?

Corporate Report

NO: R239

COUNCIL DATE: September 27,

2004

REGULAR COUNCIL

TO: Mayor & Council DATE: September 20, 2004

FROM: General Manager, Engineering FILE: 7803-0477

SUBJECT: Road Closure of 62 Avenue at 126 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 ± 4.596 ft.² (± 427 m²) portion of 62 Avenue at 126 Street as highway.

BACKGROUND

A. Property Location

The 62 Avenue road allowance located west of 126 Street is a "no-through" road accessed from 126 Street. It is a half-width, paved road with an unconstructed gravel portion at the westerly end, the gravel portion of which is proposed for closure. The immediate area is developed with newer, standard sized residential lots and some larger sized lots zoned One-Acre Residential (RA), which also have the BC Hydro transmission right of-way passing through them.

B. Plan Designations, Zoning and Land Uses

The road to be closed will be consolidated with the adjacent southerly property located at 6193 126 Street to facilitate a 5 lot, single family subdivision. This adjacent property is zoned One Acre Residential (RA) and designated Urban in the Official Community Plan.

C. Purpose of Road Closure

The owners of the property at 6193-126 Street have submitted a development application to rezone and subdivide this property. By including the portion of road proposed to be closed, an additional lot will be created, resulting in a total yield of five lots.

The 62 Avenue road allowance proposed for closure contains public utilities and provides vehicular access to the adjacent property to the north located at 12527 - 62 Avenue. Therefore, Engineering and Planning staff have recommended that if the road is to be closed, that particular portion of the additional lot must be restricted by a shared access easement agreement with 12527 62 Avenue, a landscaped buffer strip/building setback area between the two properties, and public utility rights-of-way.

All City departments have been consulted and there are no objections to the closure of this portion of 62 Avenue in conjunction with the development proposal.

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.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the road closure have been consulted. There are services owned by BC Hydro, Telus and Terasen Gas affected by the road closure. These services are required to be protected by the registration of statutory right-of-way and/or the relocation of services at the applicants' cost.

E. Conclusion

All City departments support the proposed closure of a portion of 62 Avenue road allowance for consolidation with 6193 - 126 Street in conjunction with the development proposal for that property. Therefore, it is appropriate to proceed as proposed.

Paul Ham, P. Eng. General Manager, Engineering

AW/mpr

j:\property\admin\corprpts\2004\09070900-aw.doc MPR 9/27/04 9:04 AM

Appendices

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