

Re: Lane in the Block Bounded by Canberra Avenue, Empire Drive,
Dundas Street and Triumph Street
(Item 13, Report No. 47, June 24, 1974)

Following is a report from the Municipal Clerk on the subject lane.

- It is recommended that the lane not be constructed because:
- At least some of the affected property owners, upon reconsideration, do not desire a lane (in fact, it is questionable if a new petition would contain enough signatures to be certified sufficient).
 - Some owners have expressed an objection to the suggestion that a portion of their properties be dedicated to overcome the problem of grade in the area (the objections would also preclude a successful attempt to get a unanimous agreement from the owners to pay a greater share than is normally required for the construction of a lane).
 - The benefits of a lane would not justify the excessive cost that would be involved in its construction.

RECOMMENDATIONS:

THAT Council not proceed with authorizing the construction of the subject lane; and
THAT the petitioners be advised of Council's decision and be provided with a copy of this report.

* * * * *

September 17, 1974

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL CLERK
RE: Lane in the Block Bounded by Canberra Avenue, Empire Drive,
Dundas Street and Triumph Street

The Municipal Council at a regular meeting held on June 24, 1974 received a report being Item 13 of the Manager's Report No. 47 dealing with the above noted subject:

"Following is a report from the Municipal Engineer regarding the subject lane.

RECOMMENDATIONS:

THAT Council not proceed with authorizing the construction of the subject lane; and
THAT the petitioners be advised of Council's decision and be provided with a copy of this report.

* * *

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
RE: LANE IN THE BLOCK BOUNDED BY CANBERRA AVENUE, EMPIRE DRIVE,
DUNDAS STREET AND TRIUMPH STREET

The Municipal Clerk on 8 May, 1974 had received and certified sufficient a petition for the construction and paving of the captioned lane as further shown on the attached sketch.

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At the time of accepting the petition a grade design had not been produced for the lane but one has now been completed which discloses that retaining walls from three to four feet in height will be required for almost the entire 200 feet of the lane's length.

The estimated costs of providing the required retaining walls plus extensive clearing requirements are estimated to be approximately \$10,000. with the Corporation's share being approximately \$9,500. It is apparent to the Engineering Department that the total cost of this particular lane does not nearly match the benefit to be derived from its construction.

RECOMMENDATIONS:

WHEREAS the cost of constructing the subject lane exceeds the benefits to be derived both to the public at large and the affected property owners in particular we recommend:

- (a) THAT Council not proceed with authorizing the construction of the subject lane; and
- (b) THAT the petitioners be advised of Council's decision and be provided with a copy of this report.

E. E. Olson
MUNICIPAL ENGINEER "

Action on the recommendations in the report was deferred in order to allow the Engineer an opportunity to inspect the area involved and to consider the following points:

- (1) Perhaps the owners involved would be prepared to dedicate some of their properties in order to allow for a greater width of lane allowance and enable the Municipality to construct the lane at a more favourable grade than would currently prevail.
- (2) If the owners concerned are anxious to have a lane and it is found that the cost is rather excessive, then perhaps these owners might be prepared to pay a greater share than normal for the lane.

By memorandum dated August 27th the Municipal Engineer has advised as follows:

"In reply to your memo of June 27th we have explored alternative designs whereby property dedications would be required. When approached the owner flatly refused to either dedicate or sell any portion of his property for lane construction purposes. During the negotiations the Lands Department learned that the owner in question, Mr. Kasaka, did not want the lane opened or paved and in fact had not even signed the petition although his name appears on it. It was apparently put there by his wife. Further investigation revealed that a number of the other property owners didn't really know how the improved lane would fit with improvements on their lots and consequently they indicated to Mr. R. Austin of the Lands Department that they also may no longer be in favour of opening the lane. In addition to this I also understand that one owner qualified his signature of the petition by stating that he was in favour only if the lane were dead-ended.

With these current developments I am of the opinion that although sufficient "signatures" were obtained that it was not clear to the property owners as to exactly what would be involved in improving their lane. I would therefore request you to review the sufficiency of the petition bearing in mind the statements contained in this memo.

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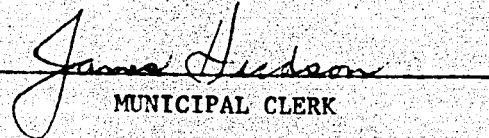
Please advise if we can be of further assistance.

V. Wiebe,
for MUNICIPAL ENGINEER "

We would advise that Sections 592 (1) and (8) of the "Municipal Act"
provide:

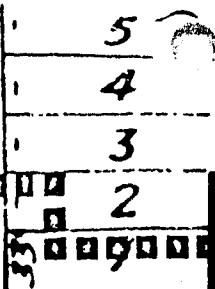
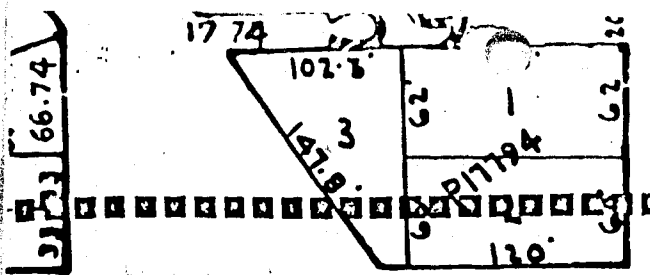
"592(1) The sufficiency of a petition shall be determined by
the Clerk, and his determination shall be evidenced by his
certificate, and when so evidenced is final and conclusive."

"592(8) No person has the right to withdraw his name from,
and no name shall be added to a petition after the Clerk has
certified as to its sufficiency."


MUNICIPAL CLERK

JH:sr

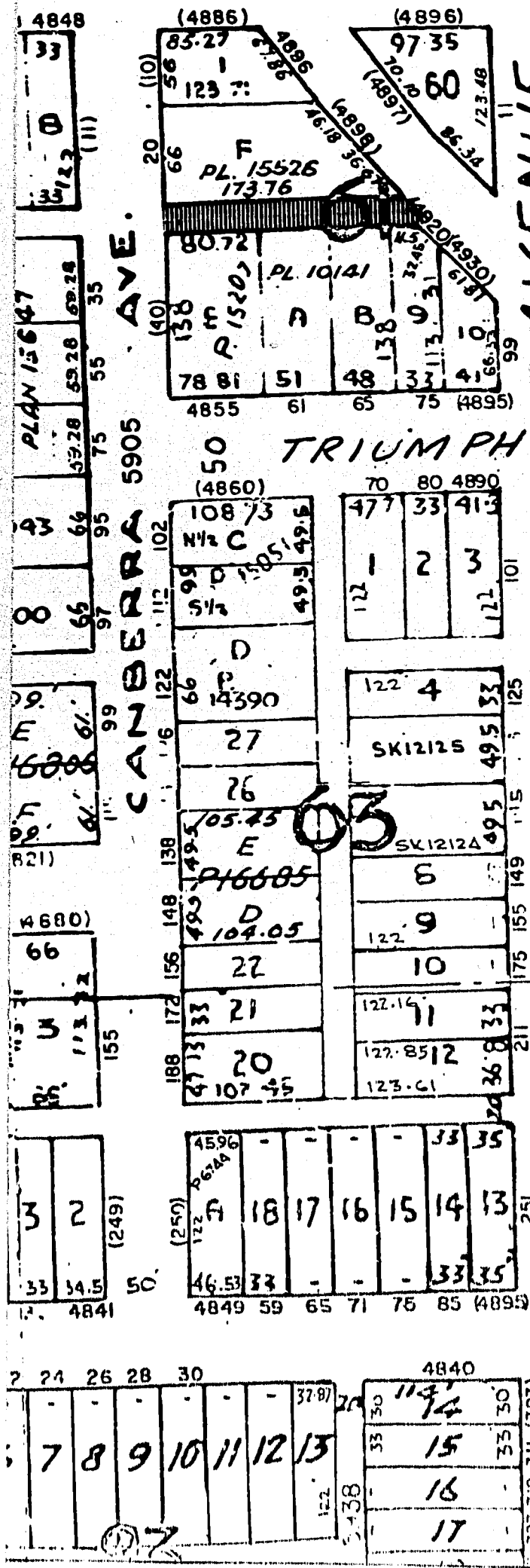
CC: MUNICIPAL ENGINEER
MUNICIPAL TREASURER
LAND AGENT



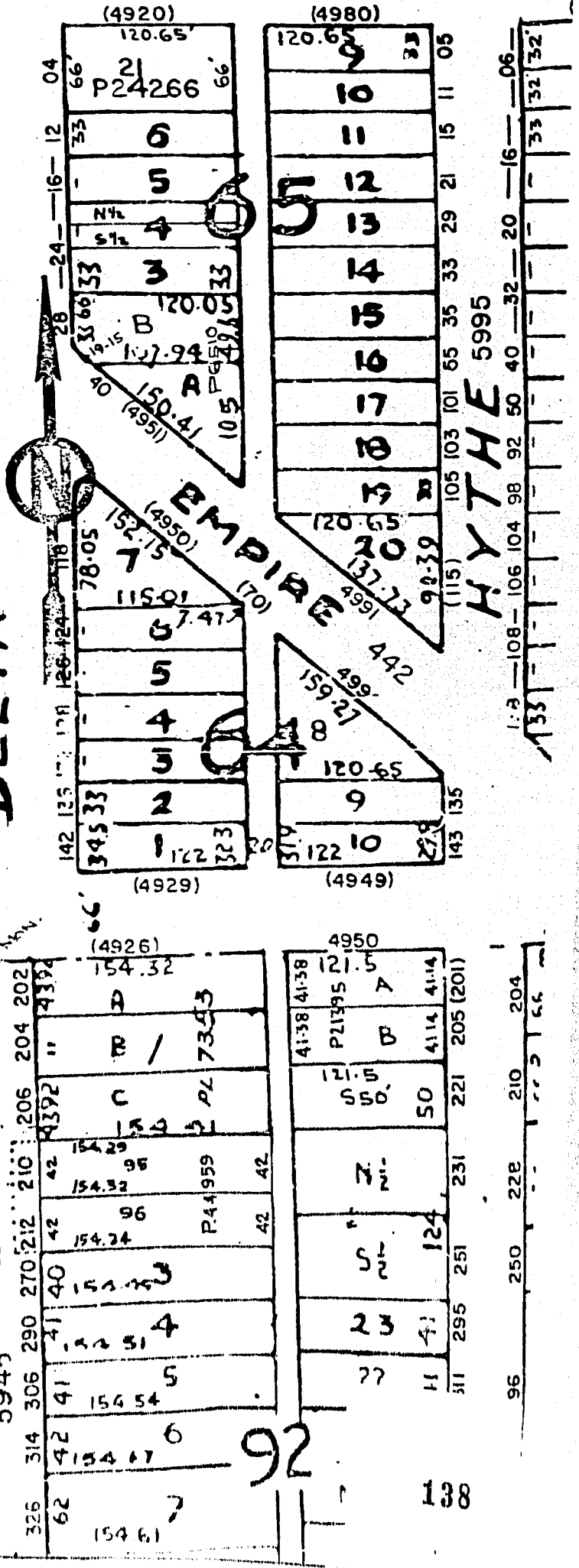
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DUNDAS

ST.



AVENUE
 TRIUMPH
 DELTA



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