



# Corporate Report

NO: R225

COUNCIL DATE: November 24, 2008

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## REGULAR COUNCIL

TO: Mayor & Council DATE: November 21, 2008  
FROM: General Manager, Engineering FILE: 0910-30/134  
SUBJECT: Petitions Regarding the Closure of 123 Street Adjacent to 12310 - 94A Avenue

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## RECOMMENDATION

The Engineering Department recommends that Council:

1. receive this report as information; and
2. authorize the City Clerk to bring forward for final adoption By-law No. 16782 that if adopted will act to close that portion of 123 Street immediately south of 94A Avenue adjacent to 12310 - 94A Avenue.

## INTENT

The purpose of this report is to respond to a Council request for a report related to a petition received by the City that indicated opposition to the proposed closure of 123 Street adjacent to 12310 - 94A Avenue (see the map attached as Appendix I) and to obtain Council approval to bring By-law No. 16782 forward for final adoption, which if adopted will act to legally close the subject section of 123 Street so that it can be sold to the adjacent property owner for consolidation with the lot at 12310 - 94A Avenue.

## BACKGROUND

At its July 28, 2008 Regular meeting, Council considered Corporate Report No. R145 related to the subject road closure (attached as Appendix IV) and authorized the City Clerk to bring forward a by-law to close the subject portion of road. Council gave By-law No. 16782 its first three readings at the Regular Council meeting on October 6, 2008 and the By-law was included on the agenda of the Regular Council meeting on October 20, 2008 for consideration of final adoption. At that meeting, Council received on table a petition containing the signatures of residents of properties in the area of the subject road, which indicated their objection to the closure of the subject road (Appendix II). Council deferred consideration of final adoption of the By-law and

referred the petition to staff to review the issues raised by the petitioners and to report back to Council.

Since the Council meeting on October 20, 2008, the City has received a second petition from residents of the area that support the closure of the subject road. A copy of the second petition is attached as Appendix III.

## DISCUSSION

The following paragraphs provide information regarding each of the two petitions that have been received by the City related to the subject closure.

### A. October 20, 2008 Petition (Opposed to the Closure)

The comments contained within the October 20, 2008 petition are in italics with a response following each comment. The petition contained 40 signatures representing 20 properties.

1. *The road closure area provides easy and shorter access for residents to L.A. Matheson Secondary School and Moffat Park.*

As noted on the attached map (Appendix I), the road closure is not linked with, nor does it affect, the existing walkway system serving the school and park. The walkway serving the school and park is located west of 123 Street within Moffat Park immediately to the west of the subject road. Access to the northerly end of the walkway system is from 94A Avenue, immediately west of 123 Street. There is also an opened public walkway located between 12304 and 12305 Iona Place that provides residents of Iona Place with easy access between Iona Place and the neighbouring school and park.

2. *The road closure would create additional traffic along 94A Avenue, as many parents now use Iona Place to drop off and pick up children to and from school.*

There is no public access to Iona Place from the road proposed to be closed. There are two access points to the school and park walkway (from 94A Avenue and from Iona Place via the public walkway). Consequently, the closure of the subject road should have no effect on traffic on Iona Place or 94A Avenue.

3. *If closed, the subject road will become an "eyesore similar to the other side from 94A to 96 Avenue. . . and a hangout for anti-social element and create nuisance."*

The owner of 12310 - 94A Avenue (immediately east of the area of 123 Street that is to be closed) has been maintaining this area of 123 Street since the 1950's as an "authorized" user of the road for access to the driveway serving the subject property when the existing house was constructed. Since the road closure area will be consolidated with the lot known as 12310 - 94A Avenue,

the owners will not only continue to be responsible for the ongoing maintenance of the road but will also have the authority to be more vigilant in ensuring that littering and/or loitering does not occur on what will become their private property.

**B. October 22, 2008 Petition (Supporting the Closure)**

Attached as Appendix III is a petition that contains the signatures of residents in the area of the proposed road closure that support the closure. The petition states that there have been many problems associated with public safety (speeding, illegally parked cars), litter, loitering, youth hangout, etc., on this section of 123 Street. Closing the road as suggested in Corporate Report R145 would eliminate the opportunity for these type of issues to occur. There are 29 signatures on this petition representing 17 properties.

**CONCLUSION**

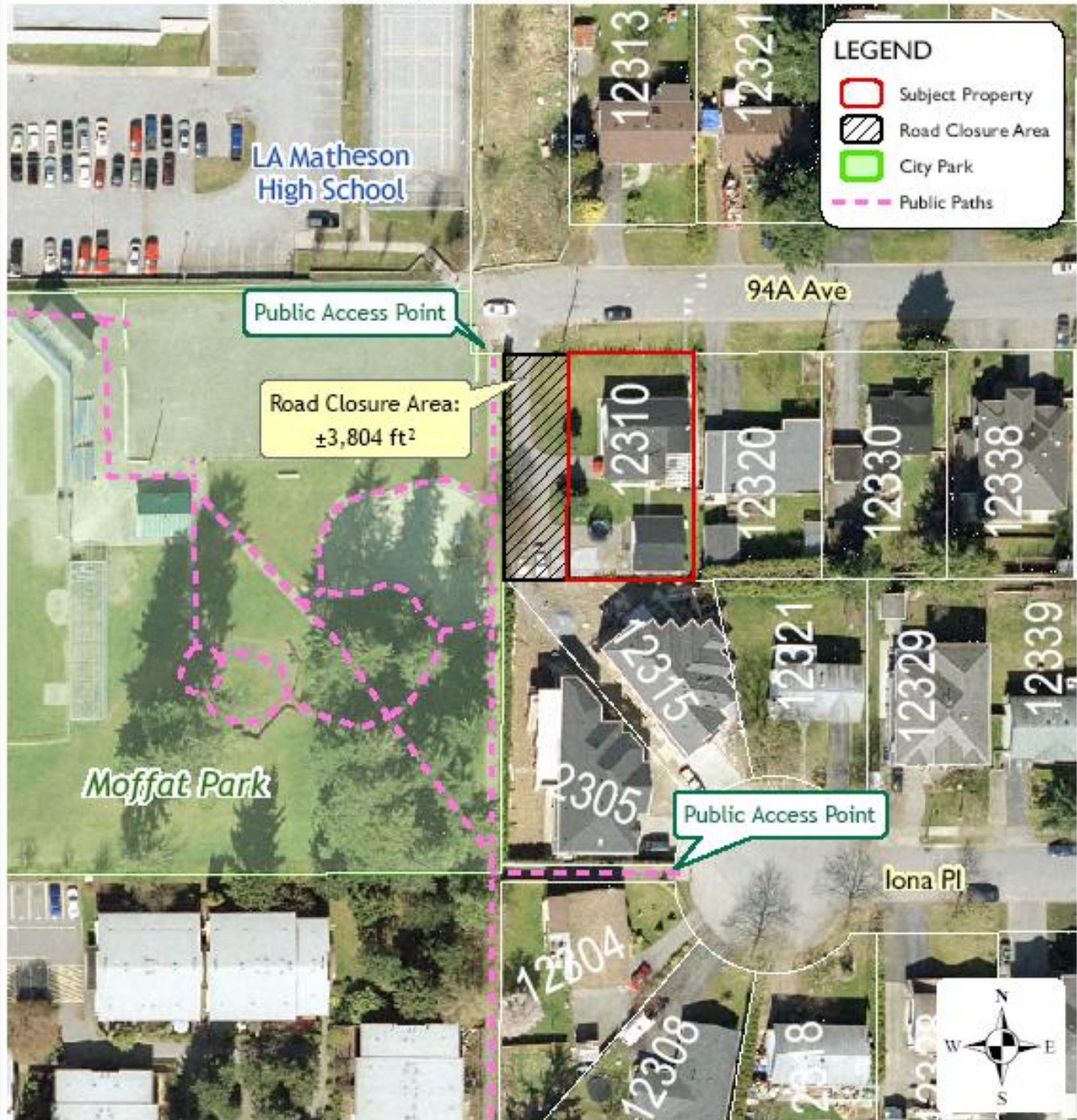
Based on the above discussion, it is recommended that Council authorize the City Clerk to bring forward for final adoption By-law No. 16782 that if adopted will act to close that portion of 123 Street immediately south of 94A Avenue adjacent to 12310 - 94A Avenue for the purposes of selling the closed road to the owner of the adjacent lot at 12310 – 94A Avenue for consolidation with that lot.

Vincent Lalonde, P.Eng  
General Manager, Engineering

VL/AW/kd/brb


Appendix I: Site Map  
Appendix II: Petition dated October 20, 2008  
Appendix III: Petition dated October 22, 2008  
Appendix IV: Corporate Report No. R145

# APPENDIX I AERIAL PHOTOGRAPH OF SITE



PRODUCED BY ENGINEERING, GIS SECTION: October 31, 2008, CS

Date of Aerial Photography: April 2008

	<p><b>SUBJECT PROPERTY</b> 12310 - 94A Ave FILE: 0910-30/134</p>	<p><b>REALTY DIVISION</b></p>
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The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.  
This information is provided for information and convenience purposes only.  
Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

