

ITEM 12
MANAGER'S REPORT NO. 49
COUNCIL MEETING 87/08/10

RE: SUBDIVISION REFERENCE NO. 74/84
DL 74, LOTS 12 W, 80 FT AND 13 1/2, PLAN 1380;
DL 74 AND 75, BLK 2A, LOTS 2 & 3, PLAN 15685
3313 AND 3343 DOUGLAS ROAD AND 5491 AND 5511 LAUREL STREET
ROAD CLOSURE REFERENCE NO. 13/85

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1987 JULY 31
FROM: APPROVING OFFICER

SUBJECT: SUBDIVISION REFERENCE #74/84
D.L. 74, LOTS 12 W 80' & 13 E 1/2, PLAN 1380;
D.L. 74 & 75, BLK. 2A, LOTS 2 & 3, PLAN 15685
3313 & 3343 DOUGLAS ROAD AND 5491 & 5511 LAUREL STREET
ROAD CLOSURE REFERENCE #13/85

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RECOMMENDATION:

1. THAT a Road Closing Bylaw be introduced for the closure of portions of lane allowances west of Douglas Road and north of Laurel Street subject to the conditions outlined in Section 3.1 of this report.
2. THAT a copy of this report and the previous report on this topic (Item 20, Manager's Report #47, 1987 July 24) be sent to Mr. D. J. Horgan.

R E P O R T

1.0 BACKGROUND

Council, on 1987 July 27, referred a report in connection with closure of portions of lane allowances west of Douglas Road and north of Laurel Street back to staff to confer with Mr. Horgan, real estate agent for the owners of 3313 and 3343 Douglas Road, as to possible options on the method of closure.

2.0 OPTIONS

(a) Closure By Road Closing Bylaw

As mentioned in our previous report, we are prepared to recommend to Council the closure and sale of those portions of lane allowances as shown on the attached sketch subject to various conditions, one of which involves the payment of compensation of \$8.00 per square foot.

Closure via this method is the normal procedure that is implemented where subdivision of privately-owned lands is involved.

(b) Closure By Highway Exchange Bylaw

As stated by the Approving Officer in the Council meeting, closure via this method is a procedure that is commonly employed under Council authority where rezoning of privately-owned lands is involved. In the subject case, subdivision is proceeding under the existing R3 Residential Zoning District and rezoning is not required. Therefore, this approach is not appropriate under the prevailing circumstances in this case.



(c) Closure By Plans Cancellation

It is our understanding that closure of the subject lane allowances via Plans Cancellation is a viable option. Under this procedure, the owners may apply to The Land Title Office Registrar for closure and transfer of title directly to them. It is the Municipality's normal practice to request that the Registrar, in his consideration of such applications, grant that the Municipality be compensated at fair market value for the closure areas, notwithstanding there is no provision under this section of the Municipal Act for compensation in this regard.

3.0 CURRENT SITUATION

Mr. Horgan has discussed the foregoing with the owners who are now considering their options. We have been advised that they may contact the Legal Department to attempt to negotiate a lower market value and subsequently proceed with Option (a); otherwise, they will likely proceed with Option (c). The adoption of the first recommendation of this report will facilitate processing of the subdivision utilizing Option (a) and will not impair the owners' rights to proceed, should they so choose, under Option (c).

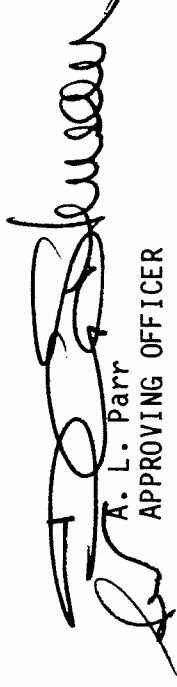
3.1 The previous report on this topic, which was considered by Council on 1987 July 24, contained an outline of the conditions that would be proposed in conjunction with closure and sale of the redundant portions of lane allowance. For convenience, the following summarizes those conditions, as conveyed to the applicant by letter 1987 July 16:

- (a) Completion of all aforementioned conditions of subdivision.
- (b) Consolidation of the lane allowances with proposed Lots 5 and 6.
- (c) Granting of the owner's legal consent to the proposed lane closure abutting 5521 Laurel Street. We firstly require a preliminary letter of approval from the owner of this lot.
- (d) Payment of compensation to the Municipality in the amount of \$8.00 per square foot for the areas being closed.
- (e) Submission of all necessary road closing by-law plans and subdivision plans.
- (f) Completion of the appropriate Statement as to Citizenship forms (copies attached) (leave legal description blank as this pertains to the closure areas) and submission to our department.
- (g) The Deed(s) of Land will be prepared by the Municipal Solicitor after the Road Closing By-law has received all four readings by Council.

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4.0 CONCLUSIONS

While the owners are deliberating on this matter, we would consider it prudent for Council to authorize, at this time, the introduction of a Road Closing Bylaw, subject to the conditions outlined in Section 2.0 of our previous report (Council Meeting 1987 July 24, Item 20, Manager's Report No. 47), so as not to delay the process should the owners choose to proceed with Option (a). They will then be responsible for preparation and submission of all necessary road closing bylaw plans and subdivision plans.



A. L. Parr
APPROVING OFFICER

CMM/hr
Att.
cc: Municipal Solicitor

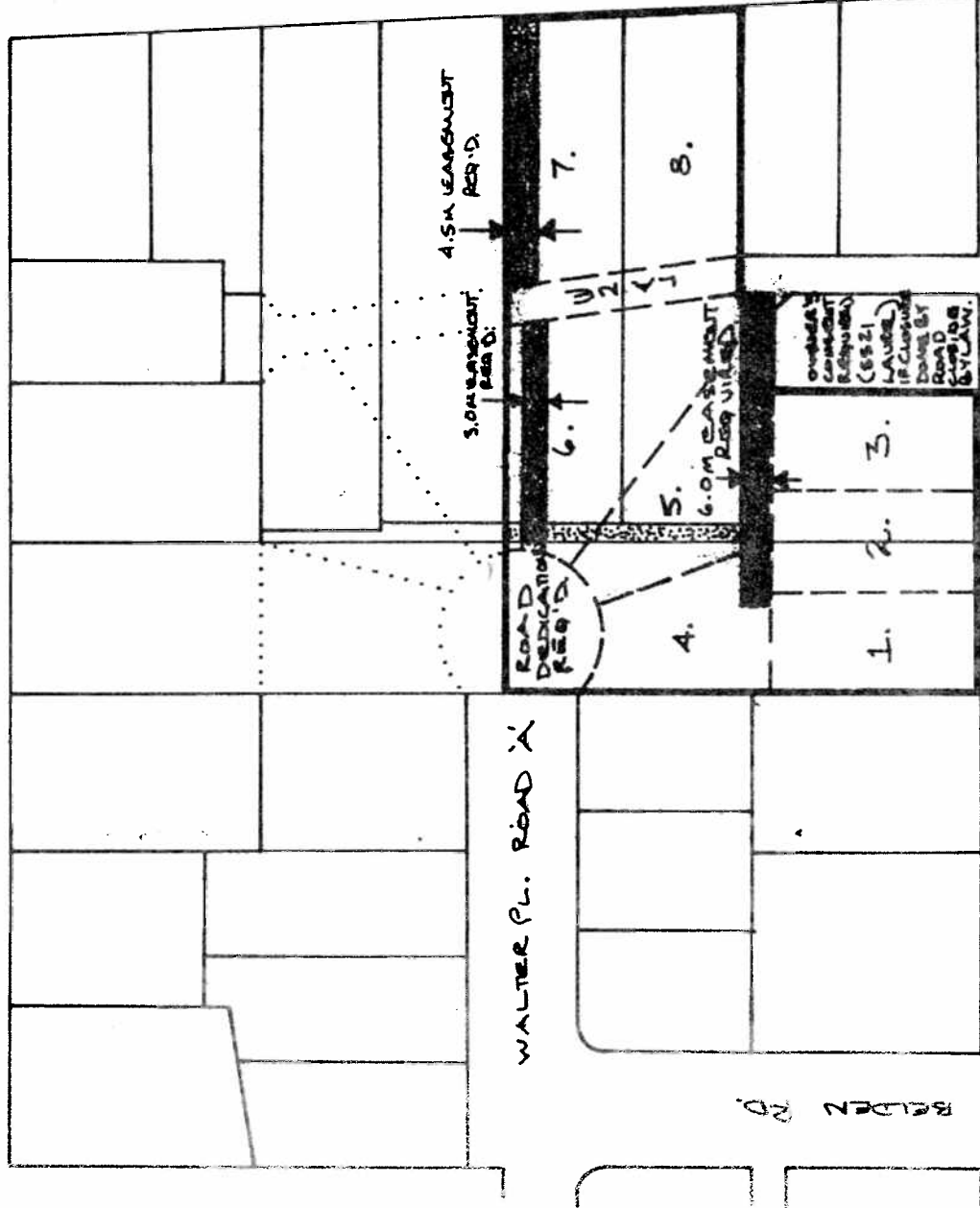
BL. 74 LOTS 12 W. 80' & 13 E 2 PLAN 1380
BL. 74 & 75 BLK. 2 A LOTS 2 & 3 PLAN 15685

S.D. REF. # 74/84

ZONING: R3

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NORFOLK ST.



WALTER PL. ROAD 'A'

LAUREL ST. ROAD 'B'

BEIDEN RD

157

DOUGLAS RD. ROAD 'C'



SCALE: 1" = 100'
1985 NOV. C.M.M.