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| ITEM | 8 |
| MANAGER'S REPORT NO. | 3 |
| COUNCIL MEETING | 1980 01 14 |

RE: RESTRICTIVE COVENANTS - SUBDIVISION REFERENCE #60/79

Following is a report from the Director of Planning regarding restrictive covenants on Subdivision Reference #60/79.

RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1980 JANUARY 08
FROM: DIRECTOR OF PLANNING
SUBJECT: SUBDIVISION REFERENCE #60/79
Restrictive Covenant
X.Ref. R.Z. #28/74

RECOMMENDATIONS:

1. THAT Council authorize release of the restrictive covenant registered over Lots 113 and 114, D.L. 4, Plan 48256 under BY 30041.
2. THAT Council authorize the preparation and execution of a new restrictive covenant under Section 215 of the Land Title Act, as more particularly outlined in this report.

REPORT

The subject properties are located at the south-west corner of Cameron Street and Erickson Drive, as shown on the attached sketch.

On 1975 May 20 Council gave Final Adoption to Rezoning Reference #28/74 to rezone the site to Comprehensive Development District (CD) utilizing the Multiple Family Residential (RM5) guidelines for the purpose of constructing two 20 storey condominium apartments. At that time, the applicant had also requested subdivision of the site into 3 parcels for financing purposes, with the westerly parcel being maintained for park purposes. In order to ensure that the two remaining lots were used in conjunction with each other, as required in the CD plan, it was necessary for the developer to enter into a restrictive covenant, prohibiting disposal of the undeveloped lots unless they were sold as one project. This provided the Municipality with assurance that the two lots would be developed as one, and satisfied the developer in his concern over financing.

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The project, in its entirety has now been sold to Qualico Developments Ltd. who have requested re-subdivision of the lots to provide a more suitable configuration (see sketch). The applicant has also requested release of the existing covenant as a possibility exists whereby one or both lots will be sold independent of the other. In this regard, the Corporation would still expect that both sites operate as one, insofar as the communal facilities are concerned.

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Therefore, one of the conditions of final re-subdivision approval requires that common use, access and maintenance of the communal facilities for both lots is provided jointly. In order to achieve this requirement, it will be necessary for the developer to enter into a restrictive covenant under Section 215 of the Land Title Act to make specific reference to the joint facilities and method of use/maintenance.

Additionally, it is advised that the applicant has no objections to the release of the restrictive covenant registered under BY 30041 in favour of a new covenant which would outline in more specific detail, the use of both sites in conjunction with each other.


A. L. Parr
DIRECTOR OF PLANNING

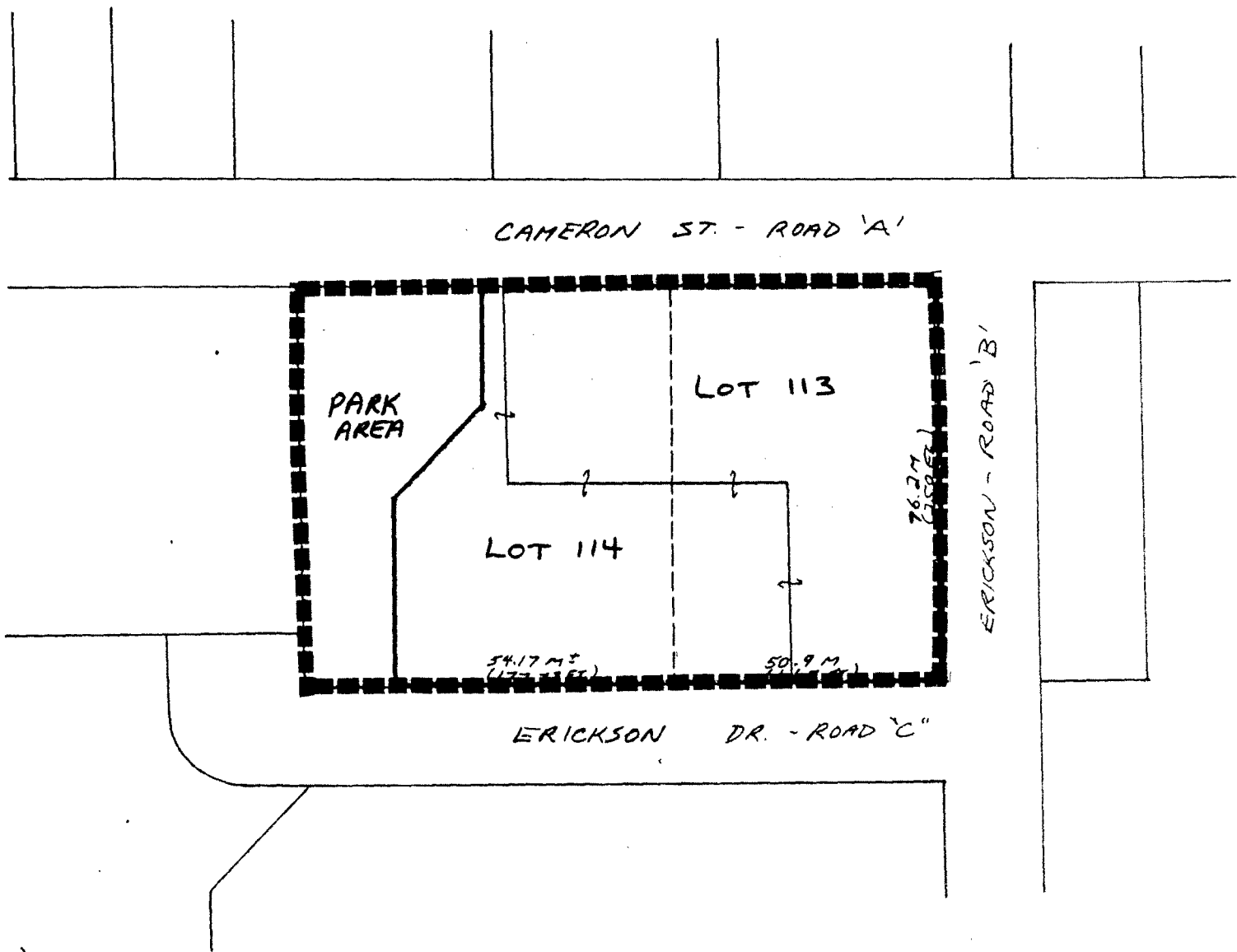
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Att.
cc: Municipal Solicitor

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D.L. 4
 LOTS 113 & 114
 PLAN 48256

S.D. REF #60/79
 X.REF SD# 29/75
 R2# 28/74

ZONING: C.D.



SCALE: 1" = 100' C.M.

1979 JULY

