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FROM:

Corporate Report

NO: R085

COUNCIL DATE: May 5, 2003

REGULAR COUNCIL

TO: Mayor & Council DATE: April 15, 2003

General Manager, Engineering FILE: 8380-261/A/D

0870-20/261

SUBJECT: Statutory Right-of-Way Over City-Owned Lands

(Mud Bay Park - Map 80)

RECOMMENDATION

That Council authorize the granting of an ± 11.04 acre Statutory Right-of-Way over the westerly portion of Cityowned Mud Bay Park to the Greater Vancouver Regional District ("GVRD").

BACKGROUND

The City purchased the 38-acre Mud Bay Park lands from the Province in 2001 to provide public access to Boundary Bay, to improve wildlife habitat in the area, and to facilitate development of greenway connections that support community and regional recreation within the City.

In a Memorandum of Understanding (MOU) between the City and the GVRD, the parties agreed to jointly develop the easterly portion of Boundary Bay Dyke Trail (the "East Dyke Trail") from the Delta-Surrey Border to Mud Bay Park. This section of East Dyke Trail will connect Boundary Bay Regional Park to Mud Bay Park and the future Delta South Surrey Regional Greenway, the Serpentine Greenway, and other open sites in the region and the City.

DISCUSSION

As part of the MOU, the GVRD agreed to allocate \$250,000 to the City from its Regional Parks capital program for development of the East Dyke Trail in exchange for an access and maintenance right-of-way over the westerly ± 11.04 acres of Mud Bay Park. Upon completion of the works by the City, the GVRD are to provide all maintenance services

within the proposed right-of-way area. The trail improvements are now complete and the \$250,000 is payable by the GVRD upon granting of the subject ± 11.04 acre right-of-way.

CONCLUSION

Approval of this agreement will provide the City with \$250,000 for the cost to construct the trail improvements within Mud Bay Park. In exchange the City retains title to the property, while providing an access right of-way to the

GVRD to maintain the East Dyke Trail. The terms of this agreement are considered reasonable and it is therefore recommended that Council approve the granting of the subject right of-way over the westerly ± 11.04 acre portion of Mud Bay Park.

Paul Ham, P.Eng. General Manager, Engineering

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Appendices

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