



Corporate Report

NO: R162

COUNCIL DATE: July 21, 2003

REGULAR COUNCIL

TO: Mayor & Council DATE: July 8, 2003
FROM: General Manager, Engineering FILE: 0910-20/332
SUBJECT: Exchange of City Parkland Located at 7003 & 7011 - 144 Street and a Portion of 14341 - 68 Avenue for Privately-Owned Land Located Directly North of the City Works Yard (Maps 62 & 63)

RECOMMENDATION

That Council:

(1) Approve the exchange of the City-owned properties totalling ± 0.51 acre and described as:

- PID No. 014-934-418 (7003 - 144 Street);
- PID No. 014-934-400 (7011 - 144 Street); and
- PID No. 000-628-557 (14341 - 68 Avenue)

for a ± 1.86 acre portion of the privately-owned lands located directly north of the City Works Yard and described as:

- PID No. 024-099-171 (14564 - 68 Avenue);
- PID No. 000-538-264 (14586 - 68 Avenue);
- PID No. 012-779-580 (14612 - 68 Avenue);
- PID No. 003-096-963 (14638 - 68 Avenue);
- PID No. 012-770-598 (14672 - 68 Avenue); and
- PID No. 012-779-539 (14698 - 68 Avenue).

(2) Authorize the City Clerk to introduce the necessary by-law and initiate the counterpetition process related to the proposed land exchange.

BACKGROUND

A. CITY LANDS

Property Description

The three subject City-owned parkland lots at 7003 & 7011 - 144 Street and 14341 - 68 Avenue were acquired by the City through the 5% dedication provisions when the adjoining lands were subdivided and developed in 1984 and 1989. The lots are vacant, grassed, and used for detention purposes. The lots at 7003 & 7011 - 144 Street are $\pm 7,794$ ft.² and $\pm 8,012$ ft.² respectively. The lot at 14341 - 68 Avenue will contain $\pm 6,500$ ft.² after subdivision with the City retaining ownership of the creek and setback areas. These three detention ponds will become redundant and surplus to the City's requirements as a result of the development of the Community Detention Pond #1, which is identified in the East Newton South Neighbourhood Concept Plan (NCP) and proposed for imminent development.

Zoning, Plan Designations and Land Use

The subject City-owned lots at 7003 & 7011 - 144 Street are zoned RF-SS (Single Family Residential Secondary Suite) and the lot at 14341 - 68 Avenue is zoned RF (Single Family Residential). All three lots are designated urban in the Official Community Plan. The surrounding land uses are predominately single family residential developments, with the exception of the small acreage residential holdings on the east side of 144 Street, which are designated for townhouse development.

B. PRIVATE LANDS

Property Description

The subject privately-owned land comprises the southerly ± 1.863 acres of six properties fronting 68 Avenue in the 14500 and 14600 blocks. The proposed detention pond area will form a buffer between the residential subdivision to the north and the industrial lands to the south.

Zoning, Plan Designations and Land Use

The privately-owned lands are currently split-zoned. The southern half, including the ± 1.86 acre area required for the detention pond, is zoned IL (Light Impact Industrial) and the northern half is zoned RA (One

Acre Residential). The entire site is designated Urban in the Official Community Plan and has been designated for townhouse use within the East Newton South Land Use Plan. The owners of the lands have received Third Reading for a 94 lot, RF-12 (Single Family Residential 12) zoned subdivision. The surrounding land uses are the Valley View Cemetery to the north, the City Works Yard and other industrial uses to the south, and newer, compact residential developments to the east and west.

DISCUSSION

In order to allow for residential development of the East Newton South NCP catchment area bounded by 67 and 72 Avenues and 143 and 148 Streets, a new detention pond is required. The location of this detention pond, as identified in the East Newton South NCP, is directly to the north of the City's Works Yard. As a result of a development application on the privately-owned lands located to the north of the Works Yard, the City is required to purchase a ± 1.86 acre area of these lands for the new detention pond.

The developer has agreed to provide the area required for the new detention pond and construct the works in exchange for the three subject City-owned detention lots. Based on current market value, the land and improvements the City will be acquiring through the exchange, is larger and of greater value than the subject City lots to be exchanged. The difference in value of the land together with the construction cost for the pond will be funded by the initial developer with cost recovery through the initial DCCs payable and through a drainage DCC Front-Ending Agreement to collect DCCs from the benefiting area (under separate Corporate Report).

Although the land is required for detention purposes, it will be dedicated as park and will have walkways and benches for the enjoyment of area residents. Under Section 305.2 of the Local Government Act (LGA), Council may, by by-law, dispose of a portion of parkland acquired through development in exchange for other land suitable for park. Before adopting the by-law, Council must provide a counterpetition opportunity in relation to the proposed by-law.

Under Sections 186 & 187 of the LGA, if the City intends to dispose of lands or improvements, it must make the land or improvements available to the public for acquisition. This does not apply if the disposition of land is to a person who will exchange land or an improvement with the local government. Consequently, under this scenario the City is only required to publish notice of its intention to sell the land provided the notice includes a description of the land, the compensation (land/improvements) that the City will receive in the exchange, and the party who will be obtaining the City land. If the recommendations are approved, staff will advertise the required notice after the counterpetition opportunity process has been completed.

CONCLUSION

To facilitate the development of a new storm water detention pond for the East Newton South NCP area, the City requires a ± 1.86 acre portion of land directly to the north of the City Works Yard. In lieu of the City purchasing the land, the developer has agreed to exchange the land and the development of the pond for three City-owned detention lots that will become redundant with the development of the new detention pond. As the agreement to exchange the subject City lots for the new detention pond is at the appraised

values, it is recommended that Council approve the exchange of the three subject City lots for the ± 1.86 acre portion of private land located to the north of the City Works Yard.

Paul Ham, P.Eng.
General Manager, Engineering

PH/KSW/mpr/brb

j:\property\admin\corprpts\2003\07041043-ksw.doc
brb 07/21/03 09:33 AM

Appendices

- I. Site Map of City Lands to be Exchanged
- II. Aerial Photograph of City Lands to be Exchanged
- III. Site Map of Private Lands to be Acquired through Exchange
- IV. Aerial Photograph of Private Lands to be Acquired through Exchange