

NO: R030

COUNCIL DATE: March 1, 2010

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 15, 2010**

FROM: **General Manager, Engineering**

FILE: **0910-30/139**

SUBJECT: **Road Closure at 124 Street Adjacent to 12389 – 104 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 1,463 m²(15,749 ft.²) portion of 124 Street adjacent to 12389 – 104 Avenue, as illustrated on Appendix 1 attached to this report.

BACKGROUND

1. Property Location

The 1,463 m² road allowance proposed for closure is the west half of the unopened, unconstructed road allowance for 124 Street located along the east property line of the development property at 12389 – 104 Avenue. The subject lands are located in the Cedar Hills/Bridgeview area of North Surrey on the border of the South Westminster industrial area to the west and on the north side of 104 Avenue.

2. Plan Designations, Zoning, and Land Uses

The road closure area and the adjacent land at 12389 – 104 Avenue are currently zoned General Agricultural (A-1) Zone and are designated as “Industrial” in the Official Community Plan. They are to be rezoned to Multiple Residential 15 (RM-15) Zone and redesignated as “Urban” under application no. 7906-0332-00.

DISCUSSION

1. Purpose of Road Closure

The road closure area and the adjacent land at 12389 – 104 Avenue are to be consolidated and rezoned under application no. 7906-0332 to permit a 43 unit townhouse development. The road closure was identified in the June 23, 2008 Planning Report to Council related to the subject application and the related rezoning by-law received Third Reading on July 14, 2008. The remainder east half of the unopened 124 Street allowance is currently being used to access the adjacent property at 12409 – 104 Avenue and will be retained for consolidation and future access purposes when that property is redeveloped.

All concerned City departments have reviewed the proposed closure and have no objections to the subject closure or to the disposition of the road closure area to the owners of the adjacent property.

As required under Section 40 (4) of the Community Charter, all utility companies potentially affected by the closing of these road allowance areas have been consulted. There are existing utilities in the closure area, which the developer will be responsible to relocate.

2. Land Value

The applicant has agreed to provide compensation to the City equivalent to the market value of the road closure area 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 portions of road allowance. 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 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 will contain a description of the land. Upon completion of these postings, a final report will be submitted to Council to obtain approval to sell the closed road allowance areas. Staff will then prepare transfer documents to transfer these areas to the purchaser and consolidation and registration will take place at the Land Title Office.

4. Sustainability Considerations

The proposed road closure sale supports the Sustainability Charter's economic goal of using the City's land base efficiently and contributes to the City's financial sustainability. It also supports the broad Charter intent of appropriate land uses throughout the City. In particular, the road closure supports the Sustainability Charter Scope action related to EC1 - Corporate Economic Sustainability.

CONCLUSION

The portion of road to be closed and consolidated is not needed for road purposes. The terms of the agreement covering the disposition of the surplus road allowance and its consolidation with the property at 12389 - 104 Avenue are considered reasonable. It is noted that all area calculations contained in this report are approximate and subject to final survey.

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