

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED:	APRIL 10, 2017 - REGULAR EVENING MEETING	REPORT:	17-31
FROM:	CORPORATE ADMINISTRATION DIVISION	FILE:	PM002404
SUBJECT:	PARK LAND DISPOSAL AND DEDICATION REMOVAL (BRAE ISLAND)		

RECOMMENDATION(S):

That Council authorize the disposal of park land in accordance with Section 27(2)(b) of the *Community Charter*, Ch. 26, SBC 2003 (the "*Community Charter*"), involving a 3.7 acre unimproved property located in the 9400 block of Glover Road on Brae Island, in Fort Langley (the "Property"), as shown on Attachment A;

That Council give first, second and third reading to Park Land Disposal and Dedication Removal Bylaw 2017 No. 5263;

That following the third reading of Bylaw 2017 No. 5263, staff is directed to seek approval of the electors by way of the alternative approval process, pursuant to Section 86 of the *Community Charter*, and pursuant to the following criteria:

- 1) The deadline date for receipt of the elector response forms is May 29, 2017;
- 2) The elector response forms must be in the same format as ATTACHMENT B;
- 3) The total number of electors used to calculate the 10% minimum threshold is 8,045.

That, subject to approval of the electors being granted and the subsequent final adoption of Bylaw 2017 No. 5263, Council authorize transfer of the Property to the Seyem' Qwantlen Land Development Ltd., in accordance with the Motion carried by Council at the October 17, 2016, Special Closed meeting.

EXECUTIVE SUMMARY:

Pursuant to Section 27(2)(b) of the *Community Charter*, Council may, by bylaw and with the approval of the electors, dispose of park land, provided the proceeds of the disposal are placed to the credit of a reserve fund under section 188(2)(b) of the *Community Charter*.

Section 84 of the *Community Charter* states that approval of the electors may be obtained either by assent of the electors or by the alternative approval process. As obtaining the assent of the electors is a lengthy and costly undertaking, staff believe the alternative approval process is the more efficient method.

The Property is surplus to Township needs. Council carried a Motion at the October 17, 2016, Special Closed meeting, authorizing the transfer of the Property to Seyem' Qwantlen Land Development Ltd. Upon final adoption of Bylaw 2017 No. 5263, the appropriate documents will be registered in the Land Title Office to complete the transfer of the Property.

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The Township is receiving 50% of the appraised land value from a donor who wishes to remain anonymous to facilitate transfer of the lands to assist the Kwantlen First Nation in recovery of the lands that are considered to be part of the their traditional Kwantlen territory.

PURPOSE:

To obtain approval to transfer the Property to the Seyem' Qwantlen Land Development Ltd., after obtaining the required approval of the electors by way of the alternative approval process and upon final adoption of Bylaw 2017 No. 5263.

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BACKGROUND/HISTORY:

The Property is located on Brae Island which is part of the Kwantlen First Nation Traditional Territory, and is adjacent a Metro Vancouver Park property and in close proximity of McMillan Island Indian Reserve No. 6.

The Property was designated Park on Plan 56357 in 1979. Records relating to the creation of the Property are either unclear or missing. In reviewing the records that are available, the requirement for the Property to be designated as park came from the Department of Highways (now Ministry of Transportation and Infrastructure) at the request of the Township of Langley.

The records indicate that the property owner at the time completed a road closure elsewhere in the Township. The Township did not have the legislative power to require the park land dedication as a condition to approving the road closure and therefore requested the Department of Highways impose the dedication as a condition of providing their approval for the road closure.

Staff have contacted the Ministry of Transportation and Infrastructure advising of our intention herein and inviting their comments. They have responded that they have no concerns.

DISCUSSION/ANALYSIS:

Disposal of dedicated park land is permitted under Section 27 of the *Community Charter*, providing the bylaw authorizing the disposal is adopted only after receiving the approval of the electors, and, the proceeds of the disposal are credited to a park land acquisition reserve fund.

Section 84 of the *Community Charter* states that approval of the electors may be obtained either by assent of the electors or by the alternative approval process. The process for obtaining assent of the electors is similar to an election with assent only being obtained with a majority vote favouring the bylaw. Given the time and extraordinary costs involved in obtaining the assent of the electors, staff believes the alternative approval process is the more efficient method.

Under the alternative approval process, if a minimum of 10% of the electors reject the proposal, Council must obtain the assent of the electors before proceeding.

Section 86(3) of the *Community Charter* stipulates three criteria that Council must establish by resolution before proceeding with the alternative approval process. This criteria is set out in the Council resolution herein but further detailed below:

- 1) Council must, by resolution, establish a deadline date for the receipt of the elector responses. The deadline must be a minimum of thirty (30) days after the last published day of the second week public notice. The date of May 29, 2017, will meet this condition.
- 2) Council must, by resolution, establish the form to be used for the elector responses. The form must include the electors full name and residential address, or, for non-resident electors, the address of the property for which the person is entitled to register as a non-resident property elector. Staff has incorporated these requirements into the forms provided as Attachment B. The form will be available at the Township Civic Facility and on the Township website, from the date of the first publication of the public notice until the deadline date. Submitted forms must have an original signature and be received by the Township Clerk prior to the deadline.

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- 3) Council must, by resolution, determine the total number of electors used to calculate the 10% minimum threshold. The number of registered voters within the Township of Langley was obtained from Elections BC on January 25, 2017 and is 80,450. Based on Elections BC statistics, the 10% threshold is 8,045 elector responses.

Financial Implications:

Consideration received will be placed in the Park Land Acquisition Reserve Account.

Respectfully submitted,

Scott Thompson
MANAGER, PROPERTY SERVICES
for
CORPORATE ADMINISTRATION

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
FINANCE	K. Sinclair
RECREATION, CULTURE & PARKS	P. Tulumello

ATTACHMENT A – MAP OF PROPERTY
ATTACHMENT B – ELECTOR RESPONSE FORMS



ATTACHMENT B



Elector Response Form Park Lot Disposal PARK LOT, 9400 Block Glover Road, (Brae Island), Fort Langley

The Township of Langley is seeking elector approval for the disposal of park lot, dedicated on subdivision plan 56357, situated in the 9400 Block Glover Road, (Brae Island), Fort Langley, for the purposes of conveying the property to the Seyem' Qwantlen Land Development Ltd. Elector approval is requested using the alternative approval process as described in Section 86 of the *Community Charter*.

The question being put forward to the electors of the Township of Langley is whether they are opposed to the disposal of the dedicated park lot situated in the 9400 Block Glover Road, (Brae Island), Fort Langley.

The total number of electors within the Township of Langley, as supplied by Elections BC on January 25, 2017 and approved by Council, is 80,450 electors. If valid Electoral Response Forms are received from 8,045 electors, Council cannot proceed with the removal of the park dedication without receiving the assent of the voters by referendum.

If you are opposed to the disposal of the dedicated park lot and are a qualified elector in the Township of Langley, you can sign an Elector Response form.

If you are not opposed to the disposal of the dedicated park lot, no action is required.

All Elector Response forms must be received by the Township Clerk at the Township of Langley Civic Facility, 20338 – 65 Avenue, Langley on or before 4:30pm (PST) on May 29, 2017. All forms must have an original signature and cannot be copied or scanned versions of the signature.

Further information can be obtained from the Township Clerk at:

Wendy Bauer, Township Clerk
604-533-6101
wbauer@tol.ca



Alternative Approval Process Park Lot Disposal PARK LOT, 9400 Block Glover Road, (Brae Island), Fort Langley

Elector Response Form

I hereby declare the following:

1. That I am a Canadian citizen;
2. That I am an individual who is age 18 or older;
3. I have been a resident of British Columbia for at least the past 6 months;
4. I have been a Township of Langley resident or owner of property within the Township of Langley for at least the last 30 days;
5. I am not disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

I understand that by signing this form I am declaring the above facts and I am petitioning against the Corporation of Township of Langley disposing of the dedicated park lot situated in the 9400 Block Glover Road, (Brae Island), Fort Langley.

NAME OF ELECTOR:

(Please Print Full Name)

RESIDENTAL ADDRESS:

(or address of property for which you are eligible to be a non-resident Property elector)

SIGNATURE OF ELECTOR:

NOTE: This **originally-signed form** must be returned to the Township Clerk at the Township of Langley, Township of Langley Civic Facility, 20338 – 65 Avenue, Langley, BC, V2Y 3J1 **no later than 4:30pm on May 29, 2017.**

Accurate copies of this elector response form may be made and used for signing. A person must not sign an elector response form more than once and may not withdraw their name from the alternative approval process petition after the May 29, 2017 deadline.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

PARK LAND DISPOSAL AND DEDICATION REMOVAL (BRAE ISLAND)

BYLAW 2017 NO. 5263

EXPLANATORY MEMO

Bylaw 2017 No. 5263 authorizes the transfer and park dedication removal of unimproved land located in the 9400 block of Glover Road, on Brae Island in Fort Langley.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
PARK LAND DISPOSAL AND DEDICATION REMOVAL (BRAE ISLAND)
BYLAW 2017 NO. 5263

WHEREAS pursuant to Sections 27(2), 27(4) and 188(2)(b) of the *Community Charter*, S.B.C. 2003, c. 26, the Council may, by bylaw adopted with the approval of the electors, dispose of park land, the transfer of which has effect free of any dedication to the public for the purpose of a park or public square.

NOW THEREFORE the Council of the Corporation of the Township of Langley in open meeting assembled ENACTS as follows:

1. That 3.7 acre property dedicated PARK on Plan 56357 in Section 33 Township 11 New Westminster District and entitled Parcel One ("Parcel One") and shown outlined in heavy black line on the reference plan attached hereto as Schedule "A", prepared by A.M. Osman, B.C.L.S. on the 20th day of February, 2017, is to be transferred to Seyem' Qwantlen Land Development Ltd.
2. The proceeds from the transfer of Parcel One, if any, shall be credited to the park land acquisition reserve fund.
3. The transfer of Parcel One is free of any dedication to the public for the purpose of a park or a public square.
4. This Bylaw may be cited for all purposes as "Park Land Disposal and Dedication Removal (Brae Island) Bylaw 2017 No. 5263".
5. The Township Clerk is hereby authorized to sign the plan(s) of survey and such other instruments as may be required to carry into effect the transfer and dedication removal described in this Bylaw.

READ A FIRST TIME the	day of	, 2017
READ A SECOND TIME the	day of	, 2017
READ A THIRD TIME the	day of	, 2017
RECONSIDERED AND ADOPTED the	day of	, 2017

_____ Mayor _____ Township Clerk

SCHEDULE "A"

