

THE CORPORATION OF THE CITY OF PORT COQUITLAM

COMMITTEE MEETING AGENDA

February 10th, 1992

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FEB 10 1992

MEMORANDUM

TO: Land Sales Committee
FROM: B.R. Kirk
City Administrator
RE: Potential Land Sale - Property Adjacent to the East of 4040 Cedar

DATE: February 4, 1992

RECOMMENDATION:

THAT the City sell, by way of a road closure, east of 4040 Cedar Drive, consisting of a 33 foot gazetted roadway with an area of 5,807 square feet at \$3.00 per square foot, totalling \$17,421₊.

BACKGROUND AND COMMENTS:

At the regular Council Committee meeting of October 21 1991, Council members approved a report (copy attached) to sell the above-noted property at its appraised value of \$33,400₊ (\$5.75 per square foot).

Subsequently, a meeting was held on November 14, 1991 with the City Administrator and the interested purchaser, Mr. Bain, and his consultant Mr. Paterson to discuss the appraised value of \$33,400₊.

At the Council Committee meeting of November 18, 1991, the City Administrator reported that Mr. Bain was prepared to pay \$1.00 per square foot (for a total price of \$5,807.00) for the following reasons:

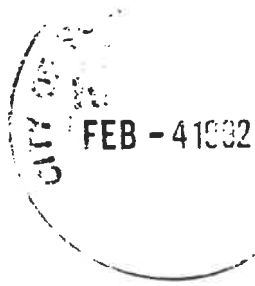
1. The property needs filling to the extent of \$6,000.00.
2. The toe of the dyke needs to be landscaped because it is adjacent to his property at a cost of approximately \$2,000.00.
3. Although the square footage is 5,807 square feet, the frontage is 33 square feet and, therefore, not a single family lot.

On February 4, 1992, Mrs. Bain delivered the attached correspondence with an Offer to Purchase the lane at a price of \$10,000.00. Further, Mrs. Bain also deposited \$100.00 which has been refunded. A letter was sent to Mr. and Mrs. Bain explaining the procedure.


B.R. Kirk
City Administrator

/dp
Att.

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Mayor and Council
The City of Port Coquitlam
2580 Shaughnessy St.,
Port Coquitlam, B.C.
V3C 2A8

Peter Bain
Rosalyn Bain
4040 Cedar Dr.,
Port Coquitlam, B.C.
V3B 3E5


Attn: Mr. B.R. Kirk
City Administrator

Dear Sir:

Please find enclosed an Offer to Purchase, on the property we previously discussed. As you will note, it is a complete price and not a square foot price as I believe it makes sense to join my existing property and this one together to make a larger parcel paying, I suppose, larger taxes. The exact size is really not a concern.

If there is a problem responding by Feb. 18/92, please notify me so we may make any necessary changes.

Thank you for your assistance and consideration.


Peter Bain


Rosalyn Bain

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OFFER TO PURCHASE

VENDOR: City of Port Coquitlam

PURCHASER: Peter and Rosalyn Bain of

Address: 4040 Cedar Drive

Port Coquitlam B.C.

Property Legal: Road Right of Way East of Lot 326, Pln 54990, Sec. 7
TWP 40 N.W.D.

Full Price Offer: \$10,000.00

Deposit To Vendor: \$100.00 fully refundable

Terms and Conditions ----- Acceptance of offer on or before
12.00 Noon Tuesday, 18 February 1992

Property to be consolidated with adjoining

Lot 326, Plan 54990, Sec. 7 TWP 40 N.W.D.

Civic Address 4040 Cedar Drive by

The City of Port Coquitlam in a reasonable time.

Possession and full payment of \$9,900.00 to occur
upon the registration of the subdivision creating the new
consolidated Lot.

Witness:



Signed:



Peter Bain

Witness:



Signed:



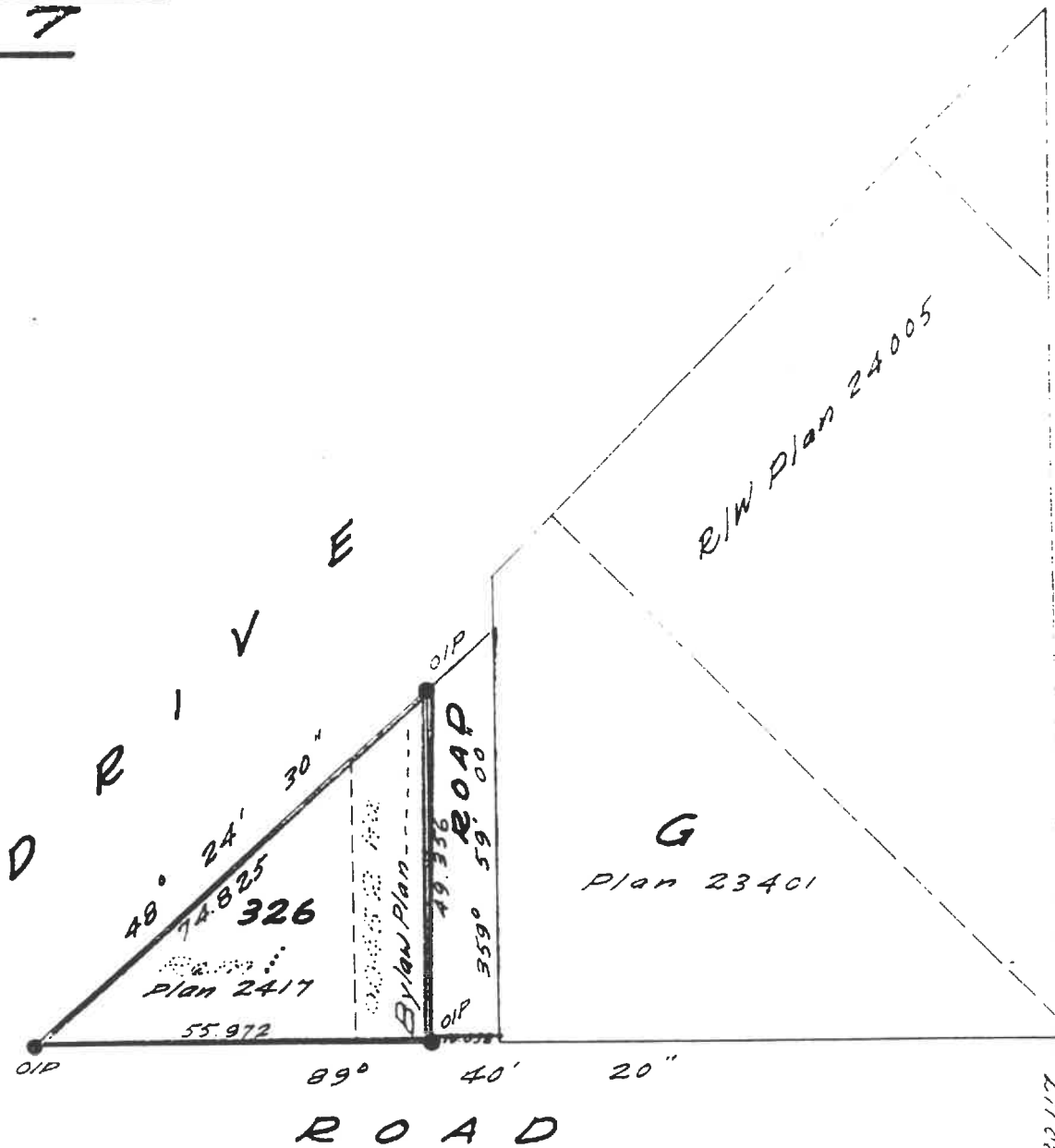
Rosalyn Bain

MAPLE RIDGE, B.C. V2X 8H7
CANADA (604) 467-6055

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ALL OF
ON 7

11



FREE MONT STREET

77	MILTON STREET	94	95	THOMAS STREET	112
8		93	96		111
9		92	97		110
0		91	98		109
1		90	99		108
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OUR FILE

THE CORPORATION OF THE CITY OF PORT COQUITLAM

2580 SHAUGHNESSY STREET
PORT COQUITLAM, B.C.
V3C 2A8

TELEPHONE: 944 - 5411
FAX: 944 - 5402

February 5, 1992

Peter and Rosalyn Bain
4040 Cedar Drive
Port Coquitlam, B.C.
V3B 3E5

Dear Mr. and Mrs. Bain:

Thank you for your hand delivered letter on February 4, 1992 offering to purchase the lane located adjacent to your property.

I will discuss your offer with members of Council and will respond to you early next week.

In the meantime, enclosed is a cheque in the amount of \$100.00 which is the refund for your deposit. Should Council agree to offer the property for tender, a deposit would then be required with your tender bid.

Yours truly,

A handwritten signature in dark ink, appearing to read "B. R. Kirk", is written over a faint, larger signature.

Bryan R. Kirk
City Administrator

/dp
Encl.

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GENERAL RECEIPT

THE CITY OF PORT COQUITLAM
251 AUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8
TELEPHONE: 941-5411 • FAX: 464-3524

KB TAX INFORMATION

4 BUILDING RENT

7 REZONING FEES

KB AC REC. #

5 DOG VIOLATION #

KB PARKING TICKET #

57 PRINTED MATERIAL

KB PARKING RECEIVABLE

KB PLUMBING PERMIT

KB BUILDING PERMIT #

KB HIGHWAY USE APPLICATION

KB HIGHWAY USE BOND

3 119108999

WHITE - TREASURY COPY YELLOW - CUSTOMER COPY

DETAILS/REMARKS

Office purchase - deposit
Have at 440 Cedar

RECEIVED FROM:

TOTAL \$ 100.00

CASHIER

CASH ☒ CHEQUE ☐

Mr. Paulson
440 Cedar Drive
Port Coquitlam, B.C.
438 365

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FEB 10 1992

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: B.R. Kirk
City Administrator

DATE: February 6, 1992


FROM: I.R. Zahynacz, P. Eng.
City EngineerSUBJECT: PUBLIC ACCESS ON DYKE - TICEHURST LANE
(Public Works Committee Meeting of February 4, 1992)RECOMMENDATION:

That 2420 to 2450 Ticehurst Lane be open to the public for access purposes.

BACKGROUND & COMMENTS:

The Public Works Committee considered the attached memorandum from the Project Engineer dated February 4, 1992 and it was noted that an existing fiberglass garage and fence construction along the top of the dyke which is a public right of way prohibits access by the public along the dyke.

As there might be strong opposition or a challenge from Mr. Watts the owner of 2420 Ticehurst lane and Mr. Ticehurst of 2450 Ticehurst Lane this matter is being referred to Council and Committee prior to any action being taken on this matter.


I.R. Zahynacz, P. Eng.
City Engineer

IRZ:ck

Attachments

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**THE CORPORATION OF THE
CITY OF PORT COQUITLAM**

MEMORANDUM

PROJECT NO. 279

TO: Igor Zahynacz, P.Eng.
City Engineer

FROM: Andrew de Boer
Project Engineer

DATE: February 4, 1992

SUBJECT: PUBLIC ACCESS ALONG DYKE - NORTH OF TICEHURST
LANE

CITY OF PORT COQUITLAM	
ENGINEERING DEPT.	
FEB 11 1992	
FILE #	
TO	

RECOMMENDATION

- that 2420-2450 Ticehurst lane be opened to public access

BACKGROUND

Ticehurst Lane is a 22' right-of-way situated to the east of the Coquitlam River dyke south of Kingsway Avenue.

Mr. Colin Ticehurst, the property owner at 2450 Ticehurst has constructed an asphalt driveway with extensive landscaping and a wooden fence on the lane right-of-way. As well, he has built a fiberglass garage which encroaches the right-of-way (see attached photos and sketch).

On the adjacent property to the north (2420 Ticehurst) the dyking commission has constructed chain-link gates across the lane. The gates were installed to prevent vandalism of the property during the construction of the dyke. There is no encroachment onto the lane right-of-way by the owner of 2420 Ticehurst.

COMMENTS

There are no written records of the City giving permission to Mr. Ticehurst to use the lane right-of-way. As well, Mr. Ticehurst has been made aware that his construction activities were encroaching upon a City right-of-way.

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The driveway access that Mr. Ticehurst has created on the right-of-way is not required as he has a second driveway access on the west frontage of the property.

Opening the lane would be beneficial to patrons of the dyke trail. The access of emergency vehicles to the dyke would also be improved.

There are two options for opening Ticehurst Lane:


1. Remove encroachments over the full 22' right-of-way

This would require removal of all fencing, shrubbery, the garage, the asphalt driveway and fine grading of lane. Once the lane is opened there would be no restrictions to pedestrians or public vehicles. The approximate cost of these works is \$8,000.

2. Remove existing fencing to allow pedestrian access

With this option existing fencing would be removed and removable barricades installed at either end of the lane to allow access for emergency vehicles. The existing asphalt driveway would be preserved and used by the public. The garage would also be preserved.

The lane width would be substandard (Bylaw 2241) and larger emergency vehicles may have difficulty passing through. The approximate cost of these works is \$1,200.


 Andrew de Boer
 Project Engineer

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THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: B.R. Kirk
City Administrator

DATE: February 6, 1992

FROM: I.R. Zahynacz, P. Eng.
City Engineer

SUBJECT: ENCROACHMENT ON ROAD RIGHT OF WAY
MRS. BLACKLAWS - 1274 CHELSEA AVENUE
(Public Works Committee Meeting of February 4, 1991)

RECOMMENDATION:

That Council consider one of the following two options with regards to an encroachment on the road right of way at 1274 Chelsea Avenue:

- 1) That Council approve the encroachment provided that Mrs. Blacklaws agrees in writing to remove the encroachment when her property is sold and that a financial security be deposited with the City (of \$3,000) to ensure that the encroachment is removed as agreed to.
- 2) That the City approve the encroachment provided Mrs. Blacklaws enters into an agreement under the terms suggested by Grant Anderson.

BACKGROUND

Mrs. Blacklaws appeared before Council on January 20, 1992 requesting permission for an encroachment on the road right of way as shown on the attached plan. Council adopted the following resolution:

"That Mrs. Blacklaws request to allow a retaining wall encroachment on a City right of way be referred to staff to seek legal opinion on allowing the encroachment to remain."

Attached is a letter dated January 28, 1992 from Grant Anderson regarding a proposed encroachment agreement.

COMMENTS:


Mr. Anderson informed me that a covenant cannot be registered on a property regarding an encroachment agreement adjacent to that property. However, the City could enter into an unregistered encroachment agreement between the property owner and the City approving the encroachment under specific conditions.

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Mr. Anderson notes that legally Council may authorize this encroachment without trading a precedent for other encroachments; however the City does receive several requests during the year for road right of way encroachments and it would be difficult to deny other requests.

Mr. Anderson further points out that Mrs. Blacklaws should get permission from the other utilities for this construction and that Mrs. Blacklaws should name the City as an insured on her house insurance.


I.R. Zahynacz, P. Eng.
City Engineer

IRZ:ck

Attachments

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LIDSTONE, YOUNG, ANDERSON

BARRISTERS & SOLICITORS

501 - 1803 Douglas Street
Victoria, B.C.
V8T 5C3
Telephone: (604) 383-2063
Telecopier: (604) 689-3444

1414 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C. V6Z 2H2
Telephone: (604) 689-7400
Telecopier: (604) 689-3444

BY LEGAL ALTERNATIVE

January 28, 1992

Mr. Igor Zahynacz
City Engineer
City of Port Coquitlam
2580 Shaughnessy Street
Port Coquitlam, B.C.
V3C 2A8

CITY OF PORT COQUITLAM	
ENGINEERING DEPT.	
JAN 29 1992	
FILE NO.	DATE



Dear Igor:

Re: Proposed Encroachment Agreement
1274 Chelsea Avenue
Our File No. 19-50

Further to our telephone conversation this morning, we confirm that Council may authorize Mrs. Blacklaws as owner of property at 1274 Chelsea Avenue to maintain a retaining wall which encroaches on the adjoining street, without creating a precedent for other encroachments.

As you know, the title to City highways is held by the Provincial Crown but under Section 571 of the Municipal Act, the City has the right of possession to the highway. Section 571 also provides that no one can acquire the right to possess part of a highway by occupying the highway.

Section 582 of the Municipal Act includes the following provision under the heading "Uses of Highways Other Than Traffic":

"... except under the terms and conditions imposed by the Council, a person shall not excavate in, cause a nuisance on, encumber, obstruct, injure, foul or damage any portion of a highway or other public place."

There is some uncertainty whether Council's power to permit obstructions under Section 582 must be exercised by a bylaw adopted under Section 581 approved by the Minister of Transportation and Highways. Although that is the conservative view, most municipalities approve encroachment agreements by resolution and do not submit bylaws to the Minister for approval.

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If Council determines that Mrs. Blacklaws should be permitted to maintain her retaining wall and improvements on the Chelsea Avenue right of way, we recommend that she be required to execute an encroachment agreement including the following features:

1. A cash payment or other compensation for the use of the right of way.
2. An acknowledgement that Mrs. Blacklaws will be responsible for any costs resulting from the presence of the encroachment if it is necessary for the encroachment to be removed in whole or in part in order for the City or utility companies to gain access to the utilities located under the encroachment.
3. A waiver of any damage done to the encroachment by the City in the course of maintaining or replacing its services or carrying out work on the highway.
4. An indemnity of the City against any damage or loss caused to any person by the existence of the encroachment.
5. An undertaking that the property at 1274 Chelsea Avenue will not be sold or transferred until the new owner executes a replacement encroachment agreement with the City in the same terms.
6. Confirmation that the City may revoke the permission to encroach, without reasons, upon giving notice as set out in the agreement.

If there is any concern with the stability of the retaining wall and other material, Council may wish to require as a condition precedent to the encroachment agreement that a professional engineer with geotechnical experience certify that the encroachment is stable.

You may have other terms which are applicable in the circumstances, but we recommend the foregoing as a minimum.

Sincerely,

LIDSTONE, YOUNG, ANDERSON

Grant Anderson

Grant Anderson

GA/4867

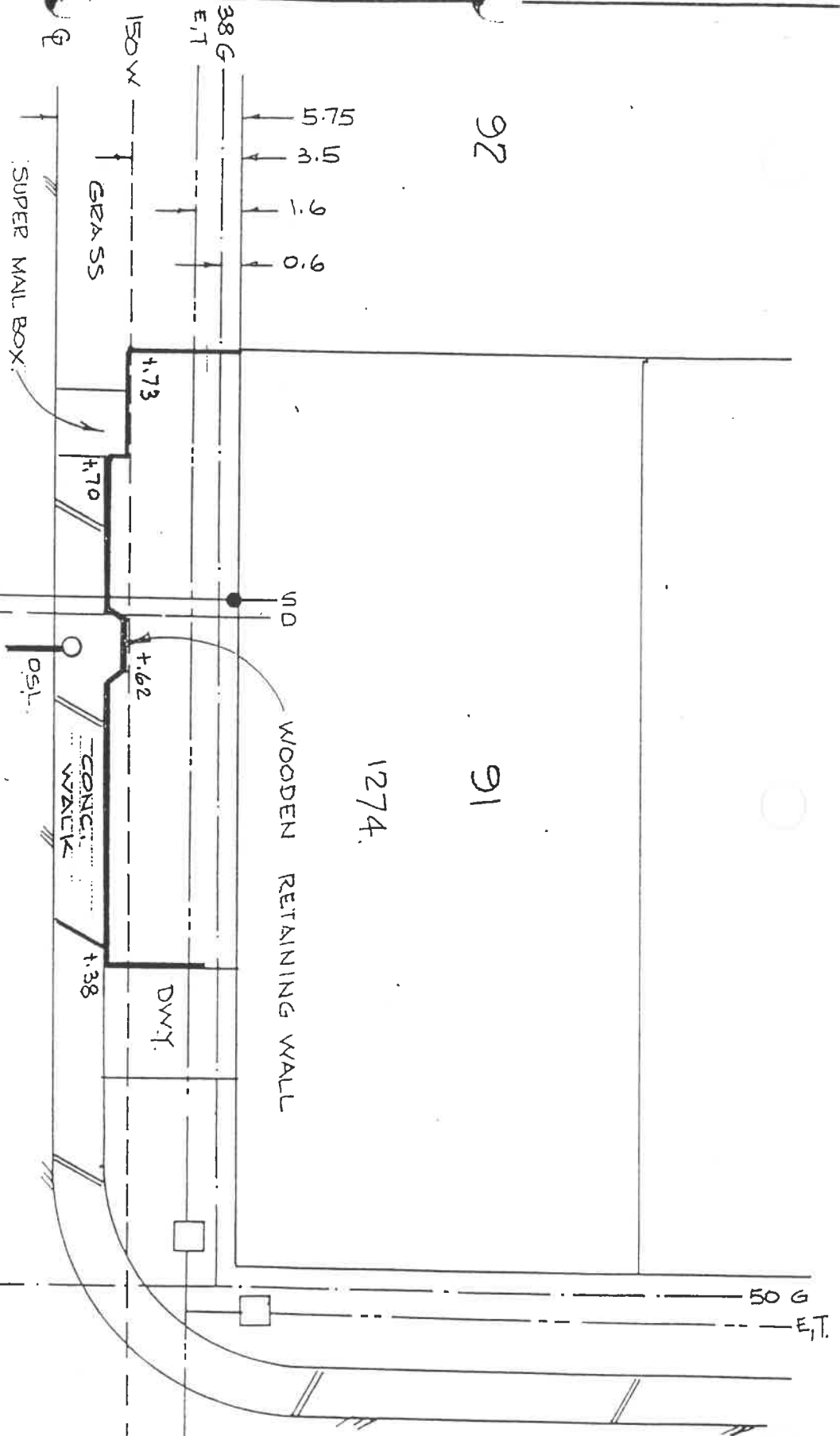
cc: Mr. Bryan Kirk, Administrator

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92

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1274.



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PORT COQUITLAM

ENGINEERING DEPT.

DATE: 910909

DRAWING No.

TITLE:

WOODEN RETAINING WALL

APPROVED BY:

DESIGN BY:

DRAWN BY:

SCALE:

1274 CHELSEA AVE

1:200

CHELSEA

COMMITTEE

FEB 10 1992

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

COMMITTEE OF COUNCIL

February 5, 1992

TO: B.R. Kirk, City Administrator

FROM: K. Janna Taylor, Parks & Recreation Director

SUBJECT: Proposed Boulevard Bylaw
(Parks & Recreation Committee Meeting January 27, 1992)

Recommendation

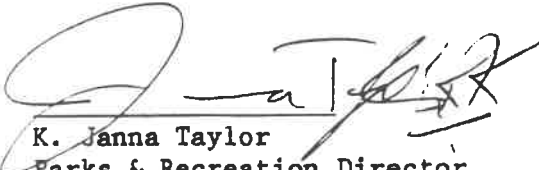
That Council consider the proposed Boulevard Bylaw

History of Problem

The Parks & Recreation Committee have been dealing with the issue of boulevard and cul-de-sac island maintenance. It should be noted that we presently are maintaining 21 sites at a cost in 1991 of \$98,000. We are endeavoring to look at methods of reducing this maintenance cost. One of the areas we have investigated is having a bylaw for boulevards which would require property owners to maintain the boulevards bordering their properties.

Proposed Boulevard Bylaw

The City Solicitor has drawn up a bylaw for Council's consideration. As noted in the Solicitor's letter, there is no specific statutory power to require owners to carry out boulevard maintenance. Should Council wish to adopt the bylaw the solicitor recommends: **That the bylaw be used only as a means of establishing standards for the appearance of boulevards and not as a substitute for City boulevard maintenance. The City should continue to take reasonable measures to inspect boulevards for hazards and to remove any hazards.**



K. Janna Taylor
Parks & Recreation Director

KJT/pg

File No: 201.6

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THE CORPORATION OF THE CITY OF PORT COQUITLAM BYLAW NO. ____

A bylaw to regulate the maintenance of
boulevards in the City of Port Coquitlam

WHEREAS Section 579 of the Municipal Act provides that Council may regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them;

NOW THEREFORE, the Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Boulevard Maintenance Bylaw, 1991, No. ____".
2. In this Bylaw:

"Boulevard" means the area of a highway between the edge of the pavement, curb or the roadway and the boundary of land adjacent to the highway, but excludes a sidewalk.

"Noxious weed" means any weed designated by regulation to be a noxious weed pursuant to the Weed Control Act.

"Occupier" means a person who occupies land but excludes the occupier of a unit in an apartment, hotel or community care institution.

"Pesticide" means any chemical compound that is used to control pests, noxious weeds, fungi, or insects.

"Roadway" means a portion of a highway improved for use for vehicular travel.

3. The owner and the occupier of real property shall maintain every boulevard adjacent to the real property and in particular shall:
 - (a) remove all rubbish, discarded materials and hazardous objects from the boulevard;
 - (b) keep grassed areas trimmed and free of noxious weeds;except that where the real property adjoins an arterial highway the owner or occupier need not maintain the boulevard fronting the arterial highway.
4. No person shall:

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- (a) wilfully damage any boulevard or any tree, shrub, plant, bush or hedge on any boulevard;
 - (b) erect any sign, fence, wall or other structure on any boulevard, except with written permission of the Director of Parks and Recreation or the City Engineer;
 - (c) apply a pesticide or non-organic fertilizer to any boulevard; or
 - (d) dispose of any vegetation cuttings, rubbish, discarded materials or any liquid or solid waste on any boulevard.
5. Any person who violates any provision of this bylaw commits an offence, and upon summary conviction shall be liable to a fine of not less than \$100.00 or more than \$2,000.00.

READ A FIRST TIME this day of , 1991.

READ A SECOND TIME this day of , 1991.

READ A THIRD TIME this day of , 1991.

RECONSIDERED AND FINALLY ADOPTED, this day of , 1991.

GA/4638

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CITY OF PORT COQUITLAM

2580 SHAUGHNESSY STREET, PORT COQUITLAM V3C 2A8 (604) 941-4111

The following areas are maintained by the Parks staff:

1. Lougheed Highway Medium
2. Shaughnessy Street at Lougheed mediums and blvds
3. Blvd at James park School
4. Blvd at Viscount School
- 5 Blvd at Coast Meredian and Lougheed (pumping chamber)
- 6 Blvd at Hickory
- 7 Blvd adjacent to Cedar Ditch at Lombardy
- 8 Blvds at Kingsway Bridge
- 9 Blvds on Maple Street, Legion, Firehall
- 10 Blvd on Kingsway around Poco Transfer
- 11 Blvds on Kingsway near and across from Rec Centre
- 12 Blvds on Kelly near Public Works Yard, Courthouse, Women's
- 13 Blvds on Whyte, Leigh Square, Rec Office, Parkinglot KFC, Dr
Smith Triangle, Chevron corner.
- 14 Blvd around Central School.
- 15 Blvd around to Eastern drive, near new pump chambre.
Penny Place, York Place, Scarborough, Warwick Cres. grassy areas.
- 16 Connaught Drive blvd at Thompson Park.
Killmer Park , blvd on Pooley.
- 17 Blvd on Eastern Drive at Rowhouse Complex.
- 18 Yukon and Carmel Blvds
- 19 Guest Str and entrance Kroecker Pk
- 20 Citadel Drive at Gateway (start in 1992)
- 21 Areas in Citadel heights as : Parapet Crt , Tower Ct, Garrison C
Rampart , Moody Ct, Captain Ct, Governer Ct, Royal Ct, Mc Lennan
Bailey Crt, Settlers Crt, Homesteaders Crt, Palisade Crt, Paladi
and soon Musket Terrace and Fortress Court .

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MEMORANDUM

TO: B.R. Kirk
City Administrator

FROM: R.A. Freeman,
City Clerk/
Deputy Administrator

January 28th, 1992

SUBJECT: Property Sale - N.E. Corner of Shaughnessy & Pitt River Road


RESOLUTION:


THAT the price previously set by Council in Committee for the above noted property, \$580,000.00, be reduced to \$495,000.00 to more closely co-incide with the appraised value.

BACKGROUND AND COMMENTS:

The exact location of the property is shown on the map section following. The appraised value in August, 1991 was \$500,000.00 but the Land Sale Committee recommended the higher figure of \$580,000.00 to Council in Committee on September 23rd, 1991 and this was accepted. Our appraiser has confirmed - on January 27th, 1992 - that his appraisal is still current. The property is 23,843 square feet in area so the \$495,000.00 total price amounts to \$20.75 per square foot.

The property is being sold on the basis that Council will give consideration to rezoning it to RM-4 (Apartment).


R.A. Freeman
City Clerk/
Deputy Administrator



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