



Corporate Report

NO: R048

COUNCIL DATE: April 20, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: April 2, 2009
FROM: General Manager, Engineering FILE: 0910-30/153
SUBJECT: Road Closure Adjacent to 13554 - 89 Avenue

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 $\pm 1,375 \text{ ft.}^2$ (127.7 m²) portion of 89 Avenue adjacent to 13554 - 89 Avenue as illustrated on the attached Appendix I.

BACKGROUND

1. Property Location

The road allowance proposed for closure is a portion of 89 Avenue located north of the residential lot at 13554 - 89 Avenue. At present the road closure area is a grassed area and contains part of the driveway for the new house at 13554 - 89 Avenue. The road closure area will be consolidated with the adjacent residential lot at 13554 - 89 Avenue.

2. Plan Designations, Zoning, and Land Uses

The road closure area and the adjacent residential lot at 13554 - 89 Avenue are zoned Single Family Residential (RF) Zone, and designated as "Urban" in the Official Community Plan.

DISCUSSION

1. Purpose of Road Closure

The area of road proposed for closure was dedicated as part of the subdivision that created the six lots from 13558 to 13598 - 89 Avenue, which was approved under Application No. 7905-0001. The developer dedicated the road adjacent to 13554 - 89 Avenue in excess of the City-identified requirement but the dedication was unusable land for the developer and it was deemed expedient at the time to have it dedicated as road. As such the width of the 89 Avenue dedication adjacent to 13554 - 89 Avenue is greater than the width of 89 Avenue along the remainder of the lots to the east of the subject lot. All City departments have reviewed the closure and there are objections to the disposition of the subject portion of road to the owners of the adjacent lot at 13554 - 89 Avenue.

2. Land Value

The applicants have agreed to provide compensation to the City equivalent to the market value of the land as determined by a qualified 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 of the subject portion of road. 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 will provide information to the public at large about the details of the closure and will indicate that all pertinent information 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 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 Community Charter. The advertisement and notice contain a description of the land. Upon completion of these postings, a final report will be submitted to Council to approve the sale of the closed road. Staff will then prepare transfer documents to transfer the road to the purchaser and consolidation 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 lot located at 13554 - 89 Avenue are considered reasonable.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the closing of this lane have been consulted and all have expressed no concerns to the road closure.

Vincent Lalonde, P. Eng.
General Manager, Engineering

VL/AW/mpr/brb

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APPENDIX I AERIAL PHOTOGRAPH OF SITE



PRODUCED BY ENGINEERING, GIS SECTION: March 27, 2009, CS

Date of Aerial Photography: April 2008



**ROAD CLOSURE
ADJACENT TO
13554 - 89 Avenue**

**REALTY
DIVISION**

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.

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