

ITEM 6
MANAGER'S REPORT NO. 39
COUNCIL MEETING May 30/77

Re: LETTER FROM MR. DAVID W. COCKER WHICH APPEARED ON THE AGENDA FOR THE
MAY 24th, 1977 MEETING OF COUNCIL (ITEM 4F)
10 FOOT LANE ALLOWANCE AT REAR OF 901, 903 and 913 GILMORE AVENUE

Appearing on last week's agenda was a letter from Mr. David W. Cocker regarding a lane allowance at the rear of Gilmore Avenue. This report was withdrawn from consideration at the meeting on May 24th so that the Municipal Manager would have an opportunity to give further consideration to the matter.

The Director of Planning in the following report comments on the proper procedure that is to be followed with respect to closure and sale of lane allowances. The report also contains additional information that Council requested with respect to the sizes of the lots in question and the location of the sewer.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Cocker and all other affected property owners abutting the lane allowance in order that they may be apprised of the proper procedure involved with the initiation of the closure and sale of the subject lane allowance.

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PLANNING DEPARTMENT
MAY 25, 1977

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: TEN FOOT LANE ALLOWANCE AT REAR OF
901, 903 and 913 GILMORE AVENUE

The subject lane allowance is located south of Venables Street between MacDonald Avenue and Gilmore Avenue as shown on the attached sketch.

Appearing on the Council Agenda for May 24, 1977, was a letter from Mr. W. Cocker of 903 Gilmore Avenue. The letter refers to the donation of the subject lane allowance for lane and sewer purposes and the owner of 4060 Venables Street fencing the allowance.

According to the Municipal Engineer, the owner of 4060 Venables Street has demolished an old house that was on the property and has now constructed a new house on the same lot. The fence to which W. Cocker refers is some old sections of picket fence that previously fenced in the property at 4060 Venables Street.

Previously, the owner of this property had applied to the Planning Department for closure of the lane allowance. Subsequently, this proposal was circulated to various departments for their comments. In the interim, our department received opposition from the abutting owners at 901, 903 and 913 Gilmore Avenue. Therefore, since it was determined that consents could not be obtained from these owners, the applicant was duly informed that we could not support the cancellation and sale of the allowance based on the foregoing. Additionally, the attached three letters were sent to the owners on Gilmore Avenue.

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Presently, the allowance contains a municipal sanitary sewer. The allowance remains unconstructed and will likely remain so due to a deficiency in width. The allowance is presently 10 feet wide. It is unlikely that a lane would ever be constructed since a further dedication of 10 feet would be required from the rear of the three lots fronting on Gilmore Avenue. Not all the owners are agreeable to dedicating this portion.

Therefore, since it is unlikely that the lane would ever be constructed and the only municipal use for the lane is the already installed sewer, we would suggest that Mr. Cocker and his neighbours, if they are interested, make application to the Planning Department for the closure and acquisition of the subject lane allowance. As Council is aware, it is our policy that the Corporation be compensated for allowances which are cancelled. It should also be noted that the cancellation, sale and consolidation of the allowance with 901, 903 and 913 Gilmore Avenue would be dependent upon the submission of a consent from the owner of 4060 Venables Street. At the time of the closure and sale, the Corporation would request the retention of an easement for the existing sanitary sewer.

RECOMMENDATION

THAT a copy of this report be sent to Mr. Cocker and all other affected property owners abutting the lane allowance in order that they may be apprised of the proper procedure involved with the initiation of the closure and sale of the subject lane allowance.

Alan
A. L. Parr,
DIRECTOR OF PLANNING

CW:ad
Atts.

cc: Municipal Engineer

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PLANNING DEPARTMENT

1 March, 1977

Mr. & Mrs. W. Cocker.
 803 Gilmore Avenue.
 Burnaby 2. B.C.

Dear Mr. & Mrs. Cocker:

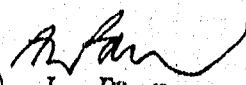
Re: Proposed Lane Closure South of Venables Street
 Between Macdonald Avenue and Gilmore Avenue

Further to our letter to you dated January 12, 1977, we would hereby advise you that our department has made a decision and notified the applicant that we could not support his application for lane closure since a unanimous consent was not received from all affected abutting owners, this being a requirement for all road and lane closure approvals.

Should you wish to dedicate the rear 10 feet of your property for lane allowance at this time, please submit a set of survey plans prepared by a B.C. Land Surveyor showing the 10 foot dedication, to our department for approval. Please note that the lane allowance could not be constructed until the owners at 913 and 901 Gilmore Avenue also dedicate the rear 10 feet of their lots and make application for its construction under the Local Improvement Program.

We trust the foregoing has adequately informed you of the outcome of this matter. Should you require further information, please contact Mrs. Wilkins of our department.

Yours truly,


 A. L. Parr,
 DIRECTOR OF PLANNING

CW:ea

NOTE: THIS SAME LETTER WAS SENT TO MR. AND MRS. KING, 801 GILMORE AVENUE, ON 1 MARCH 77.

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PLANNING DEPARTMENT

1 March, 1977

Mr. & Mrs. R. Gartside.
913 Gilmore Avenue,
Burnaby 2. B.C.

Dear Mr. & Mrs. Gartside:


Re: Proposed Lane Closure south of Venables Street
between MacDonald Avenue and Gilmore Avenue

Further to our letter to you dated January 12, 1977, we would hereby advise you that our department has made a decision and notified the applicant that we could not support his application for lane closure since a unanimous consent was not received from all affected abutting owners, this being a requirement for all road and lane closure approvals.

In answer to your verbal enquiry of February 22, 1977, you may, if you wish, clean and maintain that portion of the subject lane allowance adjacent your property. However, this allowance may not be utilized or developed for your personal use.

We trust the foregoing has adequately informed you of the outcome of this matter.

Yours truly,


A. L. Parr,
DIRECTOR OF PLANNING

CW:ea

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PLANNING DEPARTMENT

14 February, 1977

Mr. A. Tortolano,
4145 Venables Street,
Burnaby. B.C. V5C 2Z7

Dear Sir:

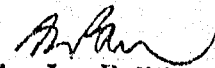
Re: Proposed Lane Closure south of Venables Street
between MacDonald Avenue and Gilmore Avenue

Reference your letter to our department dated October 29, 1976 wherein application was made to purchase the above noted lane allowance.

Please be advised that we circulated your proposal to various departments for their comments. We received all the necessary input from these departments some time ago. However, prior to receiving all the comments, we were approached by abutting owners of the lane allowance who expressed their disapproval of the closure. To date, we have heard from all the affected abutting owners and would report that none of them consent to the closure of this lane. In order for us to approve the closure of this lane, it is necessary in all cases that all the abutting owners grant their consent.

Therefore, we cannot support your application for the closure and sale of the lane allowance. We trust this adequately outlines our position. Should you require further information or clarification, please call Mrs. Wilkins of our department.

Yours truly,


A. L. Parr
DIRECTOR OF PLANNING

CW:ea

