



Corporate Report

NO: R249

COUNCIL DATE: December 4, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: November 24, 2006
FROM: General Manager, Engineering FILE: 7806 - 0165
SUBJECT: Road Closure at 104 Avenue and 125 Street

RECOMMENDATION

The Engineering Department recommends that Council authorize the City Clerk to bring forward a By-law for consideration by Council to close and remove the dedication as highway a $\pm 1,908 \text{ ft.}^2$ ($\pm 177.2 \text{ m}^2$) portion of redundant road located at 104 Avenue and 125 Street.

A. Property Location

The road allowance proposed for closure is located in the South Westminster area at 104 Avenue and 125 Street and is not subject to a Neighbourhood Concept Plan. The immediate area is primarily residential.

B. Plan Designations, Zoning, and Land Uses

The adjoining property located at 12469 - 104 Avenue is currently zoned PA-1 (Assembly Hall 1) and improved with the South Westminster Heritage School. The Official Community Plan designation for this area is Urban.

C. Purpose of Road Closure

The applicant has made application to the Planning and Development Department (Application No. 7906 - 0165) to rezone a portion of 12469 - 104 Avenue from PA-1 (Assembly Hall 1) to RF (Single Family Residential) and RF-12 (Single Family Residential 12). The rezoning and road closure/consolidation will facilitate the subdivision of six standard, single family residential lots and two small, single family residential lots. The existing heritage school will be retained on the site at its current location.

D. Land Value

The applicants have agreed to provide compensation to the City equivalent to the market value as determined by a qualified professional appraiser.

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 portion of 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 portion of 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 portion of road to the applicant, and registration will take place at the Land Title Office.

F. Conclusion

The road closure allows the applicants 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 indicated 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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