

ITEM	8
MANAGER'S REPORT NO.	14
COUNCIL MEETING	1979 02 19

RE: PROPOSED CLOSURE OF PORTIONS OF KITCHENER STREET
EAST OF PHILLIPS AVENUE - D.L. 138
ROAD CLOSURE REFERENCE #8/78

Following is a report from the Director of Planning dated 1979
February 09 regarding the above.

RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER

1979 FEBRUARY 09

FROM: DIRECTOR OF PLANNING

RE: PROPOSED CLOSURE OF PORTIONS OF KITCHENER STREET
EAST OF PHILLIPS AVENUE - D.L. 138
ROAD CLOSURE REFERENCE #8/78

RECOMMENDATION:

1. THAT Council authorize the preparation of road closing by-law and right-of-way plans by the Municipal Engineer; and
2. THAT Council authorize the introduction of a road closing by-law for portions of the Kitchener Street road allowance subject to the conditions outlined in this report; and
3. THAT Council authorize the preparation and execution of an easement agreement covering the interests of Trans Mountain Pipe Line Company Ltd., Trans Mountain Enterprises of British Columbia Limited, and Chevron Canada Limited.

REPORT

BACKGROUND:

As a result of the application made by New Horizon Investments Ltd. to subdivide the properties bounded by Aubrey Street, Phillips Avenue, Kitchener Street and the Burnaby Mountain Conservation Area, the Planning Department has examined the closure of portions of Kitchener Street as shown on the attached sketch. At present, these sections remain unconstructed but will contain a walkway and low maintenance boulevard trees and ground cover to be installed by the subdivider of the aforementioned properties. It is imperative that these portions of redundant road allowance be closed now and title retained by the Municipality in order that these areas may be properly protected and their possible loss to future adjacent property owners by Plans Cancellation be prevented.

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This would be in accordance with the Province's suggested solution to this ongoing problem. It should be noted that a first stage consolidation plan has been registered creating one parcel abutting the north side of Kitchener Street with title held by New Horizon Investments Ltd. The Corporation holds title to those lands on the south side of Kitchener Street.

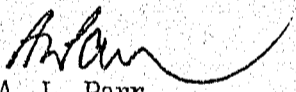
140

Reports of this proposal were circulated to various offices having an interest in the subject area. The Municipal Engineer reported that the allowance contains a Trans Mountain Oil pipeline, a jet fuel line, and a Chevron Canada pipeline which would require protection by an easement. We have received the written concurrence of Trans Mountain Pipe Line Company Ltd. (also representing Trans Mountain Enterprises of British Columbia Limited) and Chevron Canada Limited to the protection of these facilities via a single easement agreement covering the interests of these companies.

CURRENT SITUATION:

The Planning Department would advise that the proposed closures are dependent upon completion of the following conditions:

1. Preparation of the necessary road closing by-law and right-of-way plans by the Municipal Engineer.
2. Granting of an easement (66' in width) to Trans Mountain Pipe Line Company Ltd., Trans Mountain Enterprises of British Columbia Limited, and Chevron Canada Limited to protect existing facilities.
3. Submission of consents by New Horizon Investments Ltd.
4. Retention of title by the Municipality to the separate parcels that will be created subsequent to the registration of the road closing by-law.


A. L. Parr,
DIRECTOR OF PLANNING

CW:ad
Att.
cc: Municipal Solicitor
Municipal Engineer