

# Corporate Report

NO: R049

COUNCIL DATE: March 27, 2006

#### **REGULAR COUNCIL**

TO: Mayor & Council DATE: March 17, 2006

FROM: General Manager, Engineering FILE: 0910-30/70

SUBJECT: Road Closure at 184 Street, South of 96 Avenue

#### 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  $\pm 15,608$  ft.<sup>2</sup> ( $\pm 1,450$  m<sup>2</sup>) opened portion of 184 Street.

#### **BACKGROUND**

### A. Property Location

The portion of road proposed for closure is located in the Port Kells Industrial Area. It backs onto Highway No. 1 and its very southern portion is to be retained as road to accommodate future improvements to Highway No. 1. The portion of road to be closed is currently being used for vehicle access and parking in conjunction with the business operations on the adjacent lands located at 18386 and 18412 - 96 Avenue under a City highway licence agreement.

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

The property located at 18412 - 96 Avenue, east of the subject road allowance, is zoned Light Impact Industrial (IL), while the adjacent property to the west located at 18386 - 96 Avenue is zoned One Acre Residential Zone (RA). The Official Community Plan designation for the area is Industrial. A Temporary Industrial Use Permit to allow the parking and storage of trucks and large equipment on the property located at 18386 - 96 Avenue received final approval in March 2006 (File No. 7905-0017-00).

# C. Purpose of Road Closure

The portion of road to be closed is to be consolidated and rezoned with the westerly adjacent property located at 18386 - 96 Avenue and rezoned from One Acre Residential (RA) to Light Industrial (IL). The property at 18386 - 96 Avenue is a triangular-shaped parcel that was created from a subdivision and development variance permit application

in 2003 (File No. 7903-0250-00). The subject 184 Street road allowance was considered for inclusion in the 2003 subdivision application. However, the City was precluded from then selling the road because of the existence of a life estate of the residence located on the property at 18386 - 96 Avenue and the need to maintain road access for the life estate. Therefore, the surplus road could not be closed at that time. The life estate has now ended and the owners of 18386 - 96 Avenue, who are the also owners of 18412 - 96 Avenue, wish to proceed to consolidate their property with the surplus road and rezone the lands to IL.

Prior to the road disposition, the City will register a 10 metre wide statutory right-of-way on the east side of the road allowance for the protection of an existing storm sewer and a future sanitary trunk sewer. Within that right-of-way area, BC Hydro will retain a statutory right-of-way over a smaller area for an existing overhead hydro power line. Approximately 7,922 ft<sup>2</sup> ( $\pm$ 50%) of the  $\pm$ 15,608 ft.<sup>2</sup> area of road to be closed will be encumbered by the proposed rights-of-way.

#### 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 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 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.

#### F. Conclusion

The portion of road to be closed and consolidated is not needed for road purposes and does not affect the surrounding area. The Planning and Engineering Departments support this closure in conjunction with a rezoning application for 18386 - 96 Avenue. City staff have therefore reached an agreement with the applicant on the road closure, the terms of which are considered reasonable.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the road closure have been consulted. The road to be closed is encumbered by an overhead electric power line, shared with Telus, and a statutory right-of-way will therefore be registered on title in favour of BC Hydro and Telus. All other utility companies 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. Aerial Photograph of Site