

ITEM 12
MANAGER'S REPORT NO. 74
COUNCIL MEETING Nov. 12/74

Re: Letter dated November 5, 1974 from Mr. F.I. Morris
9375 Cameron Street, Burnaby
Beaverbrook Extension

Appearing on the Agenda for the November 12, 1974 meeting of Council is a letter from Mr. F.I. Morris regarding Beaverbrook Extension.

Since the writer has referred to correspondence from the Municipal Manager, we are taking the liberty of attaching a copy of the letter concerned, dated June 26, 1973.

We can add nothing further on this whole subject at this time.

This is for the information of Council.

ITEM 12

MANAGER'S REPORT NO. 74

COUNCIL MEETING Nov. 12/74

File: 19-14(a)-73

Office of the Manager

June 26, 1973

Mrs. F.I. Morris
9375 Cameron Street
BURNABY 3, B. C.

Dear Mrs. Morris:

Re: Land Acquisition - Beaverbrook Extension

This will acknowledge receipt of your letter of June 21, 1973 regarding the above. I see that you have sent copies already to the Land Agent and to the Planning Director for their information.

I will only comment on your second paragraph in connection with the statement, "Firstly, let me point out that I have legal opinion to the effect that the present activities of your land department are not legal." I do not wish to argue semantics with you but there is nothing "illegal" about the Land Department negotiating for property. The point is, in this particular case, the Land Department has attempted to negotiate for four pieces of property and actually has initiated discussions in this respect somewhat prematurely. I might say that initially the Municipal Council agreed that this property acquisition should be left in the Programme on the understanding that we were working with the Sullivan Heights Ratepayers Association in connection with reviewing the plans. This being the case, we should withhold initiating negotiations with parties involved. However, the Land Agent observed a "For Sale" sign on the Epp property and, as a result, approached the owner to determine his asking price. This contact led to an approach being made to us by Mr. Turner who owns the adjacent property. As a result of these two contacts, the Land Agent moved into the area and started active discussions with the other four owners concerned. I cannot condemn the Land Agent for taking an action when he notices a "For Sale" sign, especially when he knows we have an interest in the area. I do agree, however, that it might have been better to not approach the other four owners since they had not signified any interest directly to us.

In summary then, I don't think that anything "illegal" has been done by the Land Department, but I do agree that we might have moved ahead with the negotiations in the area somewhat prematurely. I must state, however, that the Land Department were working innocently in the area as the decision of Council to include the acquisition in the Programme on the understanding that negotiations were taking place with the Sullivan Heights Ratepayers Association, was not communicated to the Land Agent. This is a matter of internal communication and obviously he was not apprised of the situation. In any event, the Land Agent has been requested to withhold any further negotiations for property acquisitions for the time being. This is not to say that, if we do have someone approach us and offer to sell their property to us, that we will not consider the matter. I would quickly point out that should such be the case, we would make it abundantly clear to the Municipal Council that we will be recommending acquisition solely to protect our position and not to determine the road right-of-way. Acquisition for the road and construction of the road are two separate issues and will be dealt with in that fashion, for we have a responsibility to the person who wants to sell his property as well as to the resident that is concerned about the road in the area.

Yours very truly,

Melvin J. Shelley
MUNICIPAL MANAGER

MJS:lf

cc: Planning Director

Land Agent