

ITEM 12

MANAGER'S REPORT NO. 75

COUNCIL MEETING Nov. 24/75

Re: COMPENSATION FOR RIGHTS-OF-WAY
GAGLARDI WAY

Following is a report from the Director of Planning on the Municipality's request for compensation on land that was required for development of the Gagliardi Way Alignment.

This is for the information of Council.

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PLANNING DEPARTMENT
NOVEMBER 20, 1975

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: COMPENSATION FOR RIGHTS-OF-WAY
GAGLARDI WAY
(X. REF. BURNABY 200)

1.0 BACKGROUND

At the time Council gave consideration to the development of a residential community on the south slope of Burnaby Mountain, Burnaby 200, it was considered an opportune occasion for the Municipality to make representations to the Provincial agencies concerned to obtain compensation for approximately 21.3 acres of Municipal lands obtained without payment for the Gagliardi Way alignment in May of 1965. This contention was based on a recollection of an informal agreement made at that time between the previous Municipal Manager and the Deputy Minister of the Department of Highways that compensation would be forthcoming at an appropriate time. Council on June 9, 1975 authorized the preparation of a report for submission to the Provincial Government requesting compensation for the gazetted Municipal lands. For information, an accurate survey study has indicated the area of the subject gazetted lands as 18.08 acres and not 21.3 acres as previously indicated.

2.0 COMPENSATION DISCUSSION

The Planning Department has submitted two letters to the Department of Highways in accordance with Council's direction on this matter. The Planning Department is in receipt of a letter from Mr. H.F. Sturrock, Deputy Minister, Department of Highways.

Mr. Sturrock states that insofar as the gazetted right-of-way for the abandoned Broadway Interchange is concerned, he is recommending to the Honourable Minister that the right-of-way be closed and vested to the Municipality. The legal survey defining the redundant gazetted area is being pursued at the present time.

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On the subject Gaglardi Way right-of-way gazetted in May of 1965, Mr. Sturrock states:

"With regard to the Municipality's request for payment of Municipal lands for the construction of Gaglardi Way, which your Municipal Land Agent has appraised at \$200,000.00, I must say that after conferring with Mr. Miard and other officials in my Department, I am very surprised that the Municipality would put forward such a request.

As you are well aware, the road which is now known as Gaglardi Way was constructed and paid for by this Department, up to the University boundary, for the sole purpose of providing access to Simon Fraser University, an institution which your Municipality made strong representation to have located in Burnaby. You are also aware that the development of the University and the access systems only came about by the efforts and cooperation of numerous Departments of all levels of Government. I, therefore, feel that it is most unreasonable for your Municipality to expect compensation for land that was required to provide access to an institution that your Municipality was so desirous in having."


It is our opinion that the argument put forward by the Deputy Minister has some merit.

Mr. Sturrock was unable to find anything in the Department of Highways files which supports any agreement on compensation.

The municipal staff have made a complete search of its files, and have been unable to locate a written confirmation of the recollection. Informal staff record files from 1965 are also no longer available.

Lacking a written record of the original agreement, the Municipality appears to have no alternative but to accept the Deputy Minister's analysis of this matter. Therefore, this matter would appear to be closed and require no further action by the Municipality.

This is for the information of Council.


A. L. Parr,
DIRECTOR OF PLANNING.

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