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# Corporate Report

NO: R136

COUNCIL DATE: June 23, 2003

#### **REGULAR COUNCIL**

TO: Mayor & Council DATE: June 20, 2003

FROM: General Manager, Engineering FILE: 8380-287

0870-20/287

**SUBJECT:** Land Acquisition For Heron Park

(Portion of The Burlington Northern & Santa Fe Railway Company (BNSF) Right-of-Way - Map 110)

#### RECOMMENDATION

That Council authorize the partial acquisition of PID No. 015-321-169 & PID No. 015 321 134 (portions of The Burlington Northern & Santa Fe Railway Company (BNSF) right-of-way south of Beecher Street) for park/open space as set out in the Crescent Beach Land Use Plan (CBLUP).

#### **DISCUSSION**

#### 1. Property Locations - (Portions of BNSF Right-of-Way, south of Beecher Street)

These portions of railway rights-of-way, together with parkland owned by the City, are shown as Heron Park on the CBLUP. Combined, the two proposed partial takings contain an area of 46,878 sq.ft. or 1.08 acres.

#### 2. Zoning, Plan Designations and Land Uses

The subject properties are zoned RF (Single Family Residential) and they are designated as Commercial under the Official Community Plan. The Highest and Best Use for both properties would be a use consistent with the Village Commercial Designation of the properties such as a single or duplex residence integrated with an artisan commercial business as described in the CBLUP dated April 1999.

#### 3. Purpose of the Acquisition

The Parks, Recreation and Culture Department has requested the acquisition of these properties to allow for complete ownership of Heron Park by the City. Currently, these portions of railway right-of-way are leased by the City from the BNSF through their agent holding company, ANT,LLC. This purchase will enable the City to own the parkland in perpetuity in accordance with the CBLUP.

#### 4. Contract of Purchase and Sale

Staff have negotiated a Contract of Purchase and Sale Agreement with the owners subject to Council approval by June 23, 2003. Completion is to take place upon registration of the Subdivision Plan in the Land Title Office.

## **CONCLUSION**

Approval of these acquisitions will provide for City ownership of the portion of Heron Park currently leased from BNSF/ANT,LLC.

Paul Ham, P.Eng. General Manager, Engineering

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### **Appendices**

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