

Corporate Report

NO: <u>R263</u>

COUNCIL DATE: DECEMBER 18, 2006

REGULAR COUNCIL

TO: Mayor & Council DATE: December 5, 2006

FROM: General Manager, Engineering FILE: 7804-0304

SUBJECT: Road Closure at 104 Avenue and 122 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 $\pm 34,596$ ft.² ($\pm 3,214$ m²) portion of unopened road located at 104 Avenue and 122 Street.

A. Property Location

The unconstructed road allowance proposed for closure is located in the South Westminster area at 104 Avenue and 122 Street and is designated for Business Park use in the South Westminster Neighbourhood Concept Plan. The immediate area is primarily industrial.

B. Plan Designations, Zoning, and Land Uses

The adjoining property located at 12175 - 104 Avenue is currently zoned IL (Light Industrial) with an existing Business Park use. The Official Community Plan designation for this area is Urban.

C. Purpose of Road Closure

The owner of 12175 - 104 Avenue has made application (No. 7904-0304) to construct an 80,000 ft.² industrial building and office space. The owner has also applied to close a redundant $\pm 34,596$ ft.² unopened portion of road immediately west of his property. This redundant road was originally dedicated by the applicant in 2001 to provide a connector to Scott Road from 104 Avenue. Planning and Transportation has since advised that a new connector road is preferred to align with the existing 122 Street to the south to provide better traffic circulation and alternate access to the properties in the area. The applicant will be dedicating a $\pm 43,373$ ft.² portion of his property to facilitate the proposed new road.

D. 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 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.

E. Conclusion

The road closure allows the applicants to proceed with their development permit. The portion of road to be closed and consolidated is not needed for road purposes as the new road is the preferred location to provide the area with improved traffic circulation and a safer, all movement intersection at 122 Street and 104 Avenue.

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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Appendix I: Aerial Photograph of Site