

ITEM	9
MANAGER'S REPORT NO.	35
COUNCIL MEETING	May 9/77

Re: PETITION FROM MR. WALTER K. UTZIG WHICH APPEARED ON THE
AGENDA FOR THE MAY 2, 1977 MEETING OF COUNCIL (ITEM 5g)
LOCAL IMPROVEMENT PROJECT #76-102

Appearing on last week's agenda was a petition from Mr. Walter K. Utzig regarding opposition to Local Improvement Project #76-102. Following is a report from the Municipal Clerk on this matter.

RECOMMENDATIONS:

1. THAT Local Improvement Project #76-102 be proceeded with as initiated and
2. THAT Mr. Walter K. Utzig and the petitioners be sent a copy of this report.

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TO: MUNICIPAL MANAGER	DATE: May 3, 1977
FROM: MUNICIPAL CLERK	File: 2112
RE: Local Improvement Project #76-102 - 46' Pavement with Curbs on Both Sides and 5.5' Abutting Sidewalks on Both Sides of Dawson Street from Willingdon Avenue to Gilmore Avenue.	B/L#6987

Appearing on the Agenda of the Council Meeting held on Monday, May 2, 1977, as Item 5(g), Pages 27 and 28, was a petition from Mr. Walter Utzig, 8 North Delta Avenue, Burnaby, B.C., and others, requesting that the Municipal Council not proceed with the subject Local Improvement Project which was initiated as part of the 1977 Local Improvement Programme.

The 1977 Local Improvement Programme was initiated on Wednesday, November 17, 1976, and the final date for the acceptance of opposing petitions was Friday, December 17, 1976.

The following is the result of the initiation for Project #76-102:

Number of Owners:	27
Majority Required to Defeat Project:	14
Number of Petitioners Objecting:	5
Total Assessment:	\$2,231,235.00
50% Required:	\$1,115,567.00
Total Petitioners' Assessment:	\$ 409,775.00

The Municipal Clerk's Certificate of Sufficiency dated January 8, 1977, covering the 1977 Local Improvement Programme was received by Council on January 10, 1977, and Construction By-Laws for the surviving projects were authorized to be brought forward. By-Law No. 6987 cited as "Burnaby Local Improvement Construction By-Law No. 6, 1977" which was reconsidered and adopted on January 31, 1977, authorizes the necessary construction for Project #76-102.

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Section 592(8) of the "Municipal Act" provides as follows:

"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."

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In view of the foregoing, no action can be taken to change the Municipal Clerk's Certificate of Sufficiency dated January 8, 1977.

I would advise that there are insufficient names included on the latest petition against the works to make any difference to the outcome of the initiation.

RECOMMENDATIONS:

1. THAT Local Improvement Project #76-102 be proceeded with as initiated;
2. THAT Mr. Walter Utzig, 8 North Delta Avenue, Burnaby, B.C. V5B 1E6, and his fellow petitioners, be sent a copy of this report.


James Hudson,
MUNICIPAL CLERK.

JH/dew