

ITEM 20
MANAGER'S REPORT NO. 47
COUNCIL MEETING 87/07/27

RE: LETTER FROM MR. D.J. HORGAN, PARK GEORGIA REALTY LTD., #216A - 4501 NORTH ROAD,
BURNABY, B.C. V3N 4R7
SUBDIVISION REFERENCE NO. 74/84
3313 and 3343 DOUGLAS ROAD AND 5491 and 5511 LAUREL STREET
ROAD CLOSURE REFERENCE NO. 13/85

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1987 JULY 22

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

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 this report.

R E P O R T

1.0 BACKGROUND

Appearing on this agenda is a letter from Mr. D. J. Horgan, real estate agent for the owners of 3313 and 3343 Douglas Road, requesting that Council authorize a highway exchange bylaw to close portions of lane allowances west of Douglas Road and north of Laurel Street in exchange for lane dedication, as shown on the attached sketch, and that no compensation be required of the owners to the Municipality for the lane closure areas.

As a result of an application from Mr. David Crombie, previous applicant and agent for the owners, to subdivide the subject four properties into a total of eight lots, the Planning and Building Inspection Department reviewed the existing lane allowances within the subdivision site. The allowances are undeveloped and are considered redundant for lane use. Reports of the proposed lane closures were circulated to the various agencies having an interest in the lane allowances. Subsequently, on 1986 January 16, Tentative Approval was issued to the subdivision application subject to various conditions, one of which further detailed conditions of the proposed lane closures. Mr. Crombie did not pursue the subdivision and lane closures.

As a result of the reactivation of the subject subdivision application recently by a new applicant and agent, Mr. Aj Chadha, for the four owners, the Planning and Building Inspection Department reviewed and recirculated the application. Subsequently, on 1987 July 16, Tentative Approval was issued to the subdivision application subject to various conditions, including those pertaining to the proposed lane closures.

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2.0 CURRENT SITUATION

Item #20 of our letter of 1987 July 16 stated that we are prepared to recommend to Council the closure and sale of those portions of lane allowance as shown on the attached sketch, subject to the following conditions:

- (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 (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.

The value of \$8.00 per square foot as shown in condition (d) above is higher than the previously quoted value of \$5.00 per square foot that was established in January of 1986. The Legal Department, in reviewing the reactivated application, increased the amount to \$8.00 (approximately \$18,539.20 for the 2,317.4 sq. ft. closure areas) as the current market value.

Section 573 of the Municipal Act provides for the abandonment of highways by the Minister of Municipal Affairs (Road Closing Bylaw). Under this procedure, title of the road closure area may be vested in the Municipality for subsequent transfer to the interested party or agency. The policy of the Ministry requires that such conveyancing or vesting may not be completed without compensation first being received by the Municipality. The Ministry has established that the compensation shall represent fair market value of the closure area.

Section 989(1)(b) of the Municipal Act requires the provision of highways (definition includes streets and lanes) within a subdivision and Section 995 requires that such provision be made without compensation to the owner of the land being subdivided. In the subject case, road and lane dedication is required from the site as a condition of subdivision.

Section 574 of the Municipal Act provides for the disposal of highways by Council in exchange for land necessary for highways (Highway Exchange Bylaw).

The procedure described above under Section 573 of the Municipal Act is the normal procedure that is implemented where subdivision of privately-owned lands is involved to close road and lane allowances.

It should be noted that, under certain circumstances, closure of the lane allowances via Plans Cancellation (under the jurisdiction of the Registrar of the Land Title Office) is an option that may be pursued directly by the owners should they so choose.

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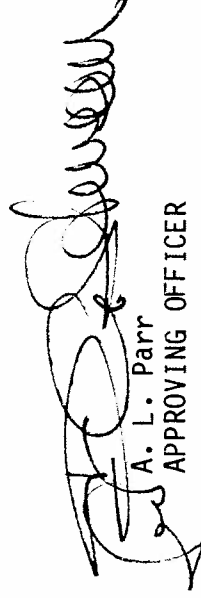
3.0 CONCLUSIONS

The lane allowances need to be closed to facilitate the subdivision of the subject properties.

The request for compensation for the lane closure areas is consistent with past practice and is in accordance with the requirements of the Ministry of Municipal Affairs.

Road and lane dedication from the site is a requirement of subdivision and is a separate issue under the jurisdiction of the Approving Officer.

The Approving Officer, therefore, recommends that a Road Closing Bylaw be introduced for the closure of portions of lane allowances within the subject subdivision, subject to the conditions outlined in Section 2.0 of this report.


A. L. Parr
APPROVING OFFICER

CMM/hr
Att.

cc: Municipal Solicitor

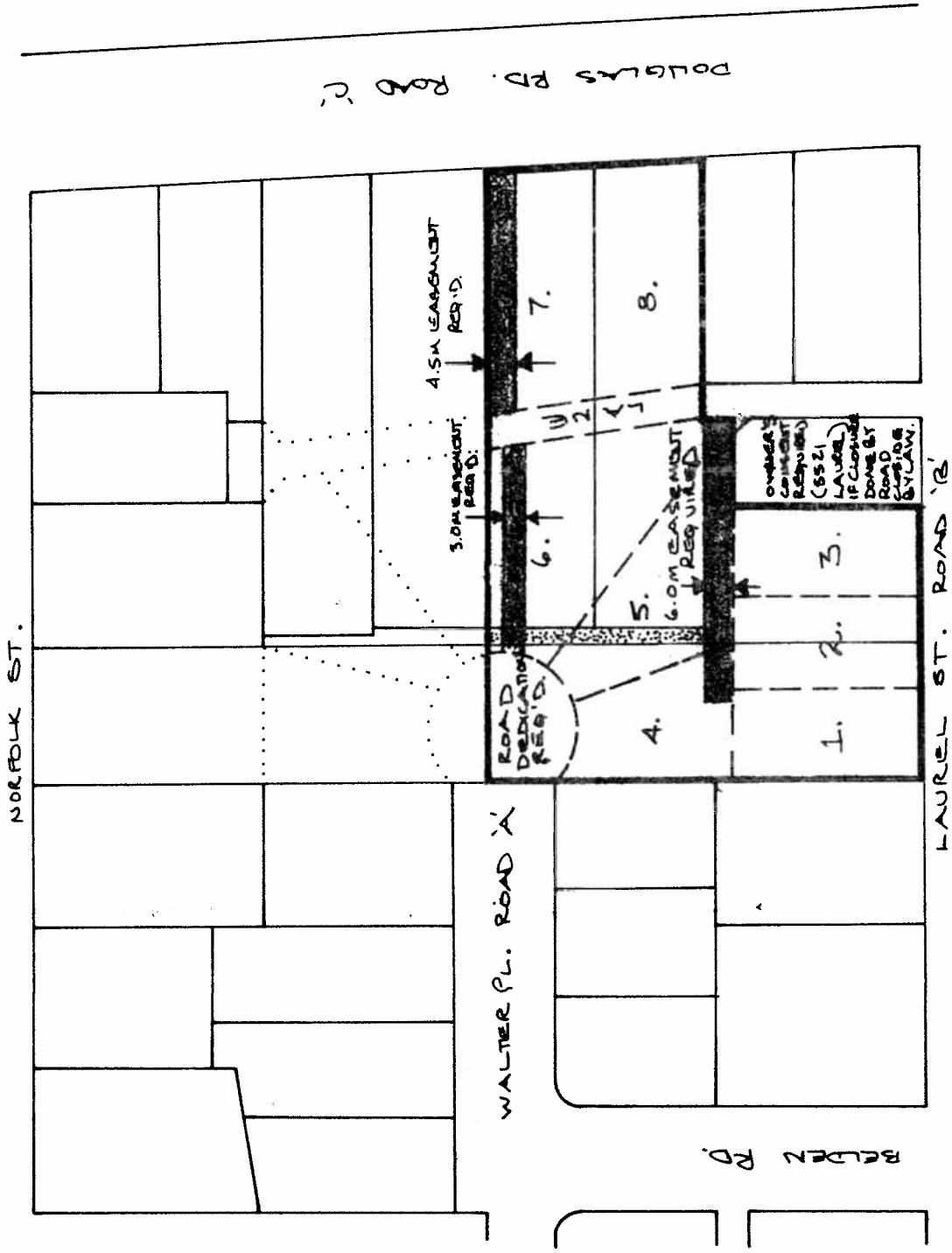
D.L. 74 LOTS 12 W. 00' of 13 E & PLAN 1380
 D.C. 74 & 75 BULK 2 A LOTS 2 & 3 PLAN 15685

S.D. REF. # 74/84

ZONING: R3

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