



# Corporate Report

NO: R233

COUNCIL DATE: December 15, 2008

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## REGULAR COUNCIL

TO: Mayor & Council DATE: December 11, 2008  
FROM: General Manager, Engineering FILE: 7804-0178  
SUBJECT: Proposed Road Closure of a Portion of 140 Street adjacent to 13977 Fraser Highway

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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 portion of the west side of 140 Street adjacent to 13977 Fraser Highway containing an area of 7,500 ft.<sup>2</sup> (697 m<sup>2</sup>).

### A. Property Location

The road allowance proposed for partial closure and consolidation with 13977 Fraser Highway (see Appendix I) is located within the Surrey City Centre along the west side of 140 Street just north of the Fraser Highway. The immediate area contains development composed of multi-family residential development to the north and west and the site of the proposed ambulatory care facility to the east.

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

13977 Fraser Highway, which is under application for redevelopment as a service station, is 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 Multiple Residential.

### C. Purpose of Road Closure

The applicant (Petro Canada) is proposing to construct a new service station with a convenience store. After the closure and consolidation of the redundant road and a compulsory road dedication along the Fraser Highway ( $\pm 3,302$  ft.<sup>2</sup>), the subject's site area will have an area of  $\pm 37,596$  ft.<sup>2</sup>.

The subject road closure is being co-coordinated with and is complementary to the City's redevelopment of the intersection and realignment of 140 Street where it crosses Fraser Highway.

**D. Land Value**

The applicant has agreed to provide compensation to the City equivalent to the market value as determined by a qualified appraiser.

**E. Process**

Prior to final approval of the road closure and sale by 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 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 closure of the subject portion of road will not impact the surrounding area and will allow the applicant to proceed with the development of a proposed gas station and convenience store on the consolidated site.

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. A storm and a sanitary sewer pipe are each located within the portion of road proposed for closure. These City utilities will be secured with an appropriate right-of-way as a condition of the closure.

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

Vincent Lalonde, P.Eng.  
General Manager, Engineering

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Appendices

- I. Aerial Photograph of Site
- II. Proposed Site Plan