



# Corporate Report

NO: R168

COUNCIL DATE: JULY 23, 2007

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## REGULAR COUNCIL

TO: Mayor & Council DATE: July 19, 2007  
FROM: General Manager, Engineering FILE: 0910-30/114  
SUBJECT: Road Closure at 12B Avenue and 130 Street

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## 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  $\pm 4,467$  ft.<sup>2</sup> ( $\pm 415$  m<sup>2</sup>) portion of road at 12B Avenue between 130 Street and 131 Street.

### A. Property Location

The road allowance proposed for closure is located in the Ocean Park area at 12B Avenue and 130 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 13048 - 13 Avenue is currently zoned RF (Single Family Residential) and is unimproved. The Official Community Plan designation for this area is Urban.

### C. Purpose of Road Closure

The adjacent owner has requested that the City transfer a  $\pm 4,467$  ft.<sup>2</sup> portion of road located adjacent to 13048 - 13 Avenue. Upon consolidation the owner intends to make application to the Planning and Development Department to rezone the property to facilitate the construction of a single family residence. Since this unopened portion of road is extremely steep, it will not be used for siting of buildings. Further, the entire portion of road to be closed and consolidated will be encumbered with a right-of-way for public rights of passage to allow for a future footpath/walkway.

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

The portion of road to be closed and consolidated is not needed for road purposes, and a right-of-way for public rights of passage will be placed over the entire area to allow for a future footpath/walkway.

Paul Ham, P. Eng.  
General Manager, Engineering

GT/mpr

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Appendices

I. Aerial Photograph of Road Closure