



**City of Richmond**

**Report to Committee**

*TO General Purposes - Nov 3, 2008*

**To:** General Purposes Committee  
**From:** Andrew Nazareth, General Manager,  
Business & Financial Services

**Date:** October 16, 2008  
**File:** 12-8060-20-8446/Vol 01

**Re:** 10020 Albion Road Development Site - Road Closure and Removal of Road  
Dedication by Bylaw 8446 and Repeal of Bylaw 8248

**Staff Recommendation**

That:

1. Road Closure and Removal of Road Dedication Bylaw 8446 be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings;
2. The required notice of road closure and disposition of the closed road be advertised prior to final adoption pursuant to the Community Charter;
3. Staff be authorized to take all necessary steps to raise title to the road closure area and transfer the road closure area on the same terms and conditions as outlined in the Council report dated September 26, 2007 and approved November 13, 2007, including authorizing the Manager, Real Estate Services, to execute all documentation to effect the transactions, including all contracts, survey plans and Land Title Office documentation; and
4. Staff be authorized to file a certifying statement executed by the Corporate Officer in the Land Title Office cancelling the right of resumption pursuant to the Resumption of Highways Regulation.

Andrew Nazareth  
General Manager, Business & Financial Services (4095)  
Att. 2

| FOR ORIGINATING DEPARTMENT USE ONLY |   |                                |   |
|-------------------------------------|---|--------------------------------|---|
| ROUTED TO:                          | CONCURRENCE   | CONCURRENCE OF GENERAL MANAGER |   |
| Budgets .....                       | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| City Clerk .....                    | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| Engineering .....                   | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| Law .....                           | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| Development Applications .....      | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| Transportation .....                | Y <input checked="" type="checkbox"/> N <input type="checkbox"/>    |                                |   |
| <b>REVIEWED BY TAG</b>              | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | <b>REVIEWED BY CAO</b>         | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
|                                     | <i>GS</i><br><i>MK</i>  | <i>GD</i>                      |   |

## Staff Report

### Origin

The matter of Bylaw 8248 (Attachment 1) first appeared before Council on November 13, 2007, where it received 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings in conjunction with rezoning application RZ 06-348261. It was duly advertised on January 3 and 10, 2008 with final adoption occurring on January 14, 2008. It has since been noted that there was an error in the title of the plan attached to Bylaw 8248 as Schedule A. It stated, incorrectly, that the road portion that was being closed was road dedicated by the deposit of Plan **15456**. In fact, the correct plan number was **18549**. The report also incorrectly referred to Plan 15456 instead of to 18549.

Accordingly, Bylaw 8248 is defective; it needs to be repealed and a new bylaw adopted in its place. Bylaw 8446 is the replacement bylaw and is being presented for consideration and forwarding to Council for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.

### Analysis

In order to complete the road closure, Council is required to adopt a Road Closure and Removal of Road Dedication Bylaw. Accordingly, Bylaw 8446, which contains the necessary authority to close the Road and remove the road dedication, is presented for consideration and forwarding to open Council for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings (Attachment 2). This matter will be advertised after which it will held for final adoption.

The previous report to Council on this matter (dated September 26, 2007) detailed the calculation of the applicable market value consideration for the sale of the road closure area. As summarized in that report, the estimated market value of the Road was \$158,638. However, due to the extraordinary cost to the Developer for local upgrades (estimated at \$400,000) the parties agreed in 2006 to a purchase price of \$146,000, which Council approved at its meeting on November 13, 2007.

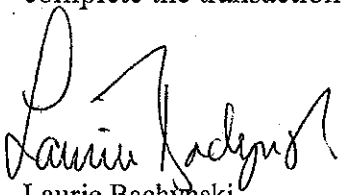
### Financial Impact

Upon adoption of Bylaw 8446, staff will complete the transactions outlined in the September 26, 2007 report with the proceeds of the sale (\$146,000 less appraisal cost of \$3,250) being credited to the Capital Reserve Fund - Industrial Use.

### Conclusion

Due to the defective nature of Bylaw 8248, it needs to be repealed, which will occur upon adoption of Bylaw 8446.

Council approval and adoption of the Road Closure and Removal of Road Dedication Bylaw 8446 is required to raise title to the road closure area. Upon adoption of Bylaw 8446, staff will complete the transactions outlined in the September 26, 2007 report.



Laurie Bachynski  
Manager, Property Services (4005)



City of Richmond

Bylaw 8248

**Road Closure and Removal of Road Dedication for Portion of Albion Road – Bylaw 8248**

The Council of the City of Richmond enacts as follows:

1. The lands described as Parcel A on the Reference Plan prepared by Louis Ngan Land Surveying Inc., B.C.L.S. attached as Schedule A shall be stopped up and closed to traffic, cease to be a public road and the road dedication shall be removed.
2. Parcel A shall be disposed of to the owners of 10020 Albion Road for consolidation with their adjoining development lands at 10020 Albion Road, Richmond.
3. This Bylaw is cited as “**Road Closure and Removal of Road Dedication Bylaw Number 8248**”.

FIRST READING

NOV 13 2007

SECOND READING

NOV 13 2007

THIRD READING

NOV 13 2007

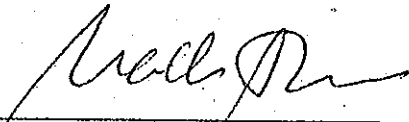
ADVERTISED ON

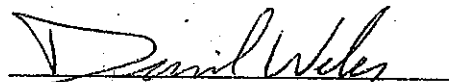
JAN - 3 2008    JAN 10 2008

ADOPTED

JAN 14 2008

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|---|
| CITY OF RICHMOND                          |
| APPROVED for content by originating dept. |
| APPROVED for legality by Solicitor        |

  
 \_\_\_\_\_  
 MAYOR

  
 \_\_\_\_\_  
 CORPORATE OFFICER

REFERENCE PLAN TO ACCOMPANY  
 THE CITY OF RICHMOND ROAD CLOSING AND  
 REMOVAL OF ROAD BY-LAW NO. 8248 OF PART  
 ROAD DEDICATED BY THE DEPOSIT OF PLAN 15456  
 BLOCK 7, SECTION 26, BLOCK 4 NORTH  
 RANGE 6 WEST, NEW WESTMINSTER DISTRICT

Pursuant to sec 120, Land Title Act, and sec 40, Community Charter  
 BCGS 92C.015

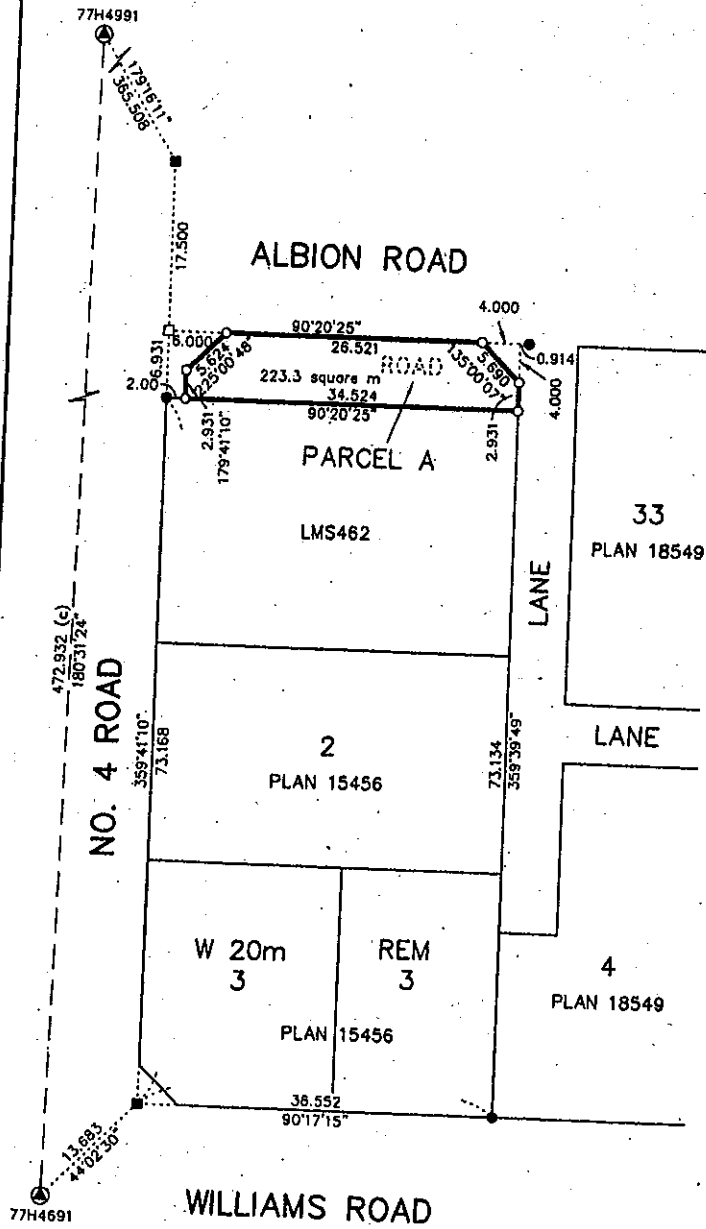
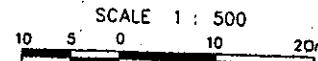
PLAN BCP

Deposited in the Land Title Office  
 of New Westminster, B.C.

This \_\_\_\_\_ day of \_\_\_\_\_, 2007

REGISTRAR

REF: \_\_\_\_\_



PARTY(IES) SIGNATURE(S)  
 CITY OF RICHMOND BY ITS  
 AUTHORIZED SIGNATURES

MAYOR: MALCOM D. BRODIE  
 AUTHORIZED SIGNATORY

CLERK: DAVID WEBER  
 AUTHORIZED SIGNATORY

COMMISSIONER FOR  
 TAKING AFFIDAVITS FOR B.C.  
 CITY OF RICHMOND  
 6911 NO. 3 ROAD  
 RICHMOND, B.C.  
 V6Y 2C1  
 PHONE: (604)276-4000

AS TO THE THE SIGNATURE OF DAVID WEBER  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007

OFFICER CERTIFICATION: your signature constitutes a  
 representation that you or a solicitor, notary public  
 or other person authorized by the Evidence Act  
 R.S.B.C. 1996, C. 124, to take affidavits for  
 use in British Columbia and certifies the  
 matters set out in Part 5 of the Land Title Act  
 as they pertain to the execution of this instrument.

I, LOUIS S.Y. NGAN, a British Columbia  
 land surveyor, of Vancouver, in British  
 Columbia, certify that I was present at  
 and personally superintended the survey  
 represented by this plan, and that the  
 survey and plan are correct. The field survey  
 was completed on the 15th day of September,  
 2007. The plan was completed and checked,  
 and the checklist filed under #  
 on the day of \_\_\_\_\_, 2007.

B.C.L.S.

*This plan lies within the  
 Greater Vancouver Regional District*

**LOUIS NGAN LAND SURVEYING**  
 4938 VICTORIA DRIVE  
 VANCOUVER, B.C., V5P 3T6  
 (604) 327-1535



**LEGEND:**

- Integrated survey area No. 18, Richmond, NAD83(CSRS). Grid bearings are derived from geodetic control monuments 77H4691 and 77H4991.
- This plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances, multiply ground-level distances by combined factor 0.9996037.
- ⊙ denotes control monument found.
- denotes standard iron post found.
- denotes standard iron post placed.
- denotes lead plug found.
- ▣ denotes lead plug placed.
- p.p. denotes posting plan.

FILE: R4-9940REF



City of Richmond

Bylaw 8446

**Road Closure and Removal of Road Dedication for Portion of Albion Road – Bylaw 8446**

The Council of the City of Richmond enacts as follows:

1. The lands legally described as Part Road Dedicated by the Deposit of Plan 18549 Block 7 Section 26 Block 4 North Range 6 West New Westminster District (shown as Parcel A on the Reference Plan prepared by Louis Ngan Land Surveying , B.C.L.S. attached as Schedule A) shall be stopped up and closed to traffic, cease to be a public road and the road dedication shall be removed.
2. Road Closure and Removal of Road Dedication Bylaw Number 8248 is repealed.
3. This Bylaw is cited as **“Road Closure and Removal of Road Dedication Bylaw Number 8446”**.

FIRST READING

SECOND READING

THIRD READING

DULY ADVERTISED

ADOPTED

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|---|
| CITY OF RICHMOND                          |
| APPROVED for content by originating dept. |
| APPROVED for legality by Solicitor        |

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

REFERENCE PLAN TO ACCOMPANY  
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 REMOVAL OF ROAD BY-LAW NO. 8248 OF PART  
 ROAD DEDICATED BY THE DEPOSIT OF PLAN 18549  
 BLOCK 7, SECTION 26, BLOCK 4 NORTH  
 RANGE 6 WEST, NEW WESTMINSTER DISTRICT

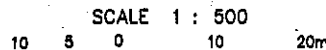
PLAN BCP 38399

Deposited in the Land Title Office  
 at New Westminster, B.C.  
 This \_\_\_\_ day of \_\_\_\_\_, 2008

Pursuant to Sec 120, Land Title Act, and Sec 40, Community Charter  
 BCGS 92G.015

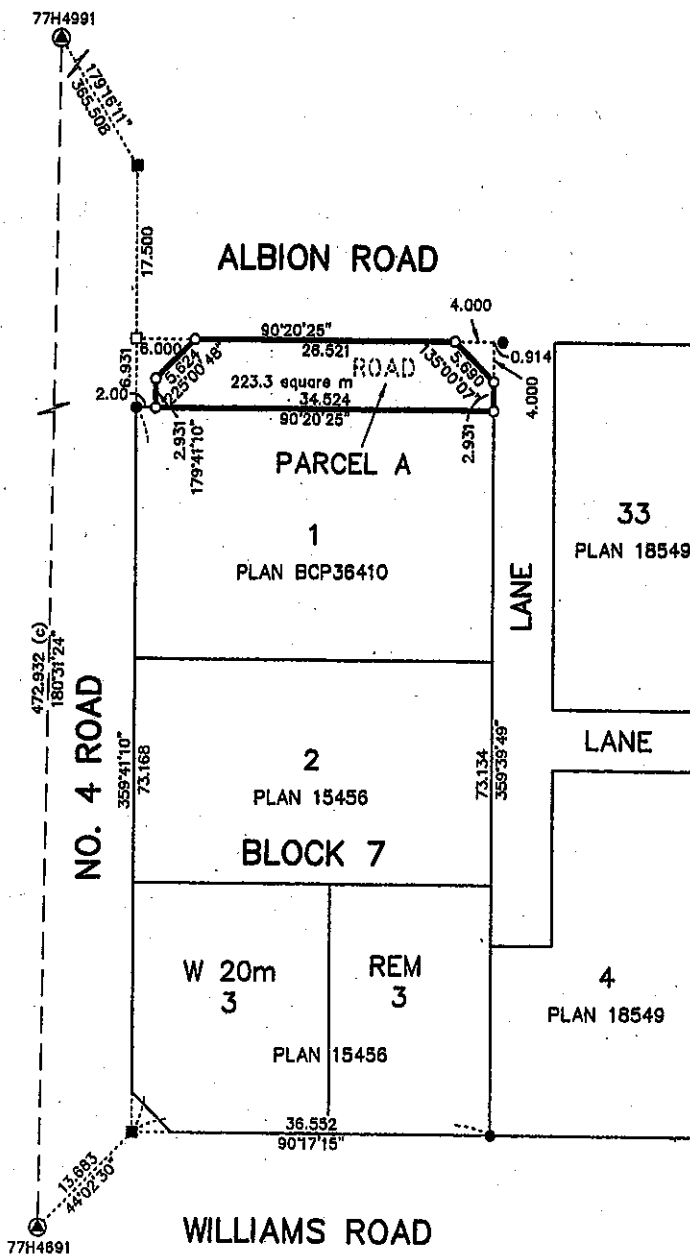
REGISTRAR

REF.: \_\_\_\_\_



All distances are in metres.

The intended plot size of this plan is  
 280mm in width by 432mm in height (B size)  
 when plotted at a scale of 1 : 750.



PARTY(IES) SIGNATURE(S)  
 CITY OF RICHMOND BY ITS  
 AUTHORIZED SIGNATURES

*[Signature]*  
 MAYOR: MALCOLM D. BRODIE  
 AUTHORIZED SIGNATORY

*[Signature]*  
 CLERK: DAVID WEBER  
 AUTHORIZED SIGNATORY

*[Signature]*  
 COMMISSIONER FOR  
 TAKING AFFIDAVITS FOR B.C.  
 CITY OF RICHMOND  
 8911 NO. 3 ROAD  
 RICHMOND, B.C.  
 V6Y 2C1  
 PHONE: (604)276-4000

AS TO THE THE SIGNATURE OF DAVID WEBER  
 THIS 25<sup>th</sup> DAY OF Sept. 2008

OFFICER CERTIFICATION: your signature constitutes a  
 representation that you are a solicitor, notary public  
 or other person authorized by the Evidence Act  
 R.S.B.C. 1996, C. 124, to take affidavits for  
 use in British Columbia and certifies the  
 matters set out in Part 5 of the Land Title Act  
 as they pertain to the execution of this instrument.

I, LOUIS S.Y. NGAN, a British Columbia  
 land surveyor, of Vancouver, in British  
 Columbia, certify that I was present at  
 and personally superintended the survey  
 represented by this plan, and that the  
 survey and plan are correct. The field survey  
 was completed on the 15th day of September,  
 2008. The plan was completed and checked,  
 and the checklist filed under #87417,  
 on the 24th day of September, 2008.

*[Signature]*

B.C.L.S.

*This plan lies within the  
 Greater Vancouver Regional District*

LEGEND:

Integrated survey area No. 18, Richmond, NAD83(CSRS).  
 Grid bearings are derived from geodetic control  
 monuments 77H4891 and 77H4991.  
 This plan shows horizontal ground-level distances except  
 where otherwise noted. To compute grid distances, multiply  
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