

ITEM	7
MANAGER'S REPORT NO.	7
COUNCIL MEETING	1982 02 01

RE: ROAD DEDICATION INQUIRY  
PROPOSED COMMERCIAL DEVELOPMENT  
4330 AND 4360 KINGSWAY AND 5956 WILSON AVENUE  
REZONING REFERENCE #163/81  
(ITEM 14, REPORT NO. 4, 1982 JANUARY 18)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the report of the Director Planning & Building Inspection be received for information purposes.

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TO: MUNICIPAL MANAGER  
FROM: DIRECTOR PLANNING & BUILDING INSPECTION  
SUBJECT: ROAD DEDICATION INQUIRY  
PROPOSED COMMERCIAL DEVELOPMENT - KINGSWAY/WILSON  
REZONING REFERENCE #163/81

PLANNING DEPARTMENT  
1982 JANUARY 26

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

At its meeting of 1982 January 18, Council advanced the rezoning proposal at Kingsway and Wilson to a Public Hearing. At that time, an inquiry was made as to whether rezoning applicants have paid for property owned by the Municipality which is dedicated for road right-of-way purposes in conjunction with a rezoning. A report outlining past precedents on this matter was requested.

The following comments apply:

- a) It will be the responsibility of this developer (R.Z. #163/81) to construct Kemp Street from Wilson to Kathleen Avenues to a 46-foot width, curbs and gutters both sides, sidewalks both sides, street lighting and street trees within property acquired by the Municipality for this purpose.  
In conjunction with a report considered by Council on 1976 August 03, the property at 5961 Kathleen Avenue (Lot "F") was acquired by the Municipality to provide for the extension of Kemp Street as "a necessary future link in improving internal circulation within the immediate area". The same report noted that Lot 7 at 5956 Wilson Avenue was also acquired by the Municipality in 1970 for the Kemp Street extension.
- b) When the Municipality has already acquired property for road purposes, it is not normal policy to have a future abutting development bear part or all of the cost of acquisition. However, the developer is expected to construct any necessary abutting roads.

c) Examples other than the subject rezoning which come to mind where lands acquired by the Municipality have been subsequently dedicated for road allowance with road works then constructed by the developer at his cost include:

1. Woodbrook Place - East of Phillips Avenue; full allowance dedicated (R.Z. #31/78).
2. Silver Avenue - One municipal lot to be dedicated (R.Z. #28/75 - not yet completed).
3. Woodway Place - Municipal lot dedicated (R.Z. #9/74).
4. Iris Avenue - Land from municipal lot dedicated for westerly portion of road (R.Z. #42/74).
5. Lawrence Street - Council approved the dedication of a 33-foot wide strip of property from municipal lands for road allowance purposes (S.D. #84/80).

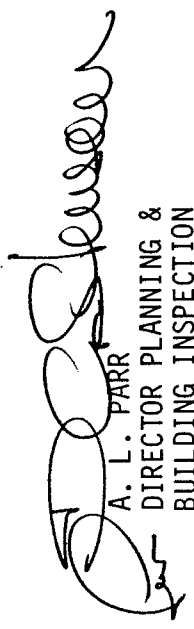
d) Conversely, we know of no examples where lands acquired by the Municipality for road purposes were subsequently required to be purchased by a developer and then dedicated for the same road purpose.

Therefore, it is concluded that there is no precedent for requiring a developer to pay for municipally-owned property in order to subsequently dedicate the property for road right-of-way purposes. Unless otherwise directed by Council, Municipal staff will continue to follow the established approach.

This is for the information of Council.

*ALP*  
KI:lf

cc: Municipal Solicitor

  
A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION