



# Corporate Report

NO: R145

COUNCIL DATE: July 28, 2008

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## REGULAR COUNCIL

TO: Mayor & Council DATE: July 24, 2008  
FROM: General Manager, Engineering FILE: 0910-30/134  
SUBJECT: Road Closure Adjacent to 12310 - 94A Avenue

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## RECOMMENDATION

The Engineering Department recommends that Council authorize the City Clerk to bring forward a by-law to close and remove the dedication as highway of a  $\pm 3,804$  ft.<sup>2</sup> ( $\pm 353$  m<sup>2</sup>) portion of unopened road adjacent to 12310 - 94A Avenue.

## BACKGROUND

### 1. Property Location

The road allowance proposed for closure is a portion of the unopened 123 Street allowance located west of the residential property at 12310 - 94A Avenue and east of a City park lot in the Queen Mary Park neighbourhood.

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

The subject portion of 123 Street and the adjacent residence at 12310 - 94A Avenue are zoned Single Family Residential (RF) Zone, and designated Urban in the Official Community Plan. The road closure area and adjacent residential lot will be consolidated to provide a larger sized single family lot.

## DISCUSSION

### 1. Purpose of Road Closure

The  $\pm 3,804$  ft.<sup>2</sup> road closure area, when consolidated with 12310 - 94A Avenue, will result in a lot size of 11,209 ft.<sup>2</sup>, which is not sufficient in size and dimensions for a 2 lot subdivision under the RF zone. A restrictive covenant will be registered on title of the newly consolidated lot to restrict possible future subdivision. A statutory right-of-way for the protection of City utilities located along the west boundary of the road closure area will also be registered on title.

The Transportation Section of the Engineering Department supports the closure and disposition of the subject portion of surplus road to the adjacent owners at 12310 - 94A Avenue.

## **2. Land Value**

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

## **3. 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. The terms of agreement covering the disposition of the surplus road for consolidation with the adjacent lands located at 12310 - 94A Avenue are considered reasonable.

Vincent Lalonde, P. Eng.  
General Manager, Engineering

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### Appendices

#### I. Aerial Photograph of Site