



# Corporate Report

NO: R068

COUNCIL DATE: April 14, 2003

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## REGULAR COUNCIL

TO:	Mayor & Council	DATE:	April 10, 2003
FROM:	General Manager, Engineering	FILE:	0910-20/194
SUBJECT:	Sale of Portions of Surplus City Park (16496 & 16432 - 96 Avenue and 9420 - 164 Street - Bothwell Park - Map 35)		

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## RECOMMENDATION

That Council:

- authorize staff to post for sale, to the adjoining owner, portions of the surplus City-owned parklands located at 16496 & 16432 96 Avenue, and 9420 - 164 Street totalling  $\pm 8.68$  acres; and
- authorize the City Clerk to introduce a "Park Closure" by-law for consideration by Council.

## BACKGROUND

### A. Property Description

The subject lands comprise an  $\pm 8.68$  acre portion of Bothwell Park in the Tynehead area of Surrey. The property is landlocked and located directly to the east of the privately owned property at 9350 - 164 Street. The subject site is rectangular in shape, slopes gradually from the west to the east, and is impacted by a watercourse along its southern boundary. The lands are the southern portions of properties purchased by the City in 1999 and 2000. Parks, Recreation and Culture advises that the parkland requirements for Bothwell Park have been adequately met at this location and that the subject land is surplus to their requirements.

### B. Zoning Designations and Land Use

The property is zoned A-1 (General Agricultural) and is designated suburban in the Official Community Plan. The highest and best use for the subject property is for consolidation with the adjacent lands for a future RH-G (Half-Acre Residential Gross Density) development. The lands directly to the south of the subject lands have recently received Third Reading for a 50-lot RC (Cluster Residential) development. The lands to the west along 164 Street have recently been developed for single-family RF (Single Family Residential) and RH-G subdivisions. Bothwell Park borders the subject lands to the north and east.

## DISCUSSION

The subject lands are landlocked and as such, the highest and best use of the lands has been determined as assembly with the adjacent parcel for development into single-family lots under the RH-G zone. As a result of negotiations over the past year and a half, the Engineering Department has reached a mutually acceptable agreement for the potential sale of the subject lands to the owner of the adjacent lands to the west. The sale price is based on the current fair market value as determined by the City's independent appraisal.

For such a sale to proceed, two statutory requirements must be fulfilled. Firstly, because the potential sale of this land is to an adjoining owner, in accordance with Sections 186 & 187 of the Local Government Act (LGA), the City is required to publish a notice of our intention to sell to the adjoining owner. The second statutory requirement of the LGA involves the narrow 6 metre wide portion of the surplus park along the southern boundary of 9420 - 164 Street. This portion of the surplus area was previously dedicated as park in an earlier subdivision. In compliance with Section 305.2 of the LGA, the City must have the "park" designation removed from this small strip of land before the sale can complete. This process includes the passing of a "Park Closure" by law and the provision of a counter petition opportunity in relation to the proposed by law. Upon completion of these two statutory requirements of the LGA, the City could then subdivide off the ±8.68 acre surplus park area for sale.

As the subject lands were purchased with park DCCs, the proceeds from any sale of the property must be returned to the Parkland Acquisition Fund.

## CONCLUSION

The City has an offer for the sale of the surplus parklands at 16496 & 16432 96 Avenue and 9420 - 164 Street to the adjoining landowner. The highest and best use of the land is most likely for consolidation with the adjoining owner for residential development purposes. As the subject lands are surplus to the City's requirements and the negotiated sale price is comparable to the appraised value, it is recommended that Council authorize staff to initiate the posting process necessary for sale of the subject City land. On completion of the posting process, we will report back to Council on its outcome.

Paul Ham, P.Eng.  
General Manager, Engineering

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### Appendices

- I. Site Map
- II. Aerial Photograph of Site