



# Corporate Report

NO: R260

COUNCIL DATE: November 28,

2005

## REGULAR COUNCIL

TO: **Mayor & Council**    DATE: **November 23, 2005**

FROM: **General Manager, Engineering**    FILE: **7804-0435**

SUBJECT: **Lane Closure at 76A Avenue and 151A Street**

## 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  $\pm 938 \text{ ft.}^2$  ( $\pm 87 \text{ m}^2$ ) unopened portion of lane at 76A Avenue and 151A Street.

## BACKGROUND

### A. **Property Location**

The portion of lane allowance proposed for closure is located in the Newton area at 76A Avenue and 151A Street and is not subject to a Neighbourhood Concept Plan. The immediate area is primarily residential.

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

The property located at 15074 - 76A Avenue is currently zoned RA (One Acre Residential). The Official Community Plan designation for this area is Urban.

### C. **Purpose of Lane Closure**

A developer has made application to the Planning & Development Department (No. 7904-0435-00) to rezone 15074 - 76A Avenue from RA (One Acre Residential) to RF (Single Family Residential). Upon rezoning of the property and if approved by Council, the  $\pm 938 \text{ ft.}^2$  portion of redundant lane will be closed and consolidated to facilitate a 2 lot residential subdivision.

### D. **Land Value**

The applicant has agreed to provide compensation to the City as determined by a qualified professional appraiser, equivalent to the increase in market value attributable to the addition of the useable area of the lane closure. A portion of the subject area will be encumbered with a right-of-way for an underground City service.

### E. **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 lane 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 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 lane to the applicant, and registration will take place at the Land Title Office.

## **F. Conclusion**

The recommended half lane closure will allow the developers to proceed with their proposed residential development. The portion of lane to be closed and consolidated is not needed for road purposes and does not affect the surrounding area. The surplus half lane to the south will remain open to allow the owners of 15075 - 76 Avenue to create a similar 2 lot subdivision at a future date.

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

The terms of the proposed closure are considered reasonable and the Planning and Parks Departments support this lane closure.

Paul Ham, P. Eng.  
General Manager, Engineering

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## Appendices

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