



Corporate Report

NO: R130

COUNCIL DATE: July 10, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: June 28, 2006
FROM: General Manager, Engineering FILE: 7805-0271
SUBJECT: Road Closure at 32 Avenue and 140 Street

RECOMMENDATION

That Council authorize the City Clerk to bring forward a By-law for consideration to close and remove the dedication as highway of a $\pm 12,626 \text{ ft.}^2$ ($\pm 1,173 \text{ m}^2$) unopened portion of 140 Street at 32 Avenue.

BACKGROUND

A. Property Location

The portion of road allowance proposed for closure is located in the Elgin area at 32 Avenue and 140 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 3140 - 140 Street is zoned Residential Suburban (RS) and the property located at 14040 - 32 Avenue is zoned One Acre Residential (RA). The Official Community Plan designation for this area is Suburban.

C. Purpose of Road Closure

A developer has made application to the Planning & Development Department (7905-0271-00) to rezone 3140 - 140 Street from Residential Suburban (RS) to Comprehensive Development (CD) and 14040 - 32 Avenue from One Acre Residential (RA) to Comprehensive Development (CD). Upon the rezoning of these properties, the $\pm 12,626 \text{ ft.}^2$ unopened portion of 140 Street will be closed and consolidated with the properties to facilitate an 8 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 road closure area.

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 road closure allows the developer to proceed with the proposed residential development. 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.

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

Paul Ham, P. Eng.
General Manager, Engineering

GT/mpr

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Appendices

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