

ITEM	6
MANAGER'S REPORT NO.	25
COUNCIL MEETING	1980 03 31.

RE: REESE AVENUE RIGHT-OF-WAY BETWEEN
CAMERON AND SULLIVAN STREETS
COMMUNITY PLAN AREA "G"
"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 9, 1979" - BYLAW NO. 7457

Following is a report from the Director of Planning regarding the Reese Avenue Right-of-Way between Cameron and Sullivan Streets.

RECOMMENDATIONS:

1. THAT the recommendations of the Director of Planning be adopted.
2. THAT a copy of this report be sent to Mr. Bruce Cox, 9346 Sullivan Street, Burnaby, B.C. V3J 1H5

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TO: MUNICIPAL MANAGER

1980 MARCH 24

FROM: DIRECTOR OF PLANNING

SUBJECT: REESE AVENUE RIGHT-OF-WAY BETWEEN
CAMERON AND SULLIVAN STREETS
COMMUNITY PLAN AREA "G"
"BURNABY HIGHWAY EXCHANGE BY-LAW NO.9, 1979" - BYLAW NO.7457

RECOMMENDATIONS:

THAT Council authorize:

1. the abandonment of the subject "Burnaby Highway Exchange By-law No. 9, 1979" - By-law No. 7457.
2. the preparation and introduction of a Highway Exchange By-law to close all of Nevin Street, Reese Avenue and the lane allowance in return for a 10' dedication of land fronting Cameron Street as shown on the attached sketch #1. It will be necessary that the Municipal Engineer amend the by-law plans accordingly.
3. the consolidation of the parcels into 2 lots as shown on the attached Sketch #2. It will be necessary that the Municipal Engineer prepare the necessary subdivision plan.
4. the preparation and execution of a restrictive covenant pursuant to Section 215 of the Land Title Act over proposed Lot 1 restricting its use for public pedestrian access only. (Council approval would be required if, in the future, a need arose for its dedication and construction therein of a roadway.
5. the preparation and execution of an easement agreement over proposed Lot 1 to provide public access (pedestrian only) to that portion of proposed Lot 2 which will lie on the east side of proposed Lot 1. Upon consolidation of the easterly portion of proposed Lot 2 with properties to the east having road frontage on Cameron Street this easement agreement will become redundant and should be discharged from proposed Lot 1.

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REPORT

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At the Council Meeting on January 28 Mr. Bruce Cox, 9346 Sullivan Street, appeared before Council to express concern that a roadway would be constructed between Sullivan Street and Cameron Street parallel to the proposed walkway.

Arising out of Council's discussion of this subject, the following Motion was adopted:

"THAT "Burnaby Highway Exchange By-law No. 9, 1979", By-law No. 7457, be referred back to the Municipal Manager for ways and means to limit the use of the Reese Avenue road allowance between Sullivan Street and Cameron Street as a highway and to develop the road network."

Consistent with Council's motion, the Planning Department has obtained an approval from the Land Title Office to proceed with a Highway Exchange by-law which would close all of Nevin Street, Reese Avenue, and lane allowance in return for the dedication of a 10 foot portion of land fronting Cameron Street as road allowance (see Sketch #1). This will allow for the creation of two parcels of land having the configuration shown on Sketch #2. We propose that a restrictive covenant pursuant to Section 215 of the Land Title Act be registered over proposed Lot 1 restricting its use for public pedestrian access purposes only. Thus, the dedication of a right-of-way, with its connotation that a street could be constructed, would be precluded, and this area would be exclusively reserved for pedestrian walkway purposes. If, in the future, it is found necessary that a road be constructed in this location, then it could be accommodated within the boundaries of proposed Lot 1. An adequate area should be kept available for such a possibility. However, Council approval would be required for its dedication and construction as road.

The Land Title Office advised that since proposed Lot 2 will be separated by proposed Lot 1 and the easterly portion thereof will lack road frontage, it will be necessary that an easement agreement be registered over all of proposed Lot 1 (since it will have road frontage at both the north and south sides) to provide public pedestrian access to the easterly portion of proposed Lot 2. This easement agreement will remain on the titles of both proposed Lots 1 and 2 (Lot 1 as the dominant tenement and Lot 2 as the servient tenement) until such time as the easterly portion of proposed Lot 2 is consolidated with properties to the east having road frontage on Cameron Street. At that time, the necessary release document could be registered (Council approval would not be necessary to prepare the release document).

In summary, a legal solution acceptable to the Land Title Office is proposed which would restrict the Reese linkage from Sullivan Street to Cameron Street for pedestrian use only and would preclude the use of this area for vehicles, thus allaying the expressed concerns of the residents in the area.


A. L. Parr
DIRECTOR OF PLANNING

CW/sb

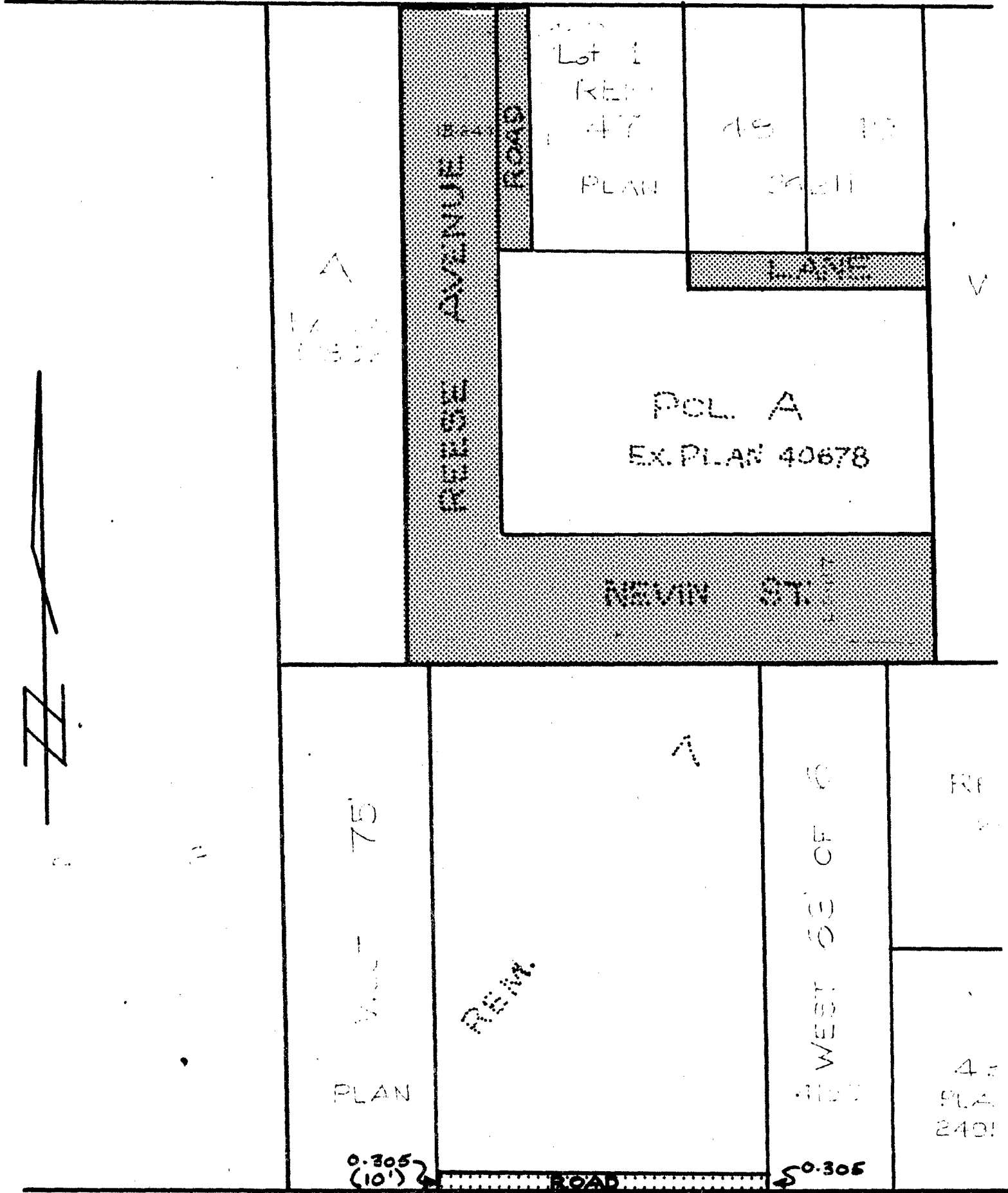
Attachments

cc Municipal Solicitor
Municipal Engineer
Municipal Clerk

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SULLIVAN

STREET



CAMERON

STREET

ROAD CLOSURES

D. L. 4

SCALE: 1:750

ROAD DEDICATION

SKETCH # 1

SULLIVAN

STREET

20-117

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REM
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PLAN

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115
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26211

A
Ex. PLAN
12393



LOT 1

PL. A
EX. PLAN 43213

2

NEW ST
20-117

75'

PLAN

0.305

LOT 2

WEST 63' OF 6

4155

0.305

4
PL.
24

ROAD

CAMERON

20-117

STREET

 PROPOSED LOT 1

D. L. 4

 PROPOSED LOT 2

SKETCH #2

SCALE: 1:750