

ITEM	7
MANAGER'S REPORT NO.	87
COUNCIL MEETING	1978 12 11

RE: 1922 CROSSING AGREEMENT
CENTRAL PARK HOLDINGS LTD.
LOT "A" AND LOT "B" OF LOT 7, BLKS. 2 AND 3, D.L.34, PLAN 12192
NORTH-EAST CORNER OF KINGSWAY AND JERSEY AVENUE

Following is a report from the Director of Planning regarding a crossing agreement.

RECOMMENDATION:

1. THAT the recommendations of the Director of Planning be adopted.

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TO: MUNICIPAL MANAGER PLANNING DEPARTMENT
FROM: DIRECTOR OF PLANNING 1978 DECEMBER 05
SUBJECT: 1922 CROSSING AGREEMENT
CENTRAL PARK HOLDINGS LTD.
LOT "A" and LOT "B" of LOT 7, BLKS. 2 and 3, D.L. 34, PLAN 12192
NORTH-EAST CORNER OF KINGSWAY AND JERSEY AVENUE

RECOMMENDATIONS:

1. THAT the 1922 Crossing Agreement in favour of the Municipality be cancelled with the proviso that an application be made to the Ministry of Highways for a crossing permit under the current procedures; and
2. THAT Mr. Edwin A. Hawthorne of Hawthorne, Piggott and Kington, 208-1899 Willingdon Avenue, P.O. Box 82070, Burnaby, be sent a copy of this report.

REPORT

The Planning Department is in receipt of a request by Mr. Edwin Hawthorne, Solicitor, to prepare a Quit claim of the Municipality's interest in the above referenced Crossing Agreement. This Agreement was brought into effect on 1922 March 29 to allow the applicant to construct and maintain a crossing from Kingsway over the curb at his own expense and under the direction of and to the satisfaction of the Municipal Engineer of the Corporation. It was also stated that any damage done to the highway, curb or sidewalk leading from the street would have to be repaired by the applicant or by the Corporation, in which case the applicant would pay for the cost of such repairs.

The Municipal Engineer and Municipal Solicitor have advised that they can see no reason why this Agreement can not be cancelled as it was entered into under a provision of the old Municipal Act which was repealed in 1957. The Municipal Engineer further reports that the procedure now is to apply to the Ministry of Highways for a permit for vehicle access as Kingsway is a Provincial Arterial highway.


RE: 1922 Crossing Agreement - Cont'd.

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The Ministry of Highways has advised that when a change in ownership or a change in use occurs, the Crossing Agreement would normally get cancelled at that time, and therefore was not certain of the reasons why this Agreement was still in effect as it would be reasonable to assume that a change has occurred since 1922. The Ministry is not opposed to cancelling the Agreement, but would require the owner to apply for a crossing permit under the current regulations.

In view of the above, it is appropriate to recommend that this Crossing Agreement be cancelled in favour of the owner applying to the Ministry of Highways for a crossing permit under the current procedure.

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A. L. Parr
DIRECTOR OF PLANNING

CM:lf

cc: Municipal Engineer
Municipal Solicitor