



Corporate Report

NO: R168

COUNCIL DATE: September 8, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: September 4, 2008
FROM: General Manager, Engineering FILE: 0910-30-125
SUBJECT: Partial Lane Allowance Closure at 91 Avenue and King George Highway

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 of a portion of lane south of 91 Avenue and west of King George Highway containing an estimated area of $\pm 4,900 \text{ ft.}^2$ ($\pm 455.2 \text{ m}^2$) as shown in Appendix I.

A. Property Location

The road allowance proposed for partial closure is located in the Whalley area at 91 Avenue and King George Highway. The immediate area is a combination of single family residential lots to the north, east and south, and multi-family residential development to the west. A commercial area exists to the southeast of the lane fronting on King George Highway.

B. Plan Designations, Zoning, and Land Uses

The adjoining properties located at 9085 and 9059 King George Highway are currently zoned CG-2 (Combined Service Gasoline Station Zone) and C-4 (Local Commercial Zone). The Official Community Plan (OCP) designation for this area is Urban.

C. Purpose of Road Closure

A developer has made application to the Planning and Development Department (Application No. 05-0011-00) to rezone the lots at 9085 and 9059 King George Highway from CG-2 (Combined Service Gasoline Station Zone) and C-4 (Local Commercial Zone) to C-5 (Neighbourhood Commercial Zone). It is proposed that subject to the adoption of the related rezoning by-law, the closed lane with an estimated area of $\pm 4,900 \text{ ft.}^2$ ($\pm 455.2 \text{ m}^2$) will be consolidated with the rezoned site to facilitate the proposed development under the C-5 (Neighbourhood Commercial Zone). The current lane allowance is 12.2 metres in width. The proposed closure will reduce the lane allowance to 7 metres in width, which is still wider than the standard residential lane, being 6 metres in width.

D. Land Value

The developer has agreed to provide compensation to the City equivalent to the market value as determined by a qualified professional staff appraiser. The developer will also be responsible for the cost to physically widen the lane pavement on the west side so as to ensure that the new lane pavement is sufficiently wide to accommodate traffic in the lane and is located within the new lane allowance.

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 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 lane closure allows the developer to proceed with a proposed "C5" (Neighbourhood Commercial Zone) development application. The portion of lane to be closed and consolidated does not affect the surrounding area. The remaining portion of the lane will be retained and will continue to provide service to the homes in the area to a satisfactory standard.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the closing of this portion of road have been consulted. Those who are affected by the road closure have requested that a right-of-way be placed within the lane allowance closure area.

The terms of the proposed closure are considered reasonable, and the Planning and Development Department supports this road closure.

Vincent Lalonde, P.Eng.
General Manager, Engineering

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Appendix I: Aerial Photograph of Site