

4. Re: Letter dated November 9, 1973 from Mrs. Margaret Brophy
7374 Halifax Street, Burnaby, B.C.
Lot "C", D.L. 138, Plan 12221
7461 Aubrey Street
(Item 17, Report 86, November 19, 1973)

Appearing on the Agenda for the November 19, 1973 meeting of Council was a request from Mrs. Margaret Brophy for a status on the Municipality's interest in the subject property.

The matter was tabled pending a report from the staff to be submitted on November 26, 1973.

The following is the report of the Planning Director dated November 20, 1973, regarding the above. Also attached is a copy of a sketch showing the road location.

RECOMMENDATIONS:

THAT Mrs. Brophy be advised that Lot "C" is still required for road and that, therefore, it is not possible to provide written assurance that the property will not be required by the Municipality; and
THAT the Land Agent continue to negotiate for acquisition of the property; and
THAT Mrs. Brophy be advised that the Municipality cannot prevent Mr. Alexander from selling his property on the open market.

* * * * *

PLANNING DEPARTMENT
NOVEMBER 20, 1973

MR. M. J. SHELLEY,
MUNICIPAL MANAGER.

Dear Sir:

RE: LOT "C", D.L. 138, PLAN 12221
(7461 AUBREY STREET)

Reference the letter from Mrs. Margaret Brophy dated November 9, 1973 requesting written assurance that the above property located as shown on the attached sketch will not be required by the Municipality.

In making this request, Mrs. Brophy refers to repeated applications to subdivide and the claim of the Land Department that the property is required for road purposes. In a sense, Mrs. Brophy has answered her own question -- two applications to subdivide the property have been rejected not only because all subdivision is by Council policy considered premature on the west side of Burnaby Mountain, but because this specific property is required for road purposes as an extension to Burnwood Avenue, in order to relocate Phillips Avenue to an acceptable grade; and to reflect the general framework of the North East Burnaby Plan which is the current guide plan for the area.

The reference in the letter to Land Banking does not alter the status of this property in respect to road need, but arises from a general letter, written to all property owners in the Aubrey/Phillips area, indicating an interest in acquiring vacant land in this vicinity for land assembly purposes.

The following brief chronology is listed for the information of Council:

August, 1968 Related to a potential sewer catchment area, property bounded by Curtis, Phillips, a line approximately 300' south of Aubrey, and the extension of View Street, was rezoned from A2 to R2.

February, 1970 Application received from J. Douglas Alexander to subdivide the subject property (Ref. #32/70).

April, 1970 Mr. Alexander advised in writing by the Approving Officer that nearly the entire lot was required for road purposes and that a recommendation would be made to acquire the whole property for road purposes.

April, 1970 Acquisition recommended by Planning Department to the Municipal Manager.

May 1970 to November, 1970 Active negotiations carried on between Land Department and Mr. Alexander, with no agreement being reached on price to be paid for the property.

December, 1971 Further application (Ref. #249/71) to subdivide property made by Mr. J. S. Hart of Bell Irving Realty Ltd. (no authorization from owner) primarily in order to assist in arriving at an appraised value of the property.

NOTE. All enquiries for subdivision during this period were advised that subdivisions were premature and that applications were not being processed. In any event, the Department was advised in September 1972 by Mr. Hart that it was no longer necessary to process the application as he had arrived at an appraisal based upon an assumed layout.

October 1972 Letter received by Planning Department from Mr. Alexander asking if the property was still required for road as he would prefer to sell the property on the open market.

October 1972 The Approving Officer confirmed in writing to Mr. Alexander that the whole of Lot C was required for road purposes and that subdivision applications would not be approved. The Approving Officer also recommended that negotiations with the Land Department be continued so that a mutually acceptable settlement could be reached.

May, 1973 Memo from Land Agent to Planning Department advising that Mr. Alexander had given them an asking price for Lot 'C'.

The Land Agent also asked if there had been any adjustment in road design.

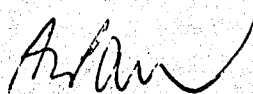
May, 1973 Reply to the Land Agent from the Planning Director advising that the road location had been established by field survey and that it was fixed by a maximum permissible road grade south of Aubrey Street. A sketch was attached showing that, as previously reported, the whole of Lot C was required for road.

July, 1973 Memo to Manager from Planning Director again recommending acquisition of Lot C, at a reasonable price, but suggesting that as subdivision approvals were not being granted in this area, there was no need to consider expropriation.

RECOMMENDATION

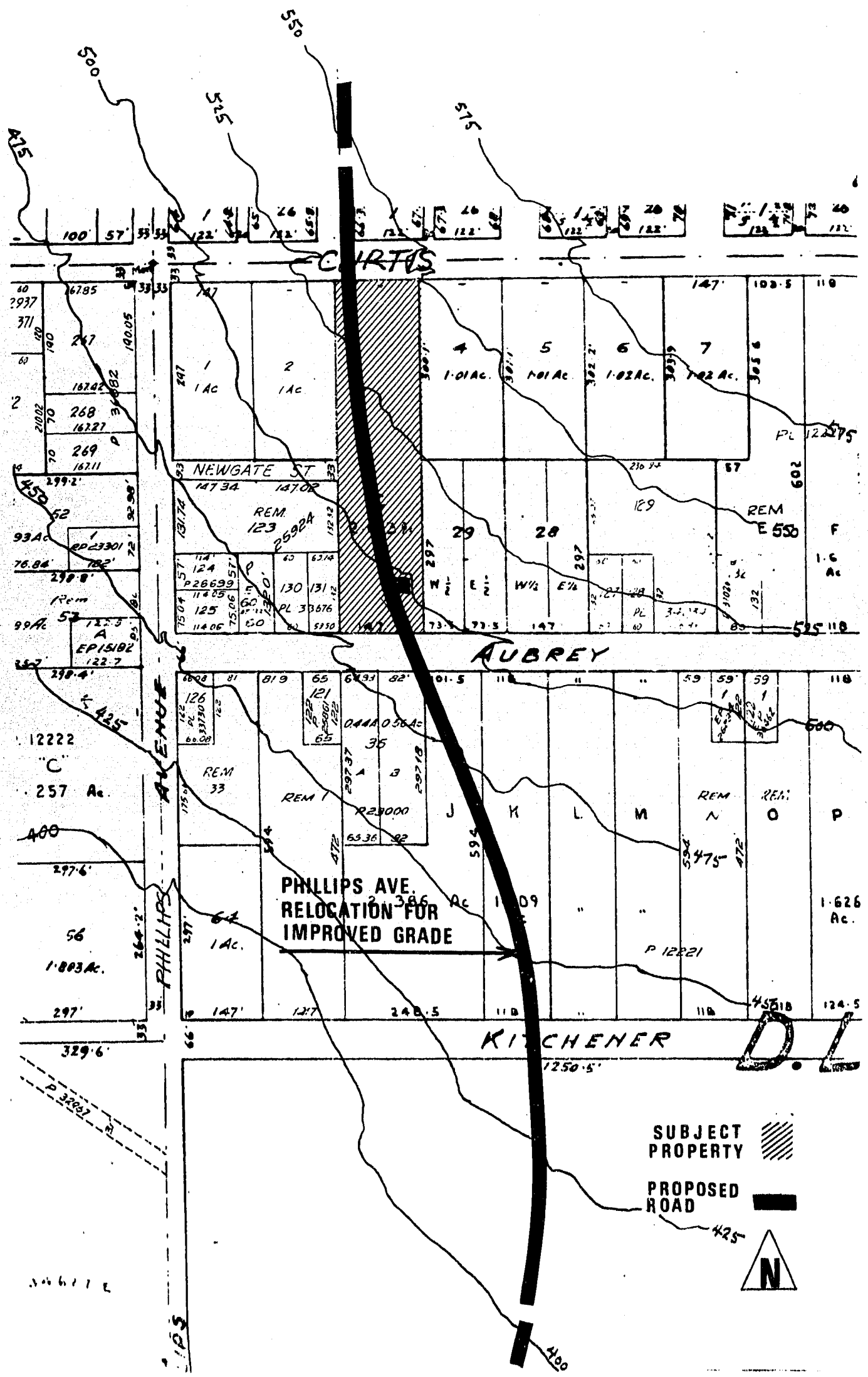
1. THAT Mrs. Brophy be advised that Lot 'C' is still required for road and that therefore, it is not possible to provide written assurance that the property will not be required by the Municipality.
2. THAT the Land Agent continue to negotiate for acquisition of the property.
3. THAT Mrs. Brophy be advised that the Municipality cannot prevent Mr. Alexander from selling his property on the open market.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.

ALP:cm
Attach.

ITEM 4
 MANAGER'S REPORT NO. 88
 COUNCIL MEETING Nov. 26/73



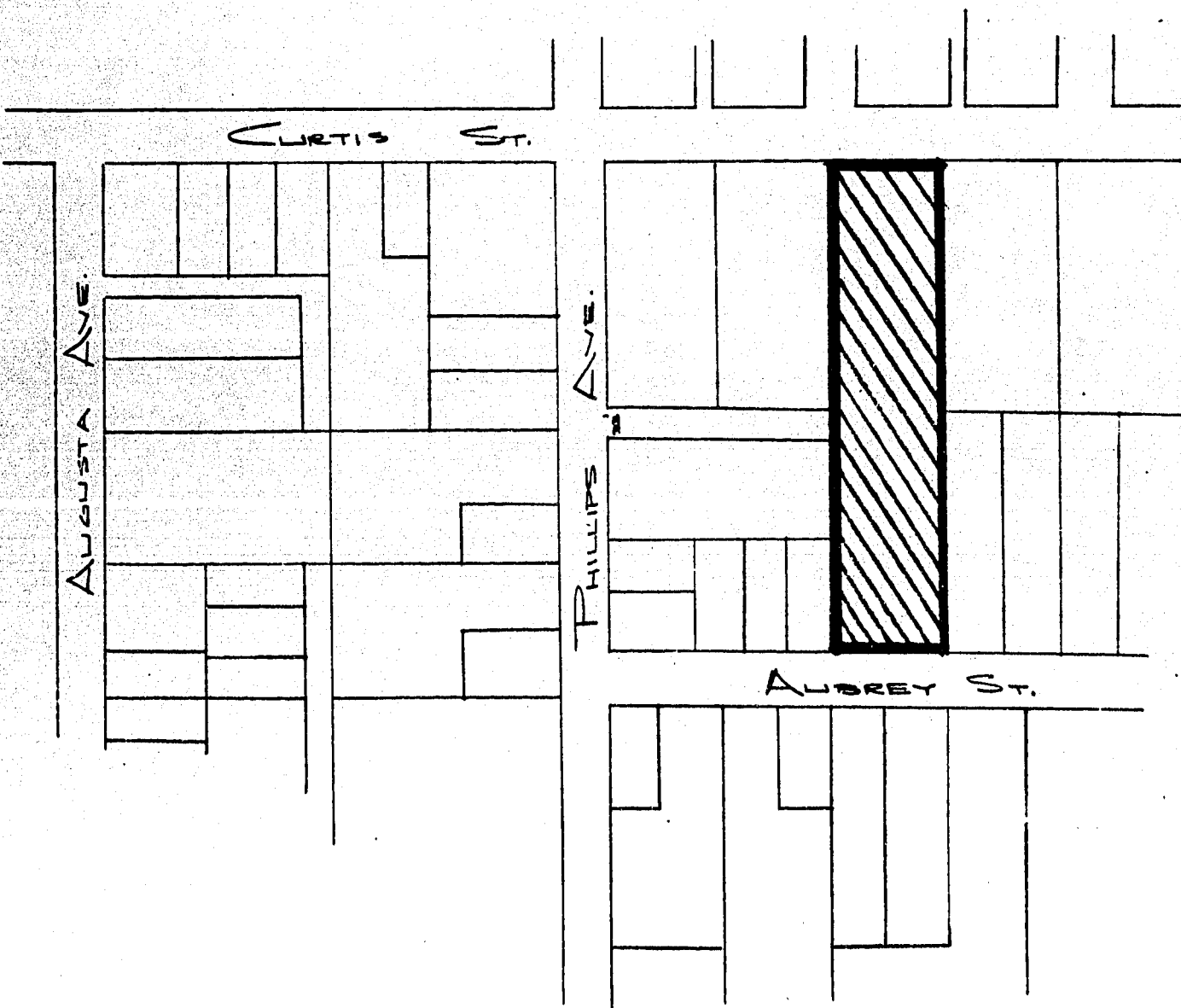
ITEM 4
MANAGER'S REPORT NO. 88
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7461 AUBREY STREET.

LT C, D.L. 138, PAR 122.

ZONE: R2

NORTH ↑



Scale: 1" = 200'