

16. Re: Letter - Mr. Duncan McIntosh, 6070 Aubrey Street
Concerning Construction of a Lane West of Fell Avenue
Between Lots 44 and 45, From Aubrey Street to Charles Street

On January 17, 1972, Council considered a communication dated January 5, 1972, requesting the completion of a lane between Lots 44 and 45. The matter was referred to the Manager for study and report.

Council's present policy concerning the acquisition and development of private property for construction of lanes is as follows:

1. All land required for lane construction must be dedicated without cost to the Municipality;
2. Property owners benefiting from the lane construction must present a valid petition expressing their willingness to pay a special assessment to have the lane paved as a Local Improvement;
3. When property is subdivided, owners are required to dedicate to the Municipality a suitable parcel of that property for construction of a lane and to pay for lane construction.
4. Expropriation is not used to acquire property for the construction of lanes.

Mr. McIntosh's complaint concerns a matter that originated in 1958 when Lot 44 was subdivided and, as a direct result of that subdivision, land was acquired and a trust fund established to construct a portion of the lane under discussion.

In 1965, \$200 of the trust was used to construct approximately 115 feet of lane adjacent to Lot 44 (see cross hatched area on the attached sketch). The Municipality had a ten foot allowance beyond that point through to Aubrey Street (see dotted area on the attached sketch) but Mrs. Margaret Purser, owner of Lot 45, refused to dedicate an additional 10 foot width that was required for a standard twenty foot wide lane. The Municipality now has in trust the remaining \$240 which can be used only for the continued construction of the lane through to Aubrey Street.

Mrs. Purser objects to a through lane because she thinks it would cause an increase in the assessment of her property taxes and would create annoyances that presently do not exist, i.e., motor cyclists and children. It should be noted that this person was exercising a legitimate right under the law in refusing dedication of her land for construction of a lane. She still owns and is residing on Lot 45.

Mr. McIntosh in his complaint called attention to the \$240 which the Municipality has in trust for the future development of the lane, explained that the lane is the only way of legally gaining access to his carport and mentioned the existence of a health hazard that is caused by an overgrowth of berry bushes, accumulation of debris and infestation of rats on the rear of Lot 45.

Mr. McIntosh's driveway is on the 10 foot lane allowance. By entering the driveway from Aubrey Street, a vehicle can be driven to the carport which is located at the rear of the house. Portions of the driveway are gravelled but the overall condition is generally poor and in need of repair.

ITEM 16

MANAGER'S REPORT NO. 5

COUNCIL MEETING Jan. 24/72

16. Re: Letter - Mr. Duncan McIntosh (cont'd)

The Public Health Department inspected the area between Lots 44 and 45. Although the presence of snow made inspection difficult, initial findings reveal that there is no infestation of rats despite the accumulation of debris and grass cuttings at one location on the lane allowance. Rat testing, however, is presently being conducted in the area to verify our initial findings.

The Planning Department has stated that Lot 45 is not subdividable because the frontage of this property is only 98 feet. Acquisition of an additional ten feet by future subdivision of Lot 45 is therefore not possible.

Council on previous occasions has denied individual requests for the clearing and leveling of unopened lane allowances.

Council recognized the fact that funds were not available to clear the entire 15 to 20 miles of unopened lanes that exist throughout the municipality. There was concern that money might not be available to honor all of the requests that would be submitted once the policy of honoring individual requests became established and known.

To summarize, approximately one half of the total length of the lane has been fully developed. The Municipality has a ten foot allowance for the development of the remaining northerly longitudinal half but has not proceeded with this portion because the owner of Lot 45 has refused to dedicate an additional ten feet which is required for a standard twenty foot wide lane.

RECOMMENDATION:

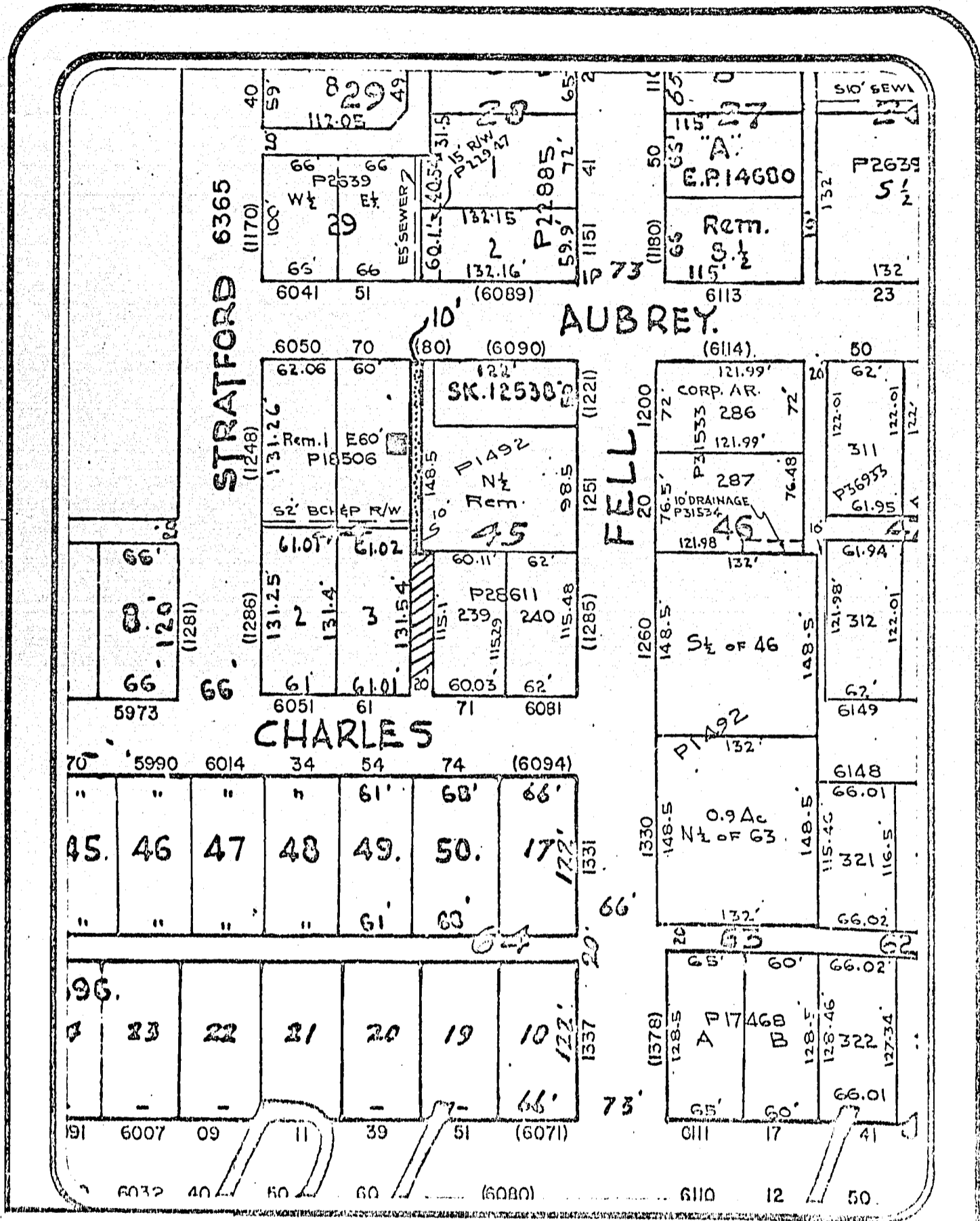
THAT the policy of requiring lane construction to conform to standard widths of twenty feet be strictly enforced; and

THAT the allowance between Lots 44 and 45 not be developed until an additional ten feet of dedicated property is acquired; and

THAT the driveway connecting Aubrey Street and the complainant's carport which is on the lane right-of-way be regravelled; and

THAT a copy of this report item be sent to Mr. McIntosh.

ITEM 16
 MANAGER'S REPORT NO. 5
 COUNCIL MEETING Jan. 24/72



☐ COMPLAINANT'S CARPORT.