



# Corporate Report

NO: R152

COUNCIL DATE: July 5, 2004

## REGULAR COUNCIL

TO: **Mayor & Council**                                      DATE: **May 26, 2004**  
 FROM: **General Manager, Engineering**                      FILE: **0910-30/43**  
 SUBJECT: **Road Closure of 57 Avenue at 146 Street**

## RECOMMENDATION

That Council authorize the City Clerk to bring forward a By-law for consideration by Council to close and remove the dedication of a  $\pm 5,693$  ft.<sup>2</sup> ( $\pm 528$  m<sup>2</sup>) unopened portion of 57 Avenue at 146 Street as highway.

## BACKGROUND

### A. Property Location

The road allowance proposed for road closure is the unopened 57 Avenue road allowance located immediately east of 146 Street. The immediate area is developed with a mix of older homes on one-acre or half-acre lots, with newer standard-sized and compact lot subdivisions further north.

### B. Plan Designations, Zoning and Land Uses

The proposed closed road is to be consolidated in part with the two adjacent residences at 5682 - 146 Street and 5708 - 146 Street. These adjacent properties are zoned Half-Acre Residential (RH), and are designated Suburban in the Official Community Plan and Suburban Residential Half-Acre in the South Newton Neighbourhood Concept Plan.

### C. Purpose of Road Closure

The owners of the residences at 5682 - 146 Street and 5708 - 146 Street have made separate requests for the closure of the adjacent, unopened 57 Avenue road allowance for consolidation with each applicant's respective property. The owner of 5708 - 146 Street has also submitted a planning application to subdivide this property into two lots, one of which will be a panhandle lot. The Planning & Development Department has advised that this lot (being 43,517 ft.<sup>2</sup>) is sufficient in size to allow the subdivision, and consolidation with the road allowance is not a necessity for the subdivision. The road allowance is an irregular shaped parcel that is currently treed, grassed, and fenced for use in conjunction with the adjacent residence at 5682 - 146 Street.

Subsequent to the applications, the two applicants stated a willingness to share the road allowance. City staff have agreed with both applicants for the closure and consolidation of the road with both properties at 5682 - 146 Street and 5708 - 146 Street, and for the area split in the road allowance to be agreed by the parties upon a survey of the lands.

All City departments have been consulted and there are no objections to the closure of this portion of 57 Avenue, which was dedicated as road in 1956 and is now surplus to the City's transportation needs.

### 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 closure 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 road 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 road to the applicant, and registration will take place at the Land Title Office.

## **E. Conclusion**

The portion of road to be closed and consolidated is not needed for road purposes and does not affect the surrounding area.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the road closure have been consulted. All have advised that the closing of this portion 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