

THE CORPORATION OF THE DISTRICT OF BURNABY

Planning Department,
January 5, 1967.

CONFIDENTIAL

Mr. H. W. Balfour, (REFERENCE - Item 9,
MUNICIPAL MANAGER. Manager's Report No. 1, 1967).

Dear Sir:

Re: Correspondence from F. Kranz in respect to:

- i. The Springer Avenue Diversion
- ii. The subdivision of Lot 65, Plan 25437, D.L. 126
- iii. The subdivision of Rem. of Lot 47, D. L. 126, Plan 26898.

On November 28, 1966 Mr. R. Kranz submitted a letter to the Municipal Council raising a variety of matters concerned with the location of the Springer Avenue Diversion and the subdivision of land in D. L. 126. The Municipal Council referred this letter to the Municipal Manager for a report.

Mr. Kranz subsequently presented two further letters dated December 16, 1966, to the Municipal Manager, dealing with the subdivision of Lot 65, Plan 25437, D. L. 126 and Rem. of Lot 47, Pl. 26898, D. L. 126. These letters were referred to the Municipal Solicitor and to the Planning Director in order that the matters contained therein could be dealt with in the report requested by Council.

GENERAL

Although the letters from Mr. F. Kranz are full of threats and false accusations, the matters contained within them can be brought down to three basic points; all of them related to an attempt by Mr. Kranz to avoid the responsibilities that are incumbent upon all those who wish to subdivide land; these responsibilities being clearly spelt out in the Municipal Act and the Land Registry Act.

These three basic points are as follows:

1. A request that the Springer Avenue diversion be abandoned; thus absolving the subdivider from the need to provide the required road dedication.
2. A request that the services required for the subdivision of Lot 65, Plan 25437, D. L. 126 be carried out by the Municipality rather than by the subdivider as presently required.
3. A request that a sewer easement be reduced to 10 feet in width, thus absolving the subdivider from providing the 40' easement required.

Before dealing with the above three items, I would refer you to the 3 maps attached which provide information on that area of the Municipality to which the letters refer; namely an area bounded by Parker Street, Holdom Avenue, Broadway, Halifax Street, and Delta Avenue.

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- Plan A. shows the topography of the area, the existing development, and the centre line of the Springer Avenue Diversion.
- Plan B. shows the existing and proposed legal pattern in the area together with existing development.
- Plan C. shows the recent subdivision activity in this area outlined in red with the subdivisions involving Mr. Kranz marked as follows:
- i. Outlined in green; a subdivision, approved in 1961 carried out by Mr. Kranz while working for Block Bros.
 - ii. Outlined in brown; a subdivision carried out by Mr. Kranz and approved on the 16 November 1964.
 - iii. Outlined in blue; a subdivision of Lot 65, Plan 25437 D. L. 126 being carried out by Kranz Investments Limited and given preliminary approval on August 12, 1966.
 - iv. Outlined in yellow; a subdivision of Rem. of Lot 47, Plan 26898, D. L. 126 being carried out by Mr. Kranz and given preliminary approval on August 12, 1966.

PART I SPRINGER AVENUE DIVERSION

Mr. Kranz first requested the Council to abandon the Springer Avenue Diversion (shown on Plans A and B) in a letter dated August 29, 1966 written following receipt of a letter from the Approving Officer, giving preliminary approval to the subdivision of Lot 47, subject to the dedication of 66'0" of road allowance for the diversion.

Council considered the request of Mr. Kranz at a meeting held on September 26, 1966 at which time they confirmed the municipal intention of acquiring land for the road in question. As will be seen from the attached maps, the road route passes through undeveloped land, at a good grade, following the alignment of a major sewer utility, and forming a natural boundary to the Brentwood and Parkcrest-Aubrey neighbourhoods and school catchment areas. It thus has little effect upon developed properties located on Springer Avenue, makes the most use of an area already occupied by a major easement and avoids the necessity for school children to cross a busy road.

Mr. Kranz was advised of the decision of Council in a letter from the Municipal Clerk dated September 27, 1966; and replied in a letter dated November 18, 1966, to the effect that he was not satisfied with the decision of Council and raising particularly the matter of cost.

The Engineering and Land Departments were therefore requested to compare the construction and land acquisition costs of two alternative routes to a common standard (two 23' roadways with a 12' median), firstly on Springer from Broadway to the watercourse south of Parker (2,700 feet) and secondly on the Springer Diversion from Broadway to the watercourse south of Parker (2800 feet).

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The Engineering Department reports as follows:

- "(a) On Springer from Broadway to the watercourse south of Parker, a distance of approximately 2,700 feet.

The estimate on Springer which presumes an 86' road allowance or a widening of 10' on both sides is \$126,000. This estimate includes removal of the existing 5' curb walk on the west side as this curb walk was placed to suit a 36'.width of road and would not fit the proposed double 23' divided roadway with a 12' median. This alternate has an existing storm sewer all the way but additional catch basin adjusting and placement would be involved and the cost of this has been included in the estimate. In addition, we have estimated that approximately 700' of retaining wall would be required on each side of the street to retain the steep slopes on both sides, which could not be contained with normal $1\frac{1}{2}$ to 1 slope with 10' widening on each side.

- "(b) On the Springer Diversion from Broadway to the same point on Springer at the watercourse south of Parker, a distance on the diversion of 2,800 feet.

The estimate of the cost of constructing on the alternate road location along the ravine is \$189,000. for the road. In addition, the construction of the road along the ravine would involve the enclosure of a watercourse with approximately 2,800' of 48" diameter pipe at an estimated cost of \$174,000. The enclosure of the watercourse would definitely be a necessity if the road were constructed in this location; however, should the road not be constructed along the watercourse it is debateable if the watercourse would ever be enclosed as it is in the size range above which, according to our tentative subdivision control by-law, it would not be necessary to enclose the watercourse. It is our understanding of the policy that a watercourse this large would remain open on a dedicated strip of land to the Corporation."

The Land Department reports as follows:

"Further to our recent discussions in regard to the acquisition of land for the widening of Springer Avenue in comparison with the acquisition of the area required for the proposed major road east of Springer Avenue, I would advise that in my opinion the basic rate for land acquisition for properties fronting to Springer Avenue should be 40 cents per square foot plus allowances for any improvements and any adverse effects to dwellings located thereon.

"The land required for the major road east of Springer Avenue has, in my opinion, a basic value of 10 cents per square foot."

In summary therefore the cost of constructing a road on the Springer Diversion is greater than using the existing Springer Road allowance although a large part of this extra cost is in enclosing a watercourse which could at some time in the future require enclosure, even though present municipal policy allows it to remain open.

On the other hand the rate of acquiring the necessary land is 4 times higher on the existing road allowance, than on the Diversion, without taking into account the adverse effects upon the existing dwellings located on Springer Avenue. (.....4)

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IN VIEW OF THE ABOVE, AND THE ADVANTAGES OF THE DIVERSION ALREADY MENTIONED, I WOULD RECOMMEND THAT COUNCIL, RECONFIRM ITS DECISION OF SEPTEMBER 26, 1966, AT WHICH TIME THEY CONFIRMED THE MUNICIPAL INTENTION OF ACQUIRING LAND FOR THE ROAD IN QUESTION.

PART II SUBDIVISION SERVICING

A. Lot 65, Plan 25437, Subdivision Ref. 153/66.

As previously mentioned the location of the above subdivision, is shown on Plan C, outlined in blue.

The plan creating Lot 65 was approved on April 25, 1963. This same plan created seven lots fronting on Howard Avenue; dedicated an 30' road allowance along the west boundary, and dedicated a 50' road allowance at the rear of the lots fronting on Howard Avenue.

At that time, approval was subject to servicing costs in the amount of \$6,701.00 covering the costs of storm drainage and the development of the 50' road allowance to an interim width of 20'0" (gravel surface). The purpose of this latter road was to provide lane access to the lots fronting on Howard Avenue and legal access to permit the creation of Lot 65.

It was also the municipal intention at that time (which remains unchanged) that no further development of Lot 65 would take place, until properly serviced as required by the Municipality of Burnaby. In other words it was understood that when Lot 65 was developed, the interim standard would be improved by the developer of Lot 65, and in the meanwhile it permitted the creation of Lot 65 as a separate parcel with subdivision potential as well as serving the rear of the Howard Avenue lots.

This situation prevailed until July 12, 1966 when an application was received from Kranz Investments Ltd. to subdivide Lot 65 into four lots.

On August 12 Preliminary Approval was given to the creation of four lots, subject to the continuation of underground wiring and an estimated servicing cost of \$13,160.00 made up of \$8,660.00 for road work, \$500.00 for storm drainage and \$4,000 for water.

Mr. Kranz replied with a letter of October 20, 1966 in which he pointed out that he expected the services listed above to be provided and completed by the Municipality.

THERE IS NO REASON FOR THE MUNICIPALITY TO CONSTRUCT SERVICES, REQUIRED FOR THE SUBDIVISION OF LOT 65 AND I WOULD RECOMMEND THAT MR. KRANZ BE SO ADVISED.

A further letter on the same subject dated 18 December 1966 has been received from Kranz Investments Limited, in which he makes further accusations, briefly summarised as follows:

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- i. Refusal by the Municipality to complete roads and services to Lot 65, is contrary to the Subdivision Control Bylaw and the Municipal Act....This is not so, there is nothing in either the subdivision bylaw or the Municipal Act, requiring the Municipality to service subdivisions.
- ii. Mr. Kranz has been prevented from starting four houses on four approved lots....This is not so, the four lots have not yet been created, requiring as they do the installation of services. Until such time as the Subdivision Plan is finally approved, building permits cannot be issued.
- iii. Mr. Kranz urges the Municipality to fulfill their obligation immediately....There is no such obligation.
- iv. Mr. Kranz indicates that in the event the Municipality does not install services he will have no alternative but to recover his losses from the Corporation and the officials responsible....The Municipal Solicitor has already advised Mr. Kranz that subdivision approval is the function of the Approving Officer and that he will approve the subdivision when the servicing requirements are satisfied. The Municipal Solicitor has also advised Mr. Kranz that if he believes the Approving Officer is without legal authority to make these requirements, that he may appeal his decision to a Supreme Court Judge pursuant to the provisions of the Land Registry Act.

B. Lot 47, Plan 26898, D. L. 126, Subdivision Ref. #143/66.

The location of this subdivision is shown on Plan C outlined in yellow.

An application to create four lots was received from Mr. F. Kranz on June 20, 1966 and on August 12, 1966, preliminary approval was granted to the subdivision, subject to the dedication of a 50' road allowance, which would provide access to the lots being created; the dedication of a 66'0" road allowance for the Springer Diversion and servicing costs totalling \$6,800.00. The approval of the subdivision of Lot 47, is contingent upon the completion of the services required for the subdivision of Lot 65 which lies immediately to the South.

In effect Mr. Kranz wishes to avoid dedicating the land for the Springer diversion by having the route abandoned, and also to have the services brought to the south boundary of Lot 47 by the Municipality, through the servicing of Lot 65.

Both these requests have already been recommended against in Part I and Part II A. of this report.

A further letter dated December 16, 1966 has since been received from Mr. Kranz in which he refers to a sewer line installed near the
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easterly border of Lot 47 and stating that unless we install services to the south boundary of Lot 47, he will require all connections to this line to be removed, or he will have it gone at the municipality's expense. The Municipal Solicitor has already written to Mr. Kranz, suggesting that upon reflection he is sure Mr. Kranz will not interfere with sewer connections.

The sewer line referred to above was installed to serve the subdivision outlined in brown on Plan C carried out by Mr. Kranz in 1964. The installation of such a sewer was a condition of subdivision approval and it will be located upon a public road allowance once Lot 47 is subdivided. The road within which the sewer will be located was originally to have been dedicated as a part of the subdivision outlined in brown served by the sewer; but upon representations from Mr. Kranz it was agreed that the road dedication could be obtained upon the subdivision of Lot 47.

The recent connections referred to are those resulting from the extension of the sewer line northwards to serve a four lot subdivision carried out by Toppings and Folino.

I WOULD SUGGEST THAT IF MR. KRANZ DOES NOT PROPOSE TO PROCEED WITH THE SUBDIVISIONS OF LOTS 65 and 47 THAT WE OBTAIN AN EASEMENT, UNTIL SUCH TIME AS ROAD DEDICATION TAKES PLACE.

PART III TRUNK SEWER EASEMENT.

In his letter of November 18, 1966, Mr. Kranz suggests that a 40 foot easement is not required, for the sewer installed along the alignment of the Springer Diversion, and that the width was some form of "cheap trick" to obtain the road right-of-way by subterfuge.

This is of course not so, and the Municipal Engineer reports as follows:

"In connection with the existing 40' easement for sewer purposes, we would advise that the full 40' was needed for the construction of the sewer and experience with construction indicated that 40' was not any too much in view of the problems encountered with maintaining access to the job alongside the meandering water-course. The suggestion that any engineer would know that a 40' easement was not required is not borne out as this particular sewer system was designed by an independent Consulting Firm and the choice of easements and widths was developed by this Consulting Firm and confirmed by us. We would not recommend reducing the 40' easement at this time as it is required to maintain a maintenance road along the route of the sewer."

CONCLUSION

The attempt by Mr. Kranz to obtain his own ends by making false accusations and thus raising doubt as to the integrity of Municipal officials is extremely distasteful and in my opinion should not go unchallenged.

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However this is a matter for Council to decide and I would conclude this report by recommending

- i. That Council reconfirm its decision of September 26, 1966 at which time they confirmed the municipal intention of acquiring land for the road in question.
- ii. That Council advise Mr. Kranz that they have no intention of constructing services to the subdivision of Lot 65, Plan 25437, D. L. 126.
- iii. That Council confirm the width of the sewer easement as being 40'0" as recommended by the Municipal Engineer and the Corporation's consultants.

Respectfully submitted,


A. L. Parr,
PLANNING DIRECTOR.

ALP:ejw
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c.c. Municipal Solicitor