

ITEM	22
MANAGER'S REPORT NO.	56
COUNCIL MEETING	1978 08 14

Re: PROPOSED CLOSURE OF PHILLIPS AND BELMONT AVENUES
SOUTH OF AUBREY STREET

Attached is a report from the Director of Planning regarding two closures of avenues south of Aubrey Street.

With respect to the Plans Cancellation Hearing that is noted in the second paragraph on page one of the report, the Municipality's position will be, when the hearing reconvenes on August 17, that there is no municipal objection to the developer's application providing that the municipality receives \$26,400.00 compensation which the developer was asked to pay as a condition of approval of the subdivision. This would be consistent with a directive from the Department of Municipal Affairs dated 1973 February 20 which requires that when a portion of highway being stopped and closed up is to be abandoned and vested in the name of adjoining owners, or subsequently is to be conveyed by the Municipality to another party for development purposes, such conveyancing or vesting should not be completed without compensation first being received by the Municipality. Accordingly, the Land Agent has placed a value of \$1.60 per square foot for approximately 16,500 square feet being closed (it should be noted that the remaining portion of the road allowance which will be closed via Plans Cancellation will be dedicated as road by a subdivision plan) which results in a total amount of \$26,400. It should also be pointed out that the final decision, in any event, rests solely with the Registrar.

RECOMMENDATIONS:

1. THAT Council authorize the introduction of a Highway Exchange By-law for the closure of the remaining portion of Belmont Avenue from the south boundary of proposed Lot 64 north to Aubrey Street in exchange for a road dedication of equal area subject to the conditions as noted in the Director of Planning's report; and
2. THAT Council authorize the introduction of a Road Closing By-law for the portion of Phillips Avenue from the proposed cul-de-sac south to Kitchener Street subject to the conditions as noted in the Director of Planning's report.

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PLANNING DEPARTMENT
1978 AUGUST 08

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: PROPOSED CLOSURE OF PHILLIPS AVENUE AND BELMONT AVENUE
SOUTH OF AUBREY STREET
ROAD CLOSURE REFERENCE #7/78 - D.L. 138

BACKGROUND

One of the conditions governing the approval of Subdivision Reference #52/78 is the closure of portions of the above noted road allowances as shown on the attached sketch. At present, the road allowances remain unconstructed and under the proposed subdivision are to be consolidated with adjacent properties for the creation of residential lots. As the subdivider will be dedicating necessary access roads within the subdivision, the subject road allowances become redundant. Therefore, reports of the proposed closures were circulated to the various offices having an interest in the subject areas. There are no utilities that would be affected by the proposed closures.

The subdivider made application to the Registrar for the closure of that portion of Belmont Avenue from the south boundary of proposed Lot 64 south to Kitchener Street via the Plans Cancellation method. The Hearing was to be held on 1978 August 08 but was adjourned until 1978 August 17.

CURRENT SITUATION

It is proposed that the remaining portion of Belmont Avenue from the south boundary of proposed Lot 64 north to Aubrey Street be closed via a Highway Exchange Bylaw. A letter was sent to the subdivider, New Horizon Investments Ltd., stating that the proposed closure would be dependent upon the following conditions:

- (a) Submission of the necessary Highway Exchange Bylaw plan.
- (b) Equal area road exchange involving no compensation to either party due to the close proximity of the existing and future road allowances.

The Planning Department has received New Horizon Investments Ltd.'s written concurrence with the above conditions.

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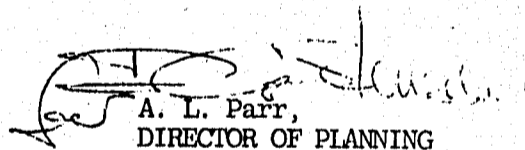
Additionally, it is proposed that the portion of Phillips Avenue from the future cul-de-sac south to Kitchener Street be closed via a Road Closing Bylaw. A letter was sent to New Horizon Investments Ltd. stating that the proposed closure would be dependent upon the following conditions:

- (1) Consolidation of the cancelled allowance with the adjoining properties to the east. It should be noted that only that portion of the closure area required to create proposed Lots 84 and 85 will be sold and consolidated with the private properties. The remaining closure area would remain under Municipal ownership for consolidation with Corporation property to the west (Lot 56, Expl. Pl. 42113, D.L. 138, Plan 3234).
- (2) Payment of compensation by the owner to the Corporation of \$1.60 per square foot which results in the amount of \$20,000.00 for approximately 12,500 square feet. The final square footage of this area is to be determined at the time the surveyor prepares the Road Closing Bylaw plan. This sum was based on the current market value of land contained within an R2 Residential Zoning District.
- (3) Submission of all necessary consolidation and road closing plans.

The Planning Department has received New Horizon Investments Ltd.'s written concurrence with the above conditions.

RECOMMENDATION:

1. THAT Council authorize the introduction of a Highway Exchange Bylaw for the closure of the remaining portion of Belmont Avenue from the south boundary of proposed Lot 64 north to Aubrey Street in exchange for a road dedication of equal area subject to the above conditions; and
2. THAT Council authorize the introduction of a Road Closing Bylaw for the portion of Phillips Avenue from the proposed cul-de-sac south to Kitchener Street subject to the above conditions.

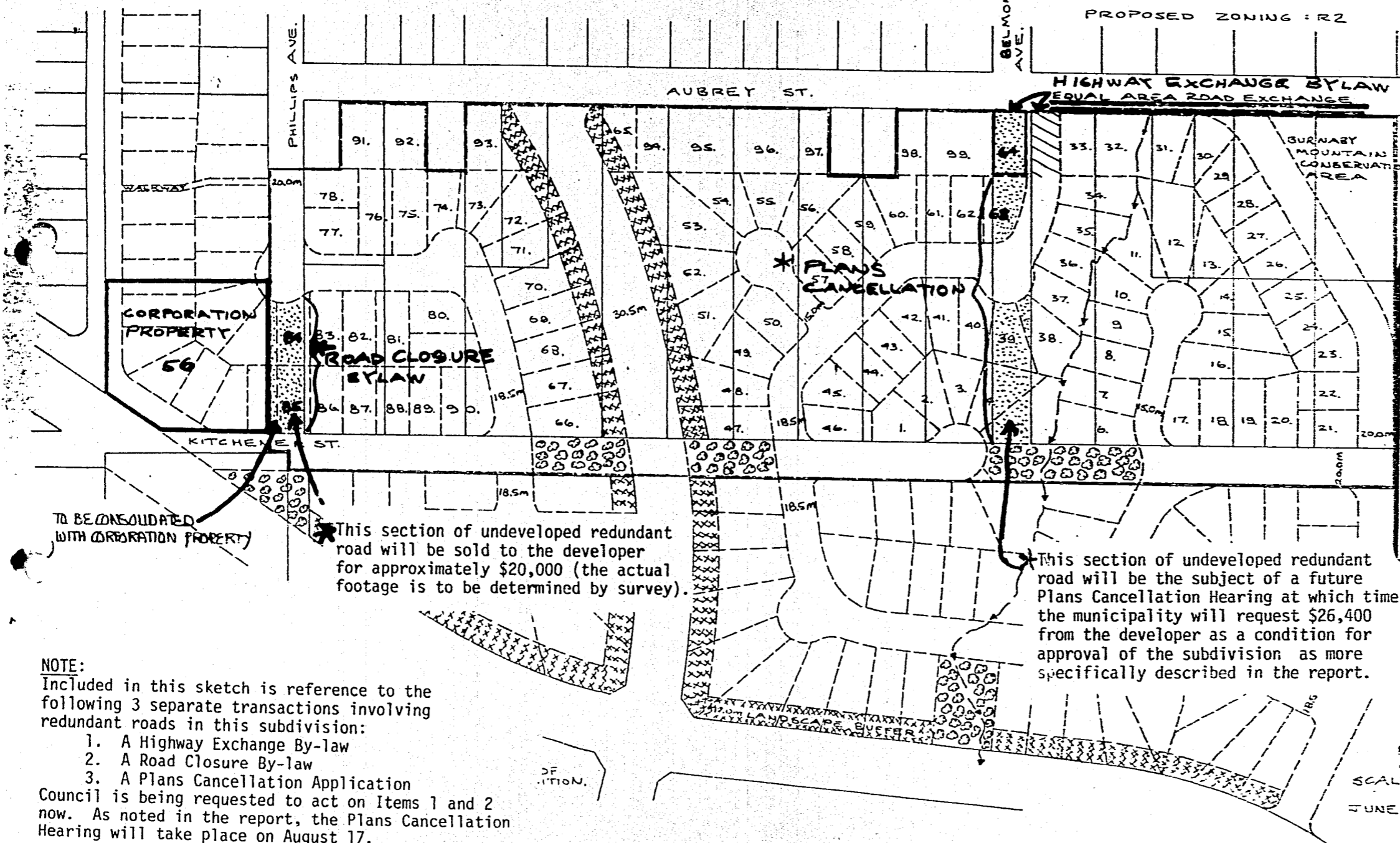

A. L. Parr,
DIRECTOR OF PLANNING

CW:ad
Att.
cc: Land Agent

D.L. 138

PROPOSED CLOSURE OF PHILLIPS AVE. &
BELMONT AVE. SOUTH OF AUBREY ST.

R.C. REF. # 7/78
X. REF. S.D. REF. # 52/78 X. REF. R.Z. REF. # 11/78
PROPOSED ZONING : R2



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TO BE CONSOLIDATED WITH CORPORATION PROPERTY

This section of undeveloped redundant road will be sold to the developer for approximately \$20,000 (the actual footage is to be determined by survey).

This section of undeveloped redundant road will be the subject of a future Plans Cancellation Hearing at which time the municipality will request \$26,400 from the developer as a condition for approval of the subdivision as more specifically described in the report.

NOTE:
Included in this sketch is reference to the following 3 separate transactions involving redundant roads in this subdivision:

1. A Highway Exchange By-law
2. A Road Closure By-law
3. A Plans Cancellation Application

Council is being requested to act on Items 1 and 2 now. As noted in the report, the Plans Cancellation Hearing will take place on August 17.

SCALE 1"=200'
178
JUNE '78 C.W.