an effort to address the City's concerns regarding the lease form, the City and the NFPA entered into the lease for a term of one year, commencing 1999 January 01, with the understanding that during the one year term the potential for alternate forms of legal access to the pier would be explored with the Province, the holder of the head lease.

At the time of the City's request, the Province had just initiated a review of the terms and conditions of its head lease and management agreement with the Port. Once the new head lease is in place the Province indicated that it would contact the City to discuss the issue of alternative options for legal access, including the possibility of a direct lease with the Province. In the interim, the Province asked that the City continue to work with its agent on the North Arm, the NFPA, to replace the expired lease on an annual basis until such a time as it has concluded its process.

The agency responsible for provincial land and water assets has since undergone three re-organizations. The agency is now known as Land and Water British Columbia (LWBC). These re-organizations, combined with the process underway to review the provincial head lease and management agreement with the Port, have delayed the discussion of alternative forms of legal access requested by the City.

CONCLUSION

Given the response from the Province, the capital investment the City has made to renovate and enhance the pier, and the public use of the pier, staff recommend that Council be requested to authorize the renewal of Water Lot Lease No. 07015 for public recreation purposes for a further term of one year, commencing 2003 January 01 at the reduced rate of \$2,625.00 (plus GST) per annum. Staff will continue to pursue discussions for alternative legal access with LWBC and the Port when their process has been completed.

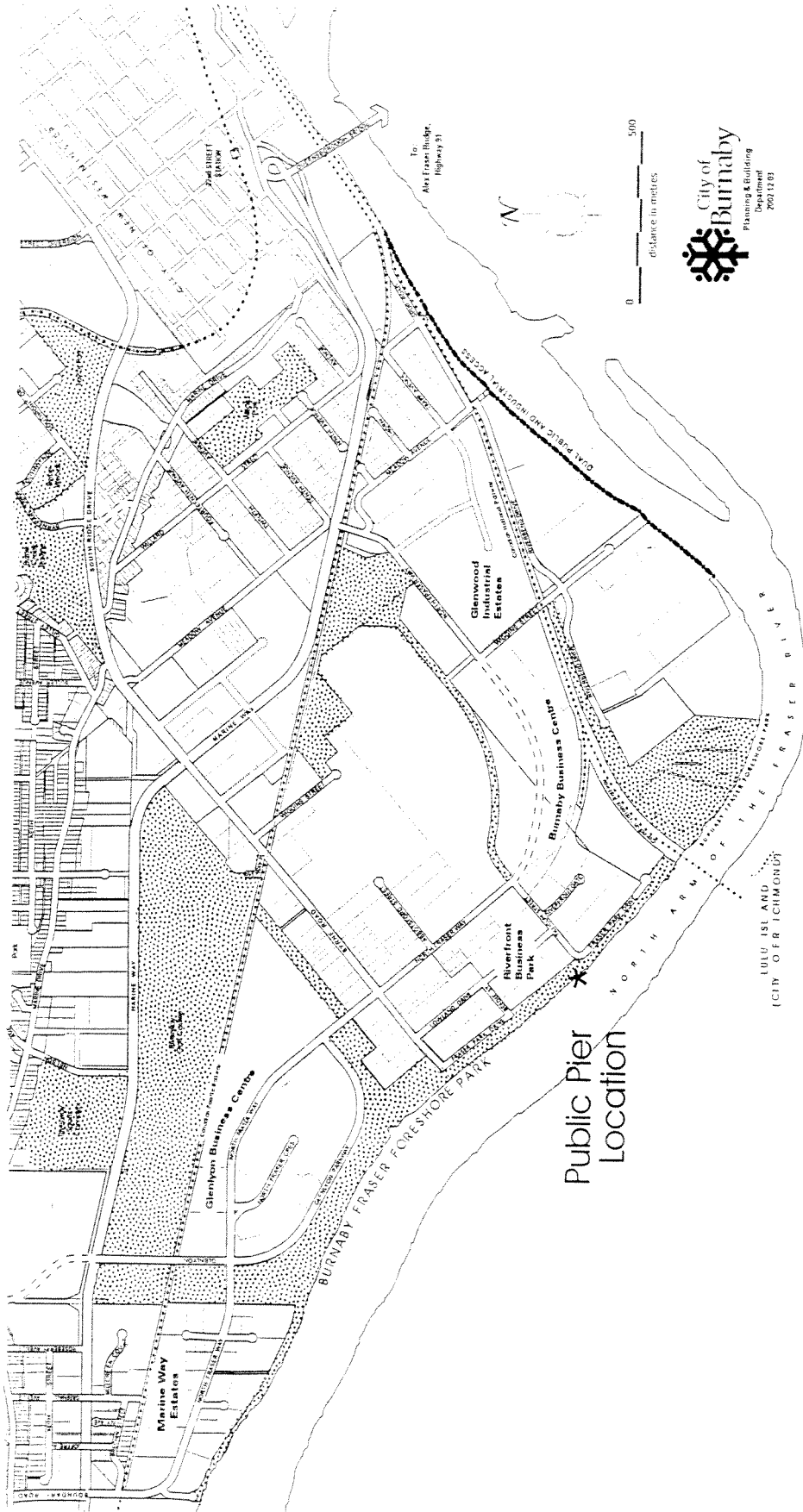
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ATS:jl

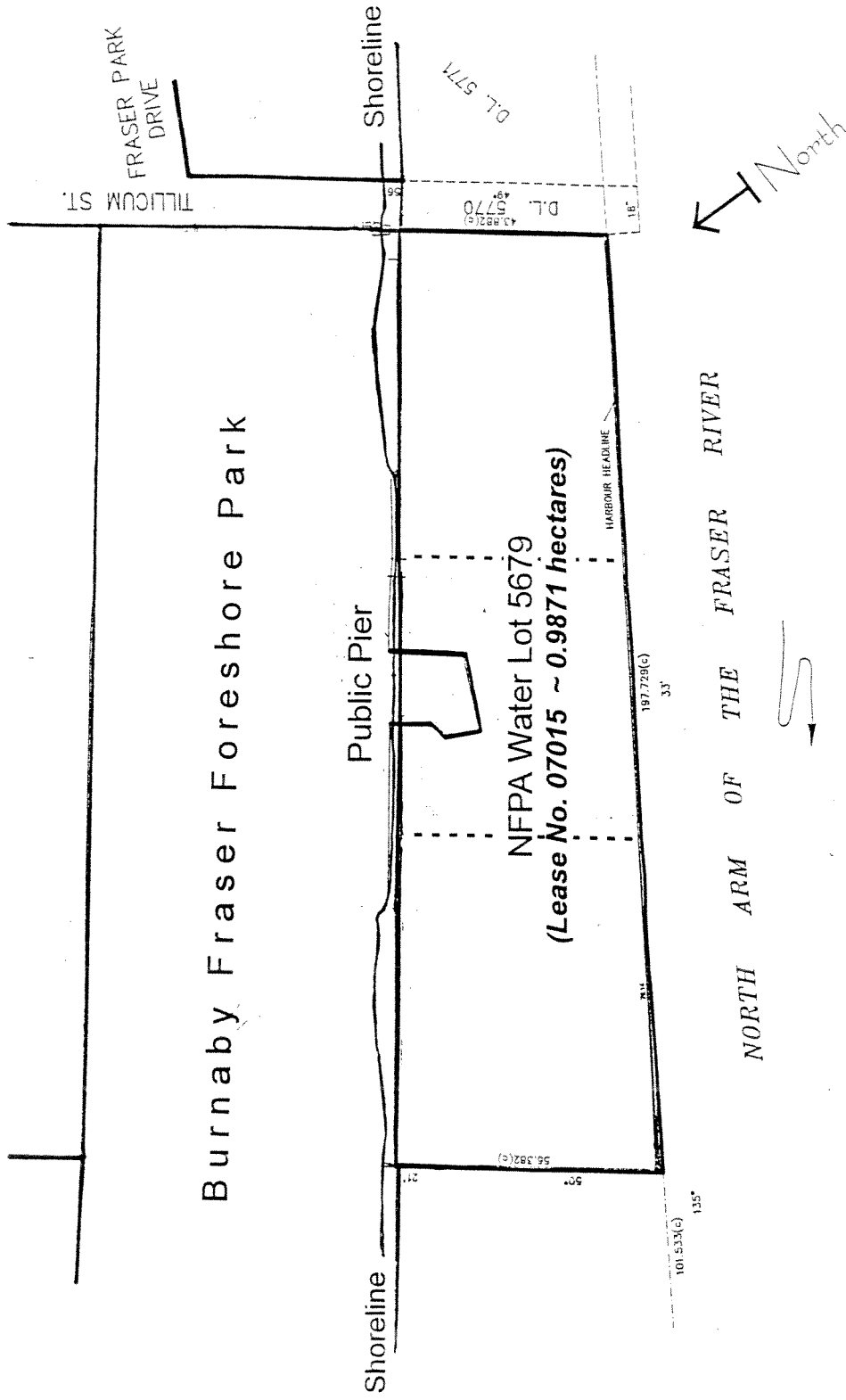
Attachments (2)

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cc: City Solicitor
City Risk Manager
Director Planning and Building



South Burnaby - Big Bend Area



Burnaby Fraser Foreshore Park Public Viewing Pier
 located within North Fraser Port Authority Water Lot 5679

Attachment #2

