



# Corporate Report

NO: R179

COUNCIL DATE: September 11, 2006

---

## REGULAR COUNCIL

TO: Mayor & Council DATE: August 21, 2006  
FROM: General Manager, Engineering FILE: 7905-0365-00  
SUBJECT: Road Closure - 135 Street adjacent to 13487 - 16 Avenue

---

## RECOMMENDATION

The Engineering Department recommends that Council authorize the City Clerk to bring forward a by-law for consideration to close and remove the dedication as highway of a  $\pm 15,582$  ft.<sup>2</sup> ( $\pm 1,447$  m<sup>2</sup>) unopened portion of the 135 Street road allowance adjacent to 13487 - 16 Avenue.

## BACKGROUND

### 1. Property Location

The portion of road proposed for closure is a 10 metre wide undeveloped lane, which measures  $\pm 15,582$  ft.<sup>2</sup> in site area. It was created by a 1955 subdivision of the westerly adjacent land encompassing the property located at 13487 - 16 Avenue. The road allowance is proposed to be closed and consolidated as follows:

- (a) a  $\pm 11,594$  ft.<sup>2</sup> portion with 13487 - 16 Avenue to facilitate a 4 lot subdivision of that property, and
- (b) a  $\pm 3,988$  ft.<sup>2</sup> portion with the three easterly lots located at 1659, 1671 and 1689 - 135A Street, which are improved with residences.

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

- (a) The road to be closed and the property located at 13487 - 16 Avenue are zoned Single Family Residential Zone (RF) over the south one-third, and One-Acre Residential Zone (RA) over the remainder.
- (b) The properties located at 1659, 1671 and 1689 - 135A Street are all zoned Half-Acre Residential Zone (RH-G). All properties are designated Suburban in the Official Community Plan.

## **DISCUSSION**

### **1. Purpose of Road Closure**

- (a) The owner of the property located at 13487 - 16 Avenue has applied to close and purchase the adjacent 135 Street road allowance to facilitate the rezoning and subdivision of that property into 4 lots under the RH-G regulations (Project No. 7905-0365-00). The Planning & Development Report for this development application was received and approved by Council on July 24, 2006.
- (b) The owners of the east adjacent lots (1659, 1671, 1689 - 135A Street) have long expressed interest in purchasing the road allowance both for additional yard space and assurance that the dense trees within the road allowance will be protected. (The trees are to be protected by means of a restrictive covenant secured through the development application process for Project No. 7905-0365-00.) In response to Project No. 7905-0365-00, the adjacent owners at 135A Street have restated their interest in securing a portion of the 135 Street road allowance.

The City has reached a mutual agreement with all owners to sell, at the appraised market value, the westerly 7 metres of the road closure area for consolidation with 13487 - 16 Avenue and the easterly 3 metres for consolidation with the adjacent residences at 1659, 1671 and 1689 - 135A Street.

### **2. Road Closure Process**

Prior to final approval of Council, a reference plan 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.

## 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 the rezoning and subdivision application of 13487 - 16 Avenue. The consolidation of the closed road in parts with 1659, 1671 and 1689 - 135A Street also has support. City staff have therefore reached an agreement with all road closure applicants, the terms of which are considered reasonable.

Paul Ham, P.Eng.  
General Manager, Engineering

AW/mpr

<http://surrey.ihostez.com/content/uploaded/1ab7b6cd24794f2a84f13646d6ac0a91-08161015-aw.doc>  
C 7/16/10 2:46 PM

Appendix I: Aerial Photograph of Site