

Re: Proposed Lane Truncation  
N.W. Corner of Lot 2, Blk. 1, D.L. 116 S½, Plan 1439  
3721 East Georgia Street (Funaro)

On March 4, 1974, Council received the attached report regarding a truncation which is required for an effective turning radius in a lane at the subject location. The recommendation to bring forward an expropriation by-law was adopted by Council at that time.

An expropriation notice was served on May 8, 1974. Subsequent negotiations with the owner have been unsuccessful.

Solicitors for the owner in a letter to the Municipal Solicitor dated September 17, 1974, advised as follows:

"I wish to advise that my client is not prepared to accept the sum of \$1,500 relative to the expropriation. As per our discussions some weeks ago, I would suggest that we proceed to arbitration on the matter and would suggest that you send to me a list of proposed arbitrators.

I should add that I do not as yet have the proper appraisals, etc. that are requested from my own client and have not to date formulated in my own mind what a proper sum for payment would be."

Because of the present impasse, we recommend that an appraiser be retained and that a Municipal nominee be appointed to the Arbitration Board.

RECOMMENDATIONS:

THAT an appraiser be retained; and

THAT negotiations continue; and

THAT authority be given to proceed to arbitration and to appoint Mr. James R. Insley, Barrister, as the nominee for the Municipality on the Arbitration Board.

ITEM 1  
MANAGER'S REPORT NO. 63  
COUNCIL MEETING Sept. 30/74  
~~ITEM 10  
MANAGER'S REPORT NO. 17  
COUNCIL MEETING Mar. 4/74~~

Re: Proposed Lane Truncation  
N.W. Corner of Lot 2, Blk. 1, D.L. 116S $\frac{1}{2}$ , Plan 1439  
3721 East Georgia Street

The Municipality during the spring of 1973 received a request for permission to construct a triplex on the subject property. Permission was denied because the R5 zoning did not allow for this type of structure in the area. The owner, Mr. D. Funaro, was advised that he could apply for a duplex development, or alternatively, for a rezoning to permit construction of a triplex. He was further advised that should he exercise the latter alternative, staff would not recommend the proposed multiple family dwelling zone that would be required for a triplex because the area is not within the recognized apartment zone as provided in the Apartment Study.

As shown on Attachment "A", a lane parallels the north and west sides of the property. Because the turning radius for vehicular traffic at the northwest corner of the property was considered inadequate, a recommendation to have a portion truncated at the northwest corner was referred to Council on September 17, 1973. Council did not give consideration to an expropriation bylaw but instead directed that the lane encroachment on the subject property be removed.

Council on December 27, 1973 was advised that the Engineering Department had given Mr. Funaro verbal permission to erect a wall over a portion of the encroaching pavement (the pavement was used as a base). The encroachment for this reason was not removed, and in fact has still not been removed because the work can proceed only when Mr. Funaro gives his permission to have it done. Such permission has not been obtained as of this date.

Following is additional information that Council received on December 27:

"The matter of the required lane truncation at the subject address has arisen again as a result of complaints from neighbouring property owners to the effect that it has now become extremely impossible to negotiate the corner at the intersecting lanes. The recent development which has caused the problem is the construction of a stone wall ranging in height from 1 $\frac{1}{2}$  feet to 3 feet which, although contained within Mr. Funaro's property, appears to project well into the lane because of the lack of a truncation.

The attached sketch No. L.1512 (Attachment "B") indicates the problem that vehicles of the size of a department store delivery van or a garbage truck would have in turning the corner which would actually require forward and backward movement onto other private properties. An on-site inspection has confirmed that even a normal sized motor vehicle would find it extremely difficult and hazardous to turn the corner without hitting the corner of the stone wall."

Council on December 27 authorized the Land Agent to negotiate for the required lane truncation.

Appearing on the January 21, 1974 Council Agenda were two letters from neighbour-residents who complained about the lack of adequate turning radius in the lane. The complainants were subsequently advised at the direction of Council that negotiations were continuing for the acquisition of a 20 x 23 foot truncation at the northwest corner of Mr. Funaro's property.

The Land Agent now advises as follows:

"Regarding negotiation of the subject truncation, we wish to advise that we have contacted Mr. Funaro in this regard to try to solve this problem, but he still feels he should receive permission to build a triplex on the property (Mr. Funaro has proposed a settlement under which he will give the Municipality the truncation in exchange for permission to construct a triplex on the property; he has been advised that these terms are not acceptable to the Municipality).

Since September 17, 1973, when it was decided to withhold authorization to expropriate the truncation, the owner has constructed a cut stone, brick and screen block fence around this corner, with a cement dog run within the area,

Continued ...

ITEM 10  
MANAGER'S REPORT NO. 17  
COUNCIL MEETING Mar. 4/74

ITEM 1  
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Re: Proposed Lane Truncation Cont'd.

and enclosed it with a plastic coated chain link fence. Mr. Funaro visited this office on January 9, 1974, at which time these improvements were discussed. Mr. Funaro still insisted he should have a permit to build a triplex. He also asked what we were going to pay him for the fence, etc.

We wrote Mr. Funaro on January 11, 1974, with our estimate of \$460 for the land and \$1,040 (total \$1,500) to remove and rebuild the fence and dog run. We have had no reply from Mr. Funaro and no response to our calls.

In view of the above facts, we would request that an expropriation bylaw be drawn up.

We will continue to try to negotiate with Mr. Funaro."

In summary, the property must be truncated to provide a suitable turning radius. Negotiations to acquire the truncation have been unsuccessful, and it is, therefore, requested that the truncation be expropriated. Negotiation for the truncation would continue during the expropriation process.

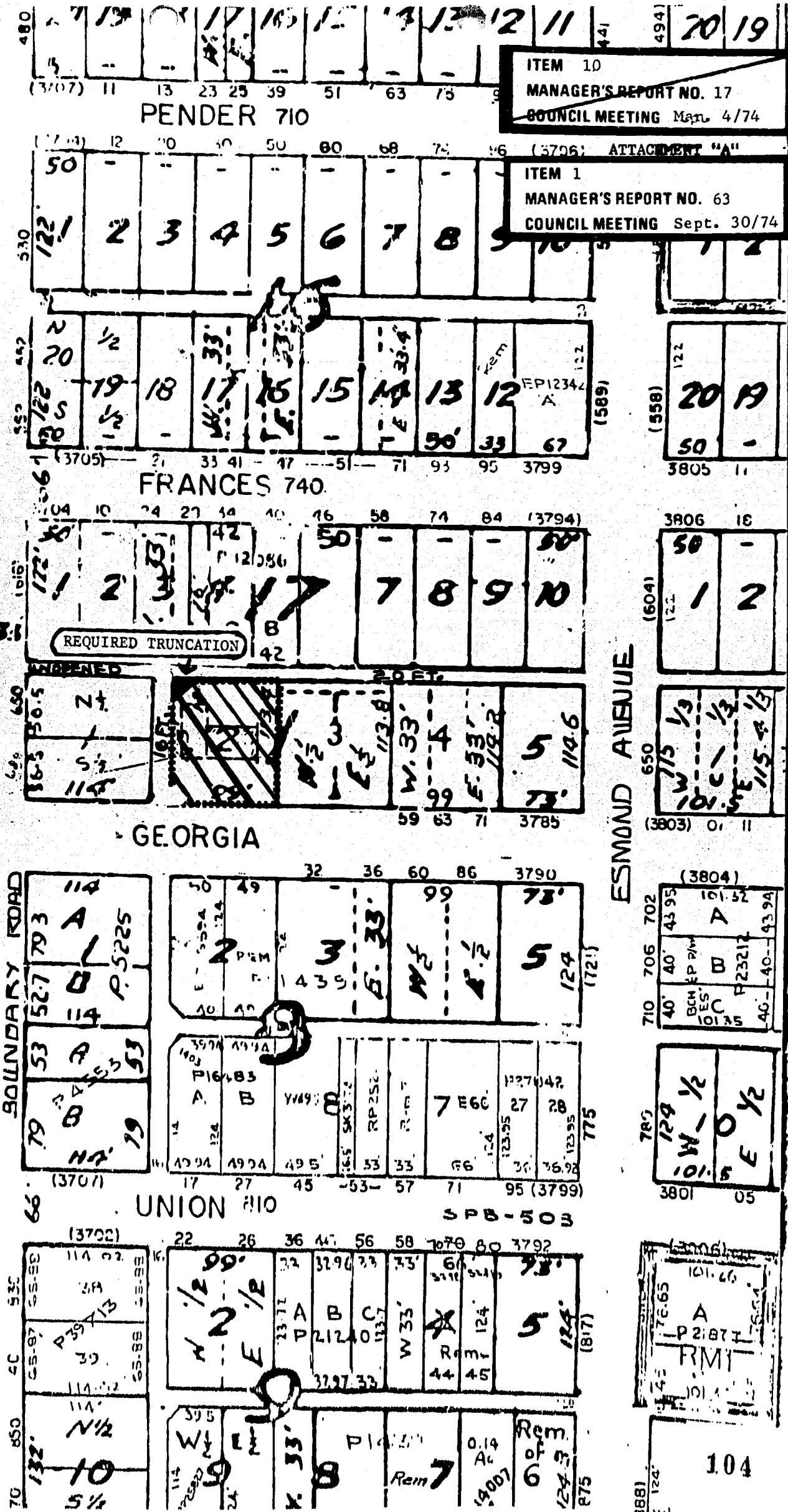
RECOMMENDATION:

THAT the necessary expropriation bylaw be brought forward.



RS

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ITEM 10  
 MANAGER'S REPORT NO. 17  
 COUNCIL MEETING MAY 4/74

ITEM 1  
 MANAGER'S REPORT NO. 63  
 COUNCIL MEETING SEPT. 30/74

REQUIRED TRUNCATION

ESMOND AVENUE

BOUNDARY ROAD

UNION #10

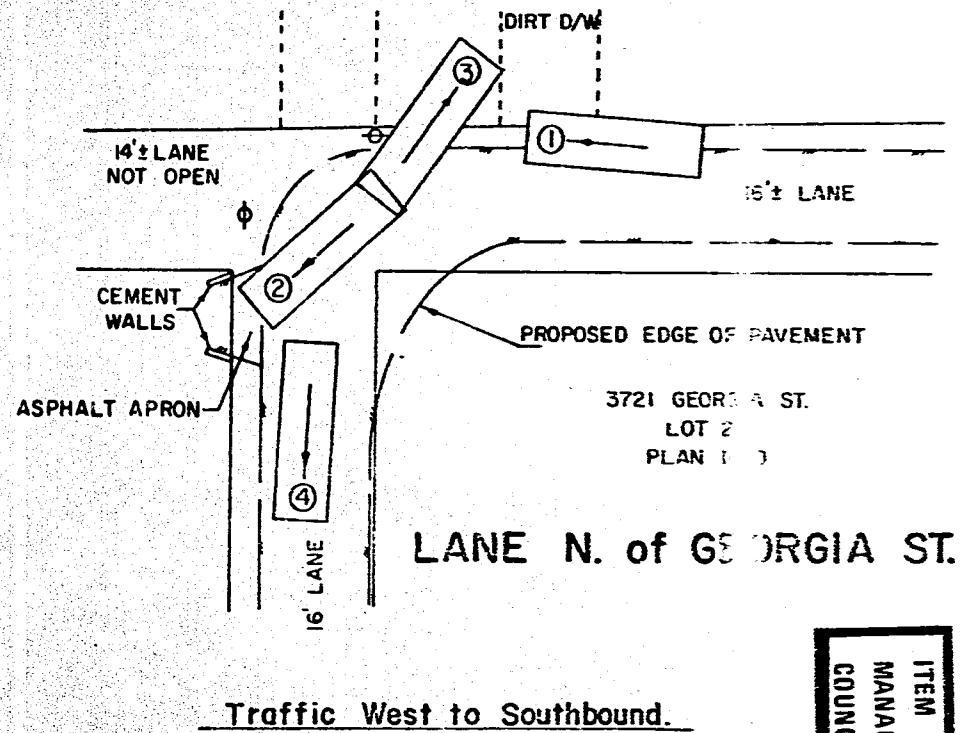
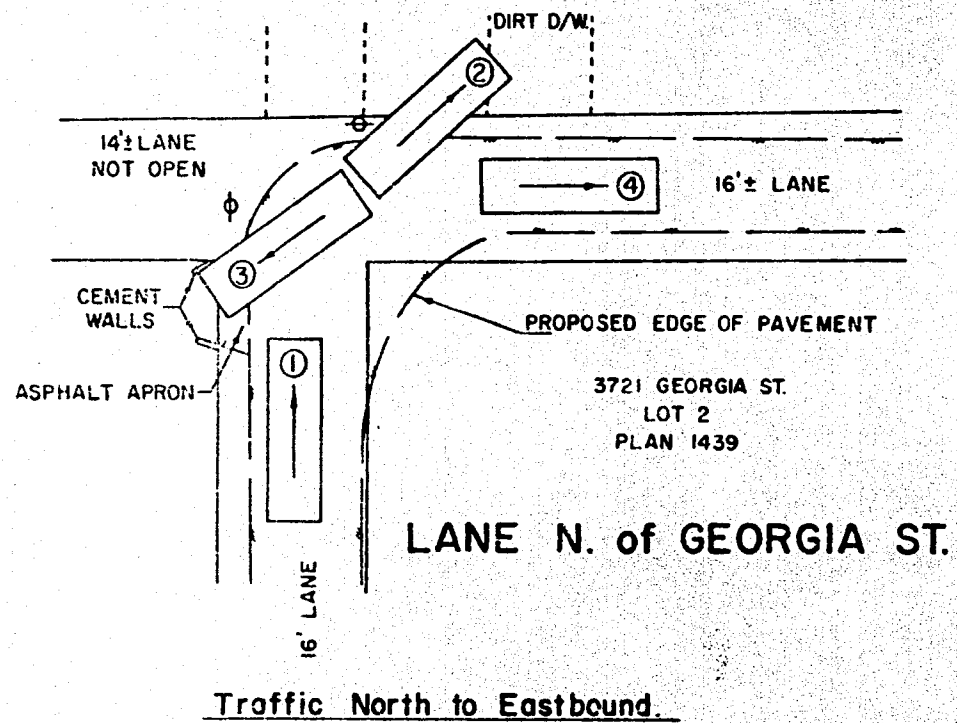
SPB-503

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 A  
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 RMI

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ITEM 10  
MANAGER'S REPORT NO. 17  
COUNCIL MEETING MAR. 4/74

ATTACHMENT "B"

ITEM 1  
MANAGER'S REPORT NO. 63  
COUNCIL MEETING Sept. 30/74

PROP. TRUNCATION  
LANE N. GEORGIA at LANE  
E. BOUNDARY THRU LOT  
PL. 1439, 3721 GEORGIA ST.

CORPORATION OF THE ENGINEERING DESIGN  
DESIGNED BY  
DRAWN BY H. SP  
CHECKED BY  
APPROVED BY

THE ENGINEERING DESIGN  
CORPORATION  
1000 N. ...  
MEMPHIS, TENN. 38102

REVISION