



Corporate Report

NO: R117

COUNCIL DATE: May 17, 2004

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 11, 2004**
FROM: **General Manager, Engineering** FILE: **7803-0334**
SUBJECT: **Road Closure at 59 Avenue and 164 Street**

RECOMMENDATION

That Council authorize the:

1. City Clerk to amend By-law 872 by deleting Section Three;
2. sale of a $\pm 5,837$ ft.² portion of City-owned land ("titled road") known as PID No. 025-208-900 Part (0.134 of an acre more or less shown outlined red on the sketch attached to By-law filed 29868) of that portion marked "reserve" on Plan 1752 of the Southeast Quarter of Section 12, Township 2, NWD;
3. City Clerk to bring forward a By-law for First, Second, and Third Readings by Council to close and remove the dedication as highway of a $\pm 43,372$ ft.² unopened portion of 164 Street and a $\pm 39,747$ ft.² unopened portion of 59 Avenue.

BACKGROUND

A. Property Location

The road allowances proposed for road closure are located in the Cloverdale area at 59 Avenue and 164 Street. The immediate area is primarily residential.

B. Plan Designations, Zoning and Land Uses

The properties comprising the development located at 16248, 16328 and 16344 59 Avenue are currently zoned A-1 (General Agriculture) and are holding properties for single family residential development. The properties are located within the West Cloverdale North Neighbourhood Concept Plan.

The Official Community Plan designation for this area is Suburban.

C. Purpose of Road Closure

The developers are proposing a 51 lot residential subdivision with the addition of the closed roads.

D. Process

1. Sale of Titled Road - Recommendation Nos. 1 & 2

The portion of City land to be sold is actually a road widening acquired in 1947 through a road exchange. The portion of road was acquired by By-law (By-law No. 872) and a title was created. This portion of "titled road" is now deemed redundant and will be closed and consolidated into the subdivision. Sections 26 and 94 of the Community Charter provide that the City may dispose of land subject to a public notice. For the most

part it is in the City's best interest to market surplus land to the public; however, there are some instances when direct negotiations are beneficial. As the subject land cannot be developed on its own, it is recommended that the City deal directly with the adjoining owner. Under this scenario the City is required to publish notice of its intention to sell the land that must include:

- a description of the land or improvements;
- the person who is to acquire the property under the proposed disposition;
- the nature and, if applicable, the term of the proposed disposition and the consideration to be received by the municipality for the disposition.

2. Road Closure - Recommendation No. 3

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 closures 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 closures 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 closures. In addition, as required under Section 40 (4) of the Charter, notice of the City's intention to close the roads will be directed to all utility companies considered to be affected by the proposed closures. 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 roads 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 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 roads to the applicant, and registration will take place at the Land Title Office.

E. Conclusion

The road closure and sale of titled road will allow the developers to proceed with their 51 lot residential subdivision. The remaining half of 164 Street will be closed and consolidated with the property to the east at a future date.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by these road closures have been consulted. All have advised that the closing of these portions of road does not affect their services.

Paul Ham, P. Eng.
General Manager, Engineering

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Appendices

- I. Site Map
- II. Aerial Photograph of Site