



Corporate Report

NO: R033

COUNCIL DATE: February 23,

2004

REGULAR COUNCIL

TO: Mayor & Council DATE: February 18, 2004
FROM: General Manager, Engineering FILE: 7803-0153 (A)
SUBJECT: Road Closure at 88 Avenue and Kennedy Place

RECOMMENDATION

That Council authorize the City Clerk to bring forward a By-law for consideration by Council to close and remove the dedication as highway of a $\pm 64,463$ ft.² ($\pm 5,989$ m²) opened portion of Kennedy Place at 88 Avenue.

BACKGROUND

A. Property Location

The road allowance proposed for road closure is located in the Newton area at 88 Avenue and Kennedy Place and is not subject to a Neighbourhood Concept Plan. The immediate area is primarily residential with industrial and commercial nodes.

B. Plan Designations, Zoning and Land Uses

The nine properties comprising the proposed consolidation are located at 88 Avenue between 126 Street and the Pacific Press site to the west. They are all currently zoned IB (Industrial Business Park) and are vacant holding properties, but have recently had third reading to be rezoned for commercial development.

C. Purpose of Road Closure

The owner of the following properties located at 8855, 8860, 8885, 8900, 8915, 8935, 8945 and 8950 & 12445 - 88 Avenue requested the closure and consolidation of a $\pm 64,463$ ft.² portion of redundant, constructed Kennedy Place that bisects these properties. The applicant will close and consolidate the road with the adjoining properties to accommodate a single development of the lands. The business park development (Planning & Development Application No. 6090-0304) has remained undeveloped since 1992. This same owner dedicated, without compensation, Kennedy Place, under subdivision Plan LMP2901 in January 1992.

D. Process

Prior to final approval of Council, a reference plan prepared at the applicant's expense will be submitted to the Legislative Services Department requesting Introduction and Adoption of a By-law to close and remove the dedication as highway. Prior to Final Adoption of the By-law, in conformance with Sections 40 (3) and 94 of the Community Charter, notice of the exchange will be advertised for two consecutive weeks in a local newspaper, and a notice will be posted at City Hall. The advertisement provides information to the public at large on the details of the closure and indicates that all pertinent data can be obtained from the Realty Services Division. All concerns from the public will be addressed prior to completion of the closure. In addition, as required under

Section 40 (4) of the Charter, notice of the City's intention to close the road will be directed to all utility companies considered to be affected by the proposed closure. Legislative Services will then request Council to provide Final Adoption of the By-law. Upon completion of these requirements, the By-law will then be registered at the Land Title Office. The Realty Services Division will then advertise the disposition of the lane in a local newspaper and will post a notice at City Hall as prescribed under Sections 26 and 94 of the Charter. The advertisement and notice will, in this instance, contain a description of the land. Upon completion of these items, a final report will be submitted to Council to approve the sale. The City will then prepare transfer documents to transfer the road to the applicant, and registration will take place at the Land Title Office.

E. Conclusion

The ±64,295 ft.² portion of road will be returned to Amherst Estates at no cost as they were the original dedicator of the road and have retained ownership to all the surrounding properties since the time of dedication. The City's Policy Manual P-4, (2) (a) indicates that compensation is not required when “the applicant has remained the original owner since the time the road to be closed was initially dedicated.”. Statutory rights-of-way will be registered as necessary for existing sewer, water and other utility services as part of the road closure process.

Kennedy Place is not required for road purposes and the closing and consolidation of this road, and does not affect the surrounding area.

Paul Ham, P. Eng.
General Manager, Engineering

PH/GT/mpr/brb

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Appendices

- I Site Map
- II Aerial Photograph of Site