

ITEM 9
MANAGER'S REPORT NO. 59
COUNCIL MEETING 1982 10 25

RE: PROPOSED CLOSURE OF A PORTION OF PHILLIPS AVENUE
(WEST SIDE) NORTH OF LOUGHEED HIGHWAY
ROAD CLOSURE REFERENCE #9/81
(ITEM 1 OF ITEM 14, REPORT NO. 43, 1982 SEPTEMBER 21)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Approving Officer be adopted.

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TO: MUNICIPAL MANAGER 1982 OCTOBER 19
FROM: APPROVING OFFICER
RE: PROPOSED CLOSURE OF A PORTION OF PHILLIPS AVENUE
(west side) NORTH OF LOUGHEED HIGHWAY
ROAD CLOSURE REFERENCE #9/81

RECOMMENDATIONS:

1. THAT Council authorize the preparation and introduction of a Road Closing By-law for the portion of Phillips Avenue road allowance adjacent to 2907 Phillips Avenue subject to the outlined conditions.
2. THAT Council authorize the sale of a triangular portion of municipally-owned Lot 6 ex. N.W. 4 ac. and N.E. pt. and Plan 12169, D.L. 59/136/137, Gp. 1, Plan 3050, N.W.D. subject to the outlined conditions.

REPORT

SUMMARY:

The closure of a portion of Phillips Avenue and its consolidation with 2907 Phillips Avenue (Lot 4, Blk. 5, D.L. 59, Gp. 1, Plan 12321, N.W.D.) will facilitate this lot's subdivision. The applicant has advised that he intends to pursue the road closure first and, subsequently, subdivide Lot 4. However, in the event that it is necessary to extend Lawrence Street west of Phillips Avenue before the subdivision proceeds, the portion of road allowance required from Lot 4 will have been obtained through the land exchange proposed in this report. The proposed exchange also incorporates a redundant triangular portion of municipally-owned property with Lot 4.

BACKGROUND:

Council, on 1981 September 21, received a report for the rezoning of Lot 4 from A2 Small Holdings District to R2 Residential District (Rezoning Reference #118/81)

to permit the creation of two lots for new single family development in accordance with the surrounding area. The following recommendations were adopted by Council at that time:

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"1. THAT Council authorize the Legal and Lands Department to establish the value of the land for the sale of the redundant portion of Phillips Avenue as referenced in Section 3.3 of this report.

2. THAT Council authorize the introduction of a Road Closing By-law as outlined in Section 3.3 of this report, contingent upon the granting by Council of Second Reading of the subject rezoning by-law."

The third recommendation dealt with the preparation and advancement of a rezoning by-law to a Public Hearing on 1981 October 20 and outlined the prerequisite conditions of rezoning.

Second Reading of the rezoning by-law was given by Council on 1981 October 26. Since that time, the applicant has advised us that he wishes to firstly complete the road closure and, subsequently, to pursue the subdivision.

Reports of the proposed closure were circulated to the various agencies having an interest in the subject road allowance.

CURRENT SITUATION:

The Engineering Department are prepared to support the proposed closure provided that a portion of Lot 4 is dedicated as road allowance in accordance with the future subdivision and road pattern for the area and provided that the Municipality is fully compensated for the area being closed. A redundant triangular portion of municipally-owned property (Lot 6 ex. N.W. 4 ac. and N.E. pt. and Plan 12169, D.L. 59/136/137, Gp. 1, Plan 3050, N.W.D.) will be left on the south side of this future road allowance and should be consolidated with Lot 4 at this time. The only utility lying within the closure area is an underground telephone duct system that may be protected by an easement. The Legal and Lands Department have recommended that payment of compensation be made to the Municipality in the amount of \$6.59 per square foot for the net square footage of the road closure area and the triangular portion of Lot 6 that will remain from which the area of Lot 4 required for road allowance purposes has been deducted.

When the above reports were received, we sent a letter to the applicant stating that the proposed closure would be contingent upon completion of the following conditions:

1. Consolidation of the cancelled portion of Phillips Avenue and a triangular portion of Lot 6 ex. N.W. 4 ac. and N.E. pt. and Plan 12169, D.L. 59/136/137, Gp. 1, Plan 3050, N.W.D. with Lot 4, Blk. 5, D.L. 59, Gp. 1, Plan 12321, N.W.D.
2. Dedication of a portion of Lot 4, Blk. 5, D.L. 59, Gp. 1, Plan 12321, N.W.D. for road allowance purposes.
3. Payment of compensation to the Municipality in the amount of \$6.59 per square foot for the net square footage of the road closure area and the triangular portion of Lot 6 remaining from which the area of Lot 4 required for road allowance purposes has been deducted.

It should be noted that the exact width of the closure area will be governed by the requirement that each proposed lot (when they are subdivided sometime in the future) have an area of not less than 7,212.06 square feet (the closure area is needed to bring both proposed lots up to meet this minimum area requirement). The width of

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the closure area will also be governed by the partial road dedication that is required from Lot 4.

4. Granting of a right-of-way over the closure area to B.C. Telephone to protect their underground duct system.
5. Submission of all necessary road closing by-law plans, consolidation plans and right-of-way plans.
6. Submission of all necessary registration, document preparation and final examination fees.
7. Payment of any outstanding taxes.
8. Completion of the rezoning subsequent to finalization of the road closure and consolidation. The timing of this will coincide with the subdivision of Lot 4.

We have received the applicant's written concurrence with the above conditions.



A. L. Parr,
APPROVING OFFICER

CW:ad
Att.
cc: Municipal Solicitor
Director Engineering

PROPOSED CLOSURE OF
A PORTION OF PHILLIPS AVE.
WEST SIDE - NORTH
OF HOUGHHEED HWY.

XREF. S.D 64|81
RZ 118|81

MUNICIPAL LANDS
LOT 6 ON NW 1/4 AC. PER PL 12169,
D.L. 85/154/157, 6/15, PLAN 8088 N.W.B.

PORTION OF LOT 6
TO BE CONSOLIDATED
WITH LOT 4.

FUTURE
ROAD DEDICATION

CORNER TRUNCATION
REQUIRED.

LAWRENCE ST.

PHILLIPS AVE
Road A
2887

lot 4

ROAD
DEDICATION
REQUIRED

ROAD
CLOSURE
AREA

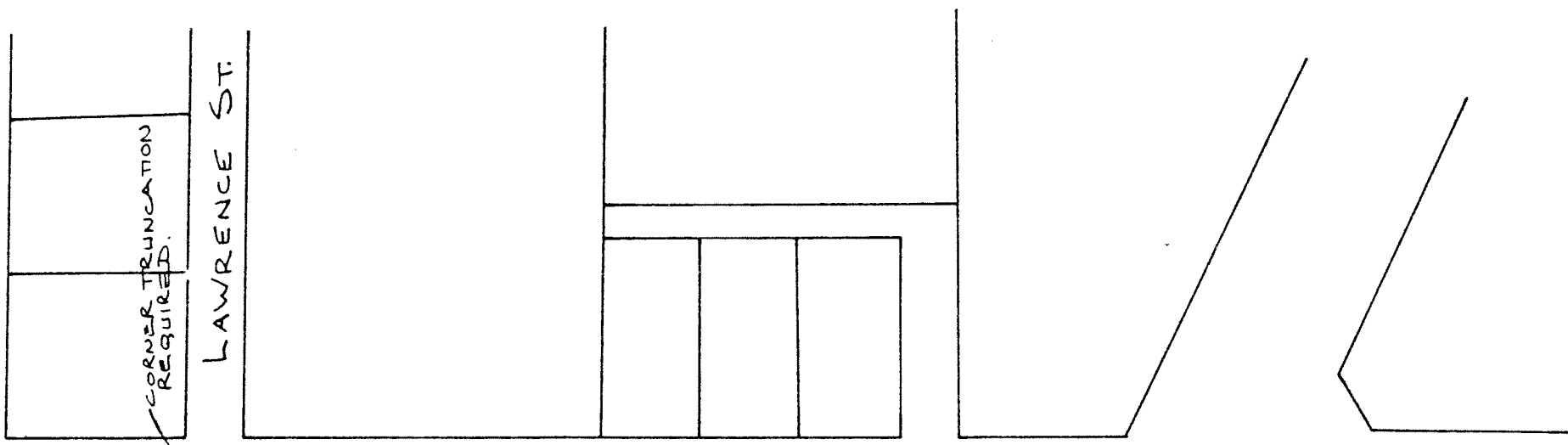
HOUGHHEED
HIGHWAY

ZONING: R2 (TO BE REZONED TO R2)

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R.C # 9|81

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SCALE 1" = 100'
REVISED 1982 SEPT. C.W.
1981 AUG. H.R.
REVISED 1982 JUNE C.W.