

16. Re: Rezoning Reference #13/71  
Kingsway/Marlborough Comprehensive Development

Following is the report of the Planning Director dated November 25, 1971, regarding the above.

The cost of the road improvement (46' pavement and curb sidewalks both sides) is estimated to be \$36,200 and the cost of the storm sewer is estimated to be \$14,200.

The Manager does not recommend any sharing in the storm sewer but does recommend participation in the road improvement cost on the basis of the Municipality paying (a) 50% of the total cost of the "connection" from the development to Nelson Avenue on Bennett Street and (b) 50% of the full width cost for the 267.35 foot Municipal frontage on Bennett St. On this basis, using the foot-ages involved, the Municipality would pay a maximum of 28.06% or \$10,158 of the road improvement cost.

RECOMMENDATION:

THAT the Municipality not share in the storm sewer estimated to cost \$14,200; and  
THAT the Municipality not charge for the estimated value of the lane but the developers pay all legal and survey costs; and  
THAT the Municipality participate in the road improvement cost by paying 50% of the total cost excluding inspection fees of the 143.0 foot "connection" from the development to Nelson Ave. on Bennett St., and 50% of the cost excluding inspection fees of the full width of the road improvement for the 267.35 foot Municipally-owned frontage on Bennett Street, with the Municipal contribution to be based on 28.06% of the total estimated cost of \$36,200, to a maximum of \$10,158; and  
THAT the developer immediately submit a "letter of credit" for \$40,242 for the services required above; and  
THAT the work not be done as a local improvement; and  
THAT the Municipality's share be charged against the Special Roads Project Account.

\* \* \* \* \*

At the Public Hearing held November 22, 1971 in connection with the subject rezoning application, certain questions were raised by the developer with respect to the sale of a portion of lane that is to be closed, and the costs of road and service improvements to be borne by the developer. The Planning Department has reviewed these matters, and would report as follows:

(a) Lane closure and sale:

The value of \$14,810 for sale of that portion of the east-west lane south of Kingsway which penetrates the site under discussion was established by the Land Agent on the basis of fair market value for commercial property in the Kingsway-Nelson area. The manner in which the lane might be closed and ownership transferred to the adjacent owner has been the subject of recent consideration by the Council, when it was recommended that a Road Closing Bylaw be passed, with title to the allowance that is to be abandoned vesting in the Corporation, and that the

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question of whether or not compensation for the land would be required might be discussed while the abandonment was being processed. As noted in previous reports, an alternative approach might have been taken by the developer, whereby he would file a subdivision plan consolidating all the properties under his ownership which lie adjacent to the lane; he would then be in a position to initiate action under the Plans Cancellation Act and obtain title to the lane directly without compensation to the Corporation. Under this procedure, the only costs to the developer would be survey and legal expenses. However, the additional time involved in this approach was seen to be crucial to the progress of the development, and it was recommended that the Council consider abandonment of the lane with title vesting in the name of the applicant, to avoid the unnecessary delay, but with the developer paying all legal and survey costs.

At the October 25 meeting of Council it was decided that the former approach would be taken with title vesting in the name of the Corporation, and furthermore that compensation would be required of the person desiring the lane allowance. The requirement for payment of the sum of \$14,810 is consistent with this direction.

(b) Road and Storm Sewer Improvement Service Costs:

It is customary in the case of rezoning applications to establish prerequisite conditions which recognize the need to construct or improve roads and services which serve the property under application, so that costs for these works, which are not included in current programs, need not be incurred at the public expense. In this instance, it is considered necessary to improve Bennett Street and Marlborough Avenue beyond the existing interim standard to a finished standard and to provide for a storm sewer in Bennett Street to intercept a flow which presently enters the development site, as well as to serve the improved street. The cost for these improvements has been estimated at \$50,400. Both aspects are considered to be necessary at this time for the proper functioning of the proposed development and for a satisfactory relationship between this project and existing development in this vicinity.

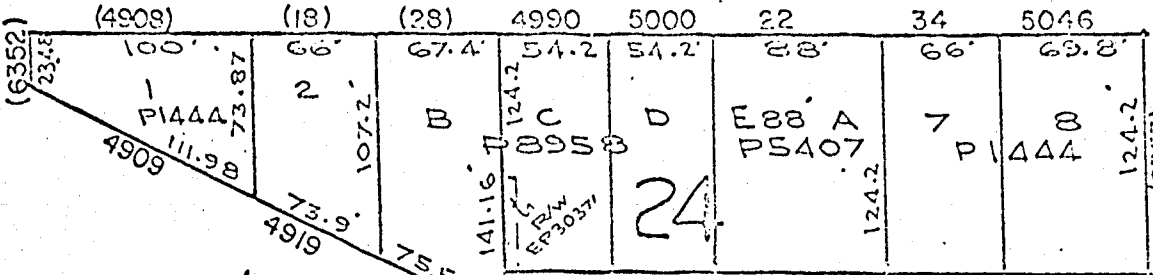
The accompanying sketch indicates the extent of work included in the estimate and the relationship of the work to the site under application. In considering the extent of the construction proposed, it is noted that the westerly portion of Bennett Street between the lane and Nelson lies beyond the frontage of the development site, and further, that a portion of the Bennett Street leg shares frontage with Corporation-owned land at Loble Park and the Firehall site. From a practical point of view it is essential that the improved road standard be continuous between Kingsway and Nelson Avenue, and accordingly the preliminary estimate has included the entire length, with the total cost attributed to the developer. However, should Council wish to consider participating in the cost, it is suggested that some of the costs might be assumed for road work only over those portions of Bennett Street beyond the applicant's property and where the Municipality shares frontage. The footage of road where these conditions apply is indicated on the sketch.

In connection with the storm sewer, we are advised that the layout shown is necessary because of grade conditions and existing sewer invert elevations, and that the provision of the sewer is necessary to divert an existing flow from the subject property. It is not recommended that the Corporation assume any responsibility for the sewer construction cost.

ITEM 16  
MANAGER'S REPORT NO. 77  
COUNCIL MEETING Nov. 29/71

NELSON

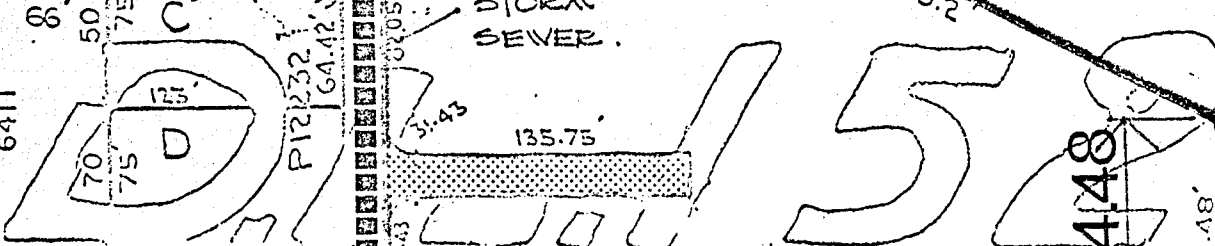
NEWTON 2910 ST.



KINGSTWAY

RZ. # 13/71

STORM SEWER



143.0

423.15

267.35

BENNETT ST.

26

27

No. 3 FIREHALL  
LOBLEY PARK

A  
EP 29292  
0.789Ac

B  
P 5847  
2.042Ac

AVENUE

MARLBOROUGH

48

