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**TO:** CITY MANAGER **DATE:** 2005 April 22

**FROM:** DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

**SUBJECT:** CAMERON-ERICKSON WALKWAY - STATUTORY RIGHT-OF-WAY FOR B.C. HYDRO BEAUTIFICATION PROGRAM 2003/2004 WORKS

**PURPOSE:** To request Council's authorization for granting a statutory right-of-way in favour of B.C. Hydro and Power Authority for a below grade switching kiosk and for the execution of the subject statutory right-of-way.

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**RECOMMENDATIONS:**

1. THAT authorization be given to raise the title to a 17.85 square metre portion of parkland dedicated by subdivision plan, located at 9500 Cameron Street and known as the Cameron Erickson Walkway, for the purpose of granting a statutory right-of-way in favour of B.C. Hydro and Power Authority for a below grade switching kiosk, as outlined in the attached report.
2. THAT authorization be given for the execution of the subject statutory right-of-way.

**REPORT**

At its meeting of 2005 April 20, the Parks, Recreation and Culture Commission received the above noted report and adopted the two recommendations 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

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FOR B.C. HYDRO BEAUTIFICATION PROGRAM 2003/2004 WORKS**

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**RECOMMENDATIONS:**

1. THAT Council be requested to authorize staff to raise title to a 17.85 square metre portion of parkland dedicated by subdivision plan, located at 9500 Cameron Street and known as the Cameron Erickson Walkway, for the purpose of granting a statutory right-of-way in favour of B.C. Hydro and Power Authority for a below grade switching kiosk, as outlined in this report.
2. THAT Council be requested to authorize the execution of the subject statutory right-of-way.

**REPORT**

**BACKGROUND**

For a number of years, Burnaby has been pursuing an incremental program, administered by the Planning and Engineering Departments, to remove overhead power lines from primary urban areas in the City. Participation in the B.C. Hydro Beautification Program on a regular basis has provided one-third cost sharing for various such underground wiring projects. To date, funding assistance under the Beautification Program has been received to place underground the overhead lines on a number of city streets including those adjacent to Central Park, Keswick Park, Confederation Park, Bonsor Park and Lobley Park.

The Cameron Street BC Hydro Beautification Project (Phases I & II) is being pursued as a priority and is included in the City's 2005-2009 Capital Program. This project would remove visually obtrusive and unsightly overhead lines and poles to improve the visual aesthetics along Cameron Street from Bartlett Court to Bell Avenue in the Lougheed Town Centre. The work is required to commence in April 2005. B.C. Hydro's detailed design shows that it is necessary to place four kiosks along Cameron Street in order for the work to proceed. B.C. Hydro would normally locate their kiosks within the City right-of-way, but because of constraints posed by existing underground services, three kiosks are proposed to be sited on private property and one kiosk is proposed to be sited on dedicated city parkland at the Cameron-Erickson Walkway.

At its meeting of 2005 February 16, Council authorized the City Solicitor to negotiate with private property owners to obtain agreements to grant B.C. Hydro the statutory right-of-ways required for three of the four kiosks. Two of these rights-of-way have already been registered, with the third proposed to be registered in 2005 May. This report is being submitted to the Parks, Recreation and Culture Commission requesting the right-of-way for the fourth kiosk on the park land at 9500 Cameron Street.

### B.C. HYDRO EASEMENT REQUIREMENTS

An underground switching kiosk, or Vista Switch, is proposed to be sited on the park land. In order for the current work to proceed, B.C. Hydro staff advise that it is necessary for the City to provide B.C. Hydro legal access to the works; therefore B.C. Hydro has requested a statutory right of way as indicated on the attached Sketch (Attachment #1). The easement requested measures 3.5 metres by 5.1 metres for a total area of 17.85 square metres.

### PROPOSED LOCATION OF WORKS

In determining the placement of the proposed switching kiosk, Planning, Engineering and B.C. Hydro staff considered the whole block but found that the only area of suitable size meeting the technical requirements was on public park land at 9500 Cameron Street. Parks staff have reviewed the proposed easement location to ensure that park trees, adjacent park uses and pathways are not affected. Because the park has a relatively small frontage area of only 35 metres (115 ft.) and it serves as a walkway to Cameron Elementary School, Parks staff requested that the kiosk be located underground (flush with grade) to ensure clear site lines to and from the concrete walkway and dirt pathway used by children and the elderly and to ensure only minor impact to the visual aesthetics of the park frontage. The location of the kiosk was also refined and moved as close to the boulevard as possible in order to reduce impact to the existing conifer trees. It will be necessary to remove only one dead alder tree which had already been identified for removal. The grass lawn and the concrete walkway disturbed by the work will be restored to original condition as part of the project.

Given the lack of other alternatives, and since the underground kiosk will not interfere with public use or enjoyment of the park, Parks staff have no objection to the granting of this right of way to B.C. Hydro, in order that the City can accomplish its desired beautification project.

To install a below grade kiosk (Vista Switch) there will be an estimated additional minimum cost of \$35,000. BC Hydro has indicated that the kiosk is eligible for one third cost sharing, and will be budgeted as part of the project costs.

### STATUTORY RIGHT-OF-WAY TERMS

The preparation of the right of way agreement, and review of its terms by the City Solicitor, will be coordinated by the Planning Department in consultation with Parks staff. Because the project is being pursued jointly by the City of Burnaby and B.C. Hydro, compensation for the right-of way has not been requested. The easement area proposed has been kept to a minimum and the negotiation of terms for the proposed right of way agreement will reflect the City policy for granting of statutory rights-of-way, with the rights in favour of B.C. Hydro restricted as much as is practicable.

### RAISING OF TITLE

The Cameron-Erickson Walkway was dedicated as park by subdivision plan in 1975 as part of Re-zoning Reference #88/71 in conjunction with the rezoning of a high rise apartment development in order to conserve a specimen stand of conifers. Unlike the majority of park lands in the City, this land has no registered title in the Land Registry system. Until recently title was vested in the Crown (Provincial), however, since the implementation of the Community Charter, title is now vested in the Municipality. In order to grant a statutory right-of-way in favour of B.C. Hydro, it will be necessary for the City to apply to the Land Titles Office to raise registered title to that portion of the park land parcel required for the statutory right-of-way area.

Upon authorization by Council, the City Surveyor will create a Reference Plan and a Statutory right-of-way plan for registration at the Land Titles Office. The Reference Plan must be accompanied by a City Bylaw that describes the usage and purpose of the statutory right-of-way area and must mention that the area will still be used for park purposes (in other words, demonstrating that the City is not removing the park dedication). Upon approval of Council to raise title and grant the right-of-way in favour of B.C. Hydro, a bylaw will be submitted for future adoption by Council.

### CONCLUSION

The removal of overhead utility lines along Cameron Street is considered to be a desirable and worthwhile endeavour for the City of Burnaby to pursue jointly with B.C. Hydro through the B.C. Hydro Beautification Program. In order to proceed with the project this year, a right-of-way over parkland within Cameron-Erickson Walkway is required for placement of B.C. Hydro's switching kiosk. It is therefore recommended that Council be requested to authorize staff to raise title to the a 17.85 square metre portion of park land dedicated by subdivision plan located at 9500 Cameron Street, and to authorize the granting and execution of a statutory right-of-way over the 17.85 square metre portion of park land in favour of B.C. Hydro & Power Authority under the terms and conditions outlined in this report.

JK.

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Attachment

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cc. City Solicitor  
Director Engineering  
Director Planning & Building



