

ITEM	10
MANAGER'S REPORT NO.	85
COUNCIL MEETING	1979 12 17

RE: SUBDIVISION REFERENCE #99/77
RESTRICTIVE COVENANT

Following is a report from the Director of Planning regarding a Restrictive Covenant for Subdivision Reference #99/77.

RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1979 DECEMBER 10
FROM: DIRECTOR OF PLANNING
SUBJECT: SUBDIVISION REFERENCE #99/77
Restrictive Covenant

RECOMMENDATION:

1. THAT the Municipal Council authorize the preparation and execution of a restrictive covenant pursuant to Section 215 of the Land Title Act as more particularly described in this report.

REPORT

The subject property is located south of Keith Street and east of McPherson Avenue as shown on attached Plan #1.

One of the conditions of subdivision approval requires that as many of the existing mature trees as possible be retained on Lot 160, D.L. 159, Plan (unregistered). The reason for this is that this is a special instance where a mature and extremely attractive group of trees adds considerably to the value of all surrounding properties.

The subdivision itself is questionable, as it will also be detrimental to existing dwellings which surround this property as it has minimal frontage on its access street and it restricts access to the property from which it is being subdivided. However, after canvassing adjacent residents; rather than reject the subdivision, it is considered appropriate to approve it subject to the retention of the tree grouping. This poses no problem to the applicant and has his concurrence. In fact restrictive covenants can only be entered into with the mutual consent of both parties, i.e. the Municipality and the subdivider.

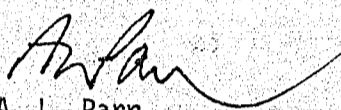
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The Parks and Recreation Department staff have evaluated the trees as shown on Plan #2 (attached) which was prepared by the applicant's surveyor. Resulting from this review, it has been recommended that every effort should be made to retain the fir trees numbered 2, 3, 4, 5, 11, 12 and 13, and the maples numbered 8 and 10 and that the dwelling should be erected within the building envelope outlined on Plan #2.

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Prior to Building Permits being issued, the developer will be provided with advice on measures necessary to protect the trees during construction.

The restrictive covenant required under Section 215 of the Land Title Act will be registered against Lot 160 in order to define the building envelope and protect the trees numbered 2, 3, 4, 6, 8, 10, 11, 12 and 13 on Plan #2.


A. L. Parr
DIRECTOR OF PLANNING

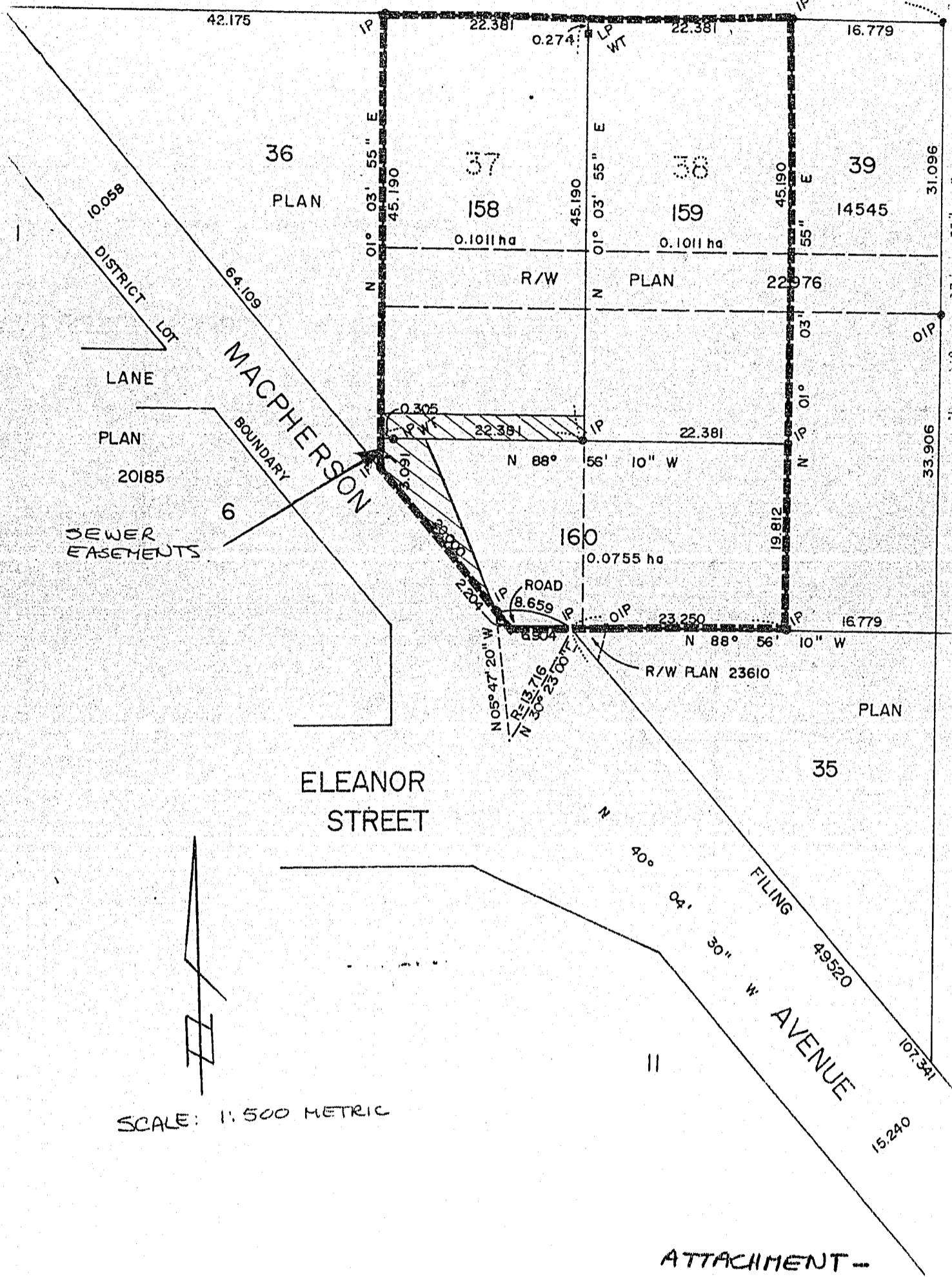
CM:st
Atts.
cc: Parks & Recreation Administrator
Municipal Solicitor
Chief Building Inspector

WISE NOTED

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KEITH STREET

N 88° 56' 10" W



SCALE: 1:500 METRIC

ATTACHMENT -
PLAN # 128

REGISTRY ACT
1979

LEGEND
BEARINGS ARE ASTRONOMIC AND ARE
DERIVED FROM PLAN 14545

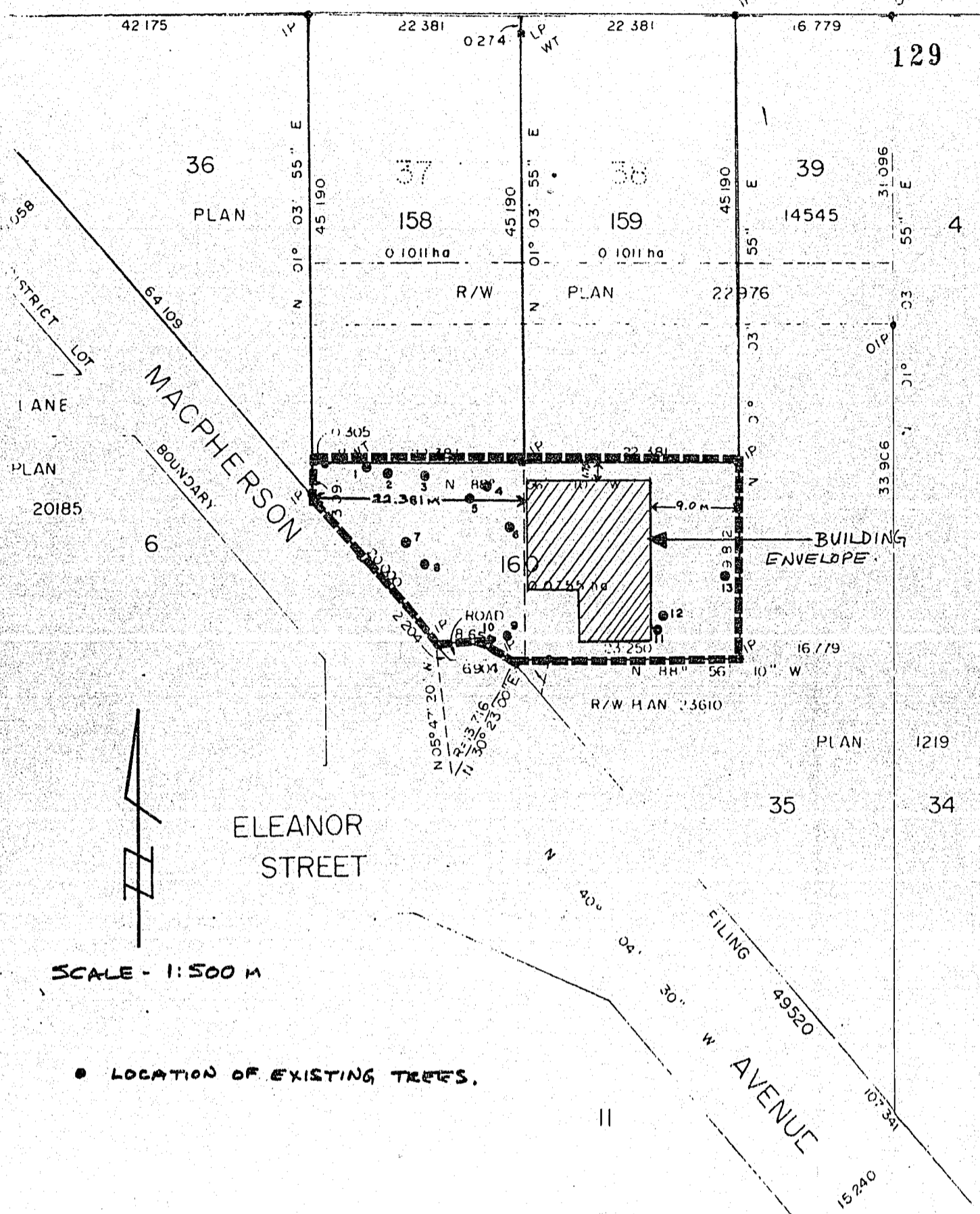
⊙ OSS MON INDICATES OLD SPECIAL SURVEY MONUMENT FOUND

ATED

KEITH STREET

N 88° 56' 10" W

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SCALE - 1:500 M

● LOCATION OF EXISTING TREES.

ATTACHMENT -
PLAN # 2

ENTRY ACT
1979

- LEGEND**
- BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN 14545
 - ⊙ O.S.S MON INDICATES OLD SPECIAL SURVEY MONUMENT FOUND
 - OI " OLD IRON POST FOUND
 - OLP " OLD LEAD PLUG FOUND