

RE: CHARLES STREET EAST OF FELL AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1989 December 13
FROM: DIRECTOR PLANNING & BUILDING INSPECTION
SUBJECT: CHARLES STREET EAST OF FELL AVENUE
PURPOSE: To provide Council with a response to a letter included in the 1989 December 11 Agenda, and to confirm Council's intention with respect to creating a hammerhead and pedestrian linkage in this segment of Charles Street.

RECOMMENDATIONS:

1. THAT Council adopt the following resolution:
"Be it resolved that this Council confirm its intention that the development of that portion of Charles Street lying immediately east of Fell Avenue be for a hammerhead turnaround, pedestrian sidewalk, and landscaping in accordance with the attached sketch (Appendix "A"), and for no other purpose".
2. THAT a copy of this report be sent to Alfred and Bev Mikl, 1310 Fell Avenue, Burnaby, B. C. V5B 3Y8.

REPORT

1.0 BACKGROUND

An item of correspondence from Alfred and Bev Mikl appeared on the 1989 December 11 Council Agenda with reference to a matter concerning Charles Street at Fell Avenue.

On 1986 January 21, Final Approval was given to Mr. Mikl's subdivision at 1330 Fell Avenue (Subdivision Reference #88/85) based on, among other things, dedication of a 33 foot strip of his land for road purposes and submission of \$16,725.00 as the "In Trust" amount required for 1/2 the cost of completing Charles Street.

Mr. Mikl has in the past indicated his desire for assurances that the land dedicated for road be used only for road and boulevard purposes. In view of Council's decision on December 11 regarding the form that the completion of this road segment is to take, it is now possible to provide particulars on the specific way in which the land and the funds In Trust are to be utilized.

2.0 CURRENT SITUATION

2.1 The Approving Officer has the responsibility to ensure that provision is made for sufficient highways and other roads or ways at the time of subdivision approval, and to provide for their development in accordance with the Municipality's standards. In connection with the subdivision of the property south of the Charles Street alignment in 1985, a dedication corresponding to the extension of the south half of Charles Street across the flankage of the new lot was obtained, and funds were placed In Trust pending dedication of the necessary remaining north half and construction of the related road and boulevard works.

The amount of funds obtained and placed In Trust was based on an estimate provided by the Director Engineering at the time, reflecting 1985 construction costs.

2.2 At the present time, a subdivision application on the north side of Charles Street at 1260 Fell Avenue (Subdivision Reference #49/88) is nearing completion. The applicant, Mr. Wong, has submitted design drawings which were approved prior to 1989 December 11 and therefore reflect the dedication previously contemplated and future extension of Charles Street through to Fell Avenue.

As Council has now approved a recommendation that Charles Street not be developed to accommodate through traffic, this design will require revision to reflect the finishing of Charles Street as per the attached sketch. Additionally, landscape plans will be required for the boulevard treatment of the area of Charles Street between the hammerhead turnaround and Fell Avenue.

2.3 Once the revised and new designs have been approved, estimates for the costs of construction of the adopted road and associated sidewalks and boulevard works will be calculated by the Engineering Department.

It is intended that the funds held In Trust be applied against the revised design and estimated construction cost on a half-and-half basis together with funds contributed by the subdivider to the north, to complete the work.

It should be pointed out that the funds deposited In Trust by Mr. Mikl in 1985 reflected then-current construction cost estimates, and that actual costs today would reflect the inflation that has occurred in that period. On the other hand, the revised road treatment as approved by Council entails less pavement and curb construction than was initially contemplated, so some offsetting cost reduction may be expected. Once the work is completed and actual costs are known, any surplus funds from the In Trust amount, if any, will be returned to Mr. Mikl; if, on the other hand, the actual costs overrun the amount held In Trust, it would be our intention that the Municipality absorb the difference rather than looking to the abutting owners for additional funding.

2.4 In appreciation of the fact that Mr. Mikl, having dedicated land and deposited funds for road purposes, wishes an assurance that the Municipality will continue to reserve the land for that purpose and no other, staff in consultation with the Solicitor have considered the mechanisms that Council could use to confirm its intended purpose. As the lands are dedicated road, the Municipality is not in a position to pass a reservation bylaw or to apply a restrictive covenant to them, as would have been possible if they were a parcel in Municipal ownership. Similarly, it would be inconsistent with their status as dedicated road to contemplate dedication as parkland.

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However, Council is in a position to pass a resolution defining its intention with respect to these lands within the framework of the approved road plan, should it wish to provide the confirmation Mr. Mikl is seeking.

For information, there is precedent for Council to pass a resolution of this nature (an adopted resolution of 1976 November 29 concerning the Council not favoring use of the Scenic Drive right-of-way alignment as a roadway for vehicular traffic).

On the strength of Council's decision on 1989 December 11 concerning the Charles Street right-of-way, it would therefore be appropriate, if Council wishes to provide such confirmation, to adopt the resolution contained in Recommendation #1. If Council concurs, it would also be appropriate to provide Mr. and Mrs. Mikl with a copy of this report.

AD:DGS:hr

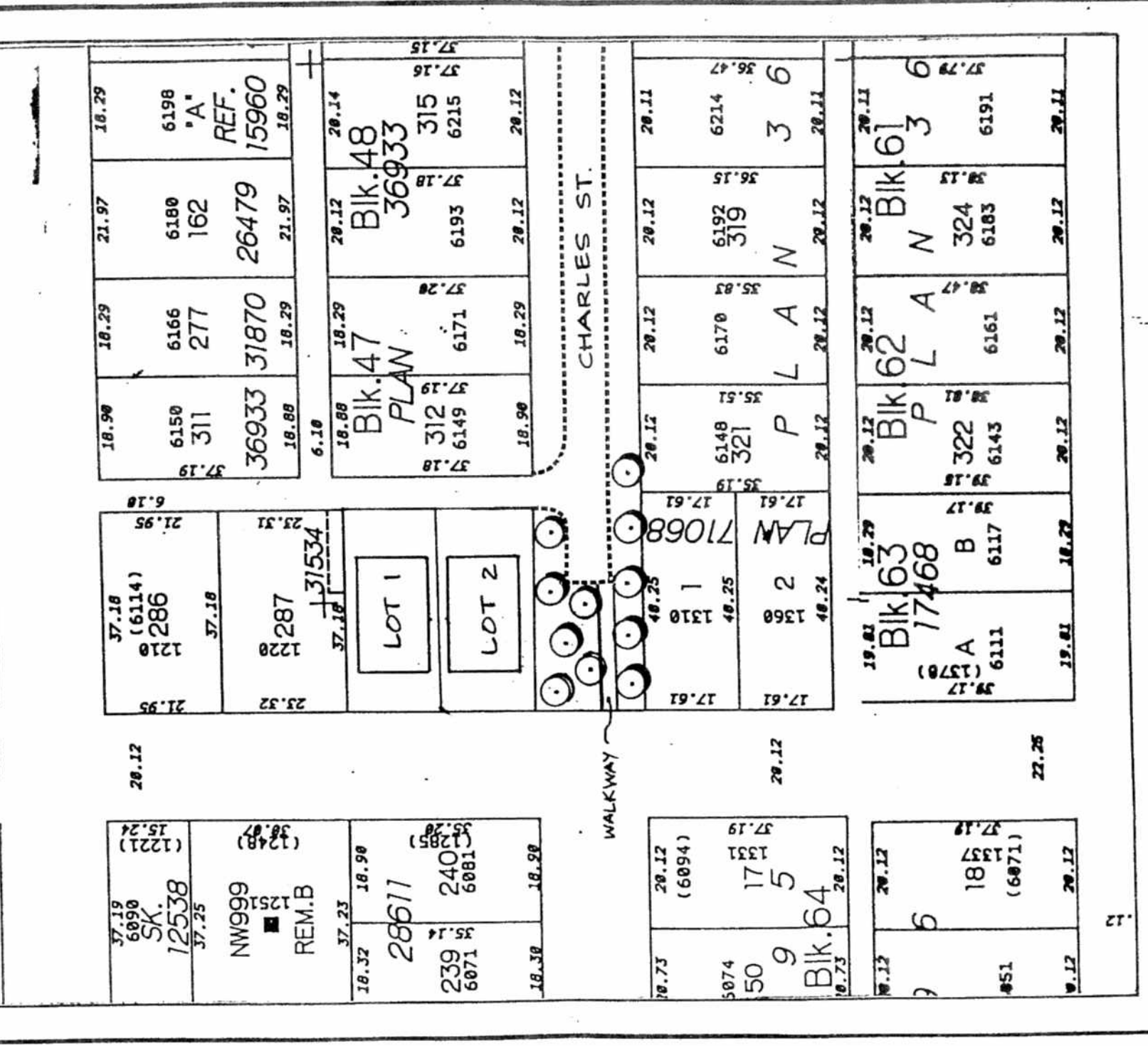
Att.

cc: Director Engineering



A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

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Date: 1989 DEC.	APPENDIX "A" MODIFIED HAMMERHEAD TURNAROUND MAINTAINING LANE ACCESS
Scale: 1:1000m	THE CORPORATION BURNABY Planning & Building Inspection Department