

NO: R006

COUNCIL DATE: January 15, 2024

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **January 11, 2024**

FROM: **General Manager, Engineering**

FILE: **7916-0231-00**

SUBJECT: **Approval of the Sale of a Closed Portion of Road Allowance Adjacent to 12409 - 104 Avenue, 12453 - 105 Avenue, 12463 - 105 Avenue and 10529 - 125 Street (Step 2)**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Authorize the sale of a 2,358.9 m² area of closed road allowance adjacent to 12409 - 104 Avenue, 12453 - 105 Avenue, 12463 - 105 Avenue and 10529 - 125 Street under previously approved terms for this closure and sale as outlined in Corporate Report No. 186; 2023, a copy of which is attached to this report as Appendix "I".

INTENT

The purpose of this report is to seek Council's approval to sell the closed portion of road for consolidation with the adjacent development lands at 12409 - 104 Avenue, 12453 - 105 Avenue, 12463 - 105 Avenue and 10529 - 125 Street.

DISCUSSION

On December 4, 2023, Council authorized the Engineering Department (Resolution No. R23-2480 related to Corporate Report No. R186;2023) to proceed with the closure and sale of portions of redundant road allowance having an area of 2,358.9 m² for the purpose of allowing consolidation with and to allow subdivision of the properties known as 12409 - 104 Avenue, 12453 - 105 Avenue, 12463 - 105 Avenue and 10529 - 125 Street. Council's approval of the sale of this portion of closed road allowance is now required to complete this next step in the road closure process as stipulated by the *Community Charter*.

The *Community Charter* requires that Council's approval to close and sell roads be obtained on two separate occasions. The first such approval is at the beginning of the closure process when Council is requested to authorize the "cancellation of highway" for the portion of road to be closed and consolidated. The second such approval is near the end of the related development application process when Council's authorization is required to formally dispose of the closed portion of road as part of the required statutory obligations.

In accordance with Section 40 of the *Community Charter*, it is now in order for Council to authorize this next step in the road closure and sale Process. Subsequent to Council's authorization staff will provide public notification of the disposition by way of advertising in local newspapers pursuant to the requirements of the *Community Charter*.

CONCLUSION

It is recommended that Council approve the sale of this closed portions of road allowance adjacent to 12409 - 104 Avenue, 12453 - 105 Avenue 12463 - 105 Avenue and 10529 - 125 Street under the previously approved terms for this closure and sale as outlined in the attached Corporate Report No. R186; 2023.

Scott Neuman, P. Eng.
General Manager, Engineering

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[https://surreybc.sharepoint.com/sites/eng.administration/gm administration/corporate reports/2024/jan 15/approval of sale of closed road at 12409 104 ave \(step 2\)/approval of sale of closed road at 12409 104 avenue \(01102024\) final.docx](https://surreybc.sharepoint.com/sites/eng.administration/gm%20administration/corporate%20reports/2024/jan%2015/approval%20of%20sale%20of%20closed%20road%20at%2012409%20104%20ave%20(step%202)/approval%20of%20sale%20of%20closed%20road%20at%2012409%20104%20avenue%20(01102024)%20final.docx)

Appendix "I": Corporate Report No. R186;2023

CORPORATE REPORT

NO: *R186*

COUNCIL DATE: *November 20, 2023*

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 15, 2023**

FROM: **General Manager, Engineering**

FILE: **7916-0231-00**

SUBJECT: **Closure of Road Adjacent to 12409 – 104 Avenue, 12453- 105 Avenue, 12463 – 105 Avenue and 10529 – 125 Street**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Authorize the City Clerk to bring forward a Bylaw to close and remove the dedication as highway of a 2,358.9 m² portion of unconstructed road allowance located adjacent to 12409 – 104 Avenue, 12453- 105 Avenue, 12463 – 105 Avenue and 10529 – 125 Street as generally illustrated in Appendix "I" attached to this report, subject to compliance with the notice provisions of the *Community Charter, SBC 2003, c. 26*.

INTENT

The purpose of this report is to seek Council's approval to close and remove a portion of unconstructed road allowance for consolidation with the adjacent properties seeking development of 75 townhouse units under Development Application No. 7916-0231-00.

BACKGROUND

Property Description

The area of road allowance proposed for closure is a 2,358.9 m² portion of unconstructed road (the "Road Closure Area") adjacent to 12409 – 104 Avenue, 12453- 105 Avenue, 12463 – 105 Avenue and 10529 – 125 Street (the "Adjacent Properties") that will be consolidated to permit the development of 75 townhouse units.

Zoning, Plan Designations and Land Uses

Properties that are contiguous to the Road Closure Area are all zoned General Agriculture (A-1) Zone. Both the Road Closure Area and the Adjacent Properties are designated "Urban" in the Official Community Plan and are designated Parks and Open Spaces in the South Westminster Neighbourhood Concept Plan.

DISCUSSION

Purpose of Road Closure

The Road Closure Area is intended to be consolidated and rezoned to “Urban” with the Adjacent Properties under Development Application No. 7916-0231-00. This Development Application is seeking approval to consolidate four A-1 zone lots and the Road Closure Area into one RM-30 zone lot for the development of 75 townhouse units as generally illustrated in Appendix “II” attached to this report.

The road closure proposal was referenced in the May 9, 2022 Planning Report to Council related to Development Application No. 7916-0231-00, and the related Rezoning Bylaw was granted Third Reading by Council on May 30, 2022. Preliminary Layout Approval was issued on June 17, 2022 and a subsequent Preliminary Layout Approval extension was issued June 6 2023.

The proposed road closure has been circulated to all potentially concerned City Departments for review and none have expressed objections.

As required under Section 40(4) of the *Community Charter*, all utility companies potentially affected by the proposed road closure have been consulted and none have expressed objections.

Land Value

The applicant has agreed to provide compensation to the City equivalent to the market value of the Road Closure Area, as determined by an accredited independent appraiser.

All area calculations contained in this report are approximate and subject to final survey.

CONCLUSION

The Road Closure Area is surplus to the City’s needs. The consolidation of the Road Closure Area with the Adjacent properties will assist in facilitating the pattern of redevelopment in this neighbourhood by providing 75 ground-oriented multi-family residences.



Scott Neuman, P.Eng.
General Manager, Engineering

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[https://surreybc.sharepoint.com/sites/eng.administration/gm administration/corporate reports/2023/nov 20/closure of road at 104 ave, 105 ave, 125 st/closure of road adjacent to 12409 104 ave 12453 12463 - 105 ave and 10529 125 st \(1152023\) final.docx](https://surreybc.sharepoint.com/sites/eng.administration/gm%20administration/corporate%20reports/2023/nov%2020/closure%20of%20road%20at%20104%20ave,%20105%20ave,%20125%20st/closure%20of%20road%20adjacent%20to%2012409%20104%20ave%2012453%2012463%20105%20ave%20and%2010529%20125%20st%20(1152023)%20final.docx)

Appendices available upon request.

Appendix “I” – Aerial Photograph of Site

Appendix “II” – Development Application 7916-0231-00 Site Layout