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| ITEM | 26 |
| MANAGER'S REPORT NO. | 50 |
| COUNCIL MEETING | 90/08/13 |

TO: MUNICIPAL MANAGER

1990 August 07

FROM: APPROVING OFFICER

SUBJECT: SUBDIVISION REFERENCE #88/85
FELL AVENUE/CHARLES STREET

PURPOSE: To provide Council with information relative to a request for a refund of servicing costs in the subject subdivision.

RECOMMENDATION:

1. THAT Council authorize the return of \$2,570 to Alfred and Bev Mikl of 1310 Fell Avenue, Burnaby, B.C. V5B 3Y8.

R E P O R T

1.0 BACKGROUND:

Council, at its meeting on 1989 December 18, adopted the following resolution (Item 15, Manager's Report No. 82):

"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."

Council also adopted the following recommendation:

"THAT a copy of this report be sent to Alfred and Bev Mikl, 1310 Fell Avenue, Burnaby, B.C. V5B 3Y8."

Construction of these improvements was subsequently arranged by the Municipality and has been completed by Mr. Wong's (the subdivider on the north side of Charles Street) contractor, with the exception of the landscaping which is slated for the fall, using monies deposited by both Mr. Wong and Mr. and Mrs. Mikl (on the south side) for future road works.

Mr. and Mrs. Mikl had previously deposited \$16,725 for the future construction of road works related to their portion of Charles Street as a condition of subdivision approval (Subdivision Reference #88/85). At that time, Charles Street was to have been constructed through to Fell Avenue by the subdivider of the adjacent property to the north at the time of its future subdivision. However, as a result of a request from the residents of the area, a decision was subsequently made by Council not to have Charles Street connected to Fell Avenue (Subdivision Reference #49/88), and a hammerhead road was constructed instead. The contract price for completion of Mr. and Mrs. Mikl's share of the above road works came to \$14,155.

2.0 EXISTING SITUATION:

Mr. and Mrs. Mikl have contacted Mayor Copeland with a request for a full refund of their servicing payment. Under the terms outlined above, their refund entitlement totals \$2,570.

All subdividers are required to pay their portion of road works and other costs associated with a subdivision of a piece of property in accordance with the requirements of the Municipal Act and, in particular, the servicing requirements of the "Burnaby Subdivision Control By-law 1971".

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3.0 CONCLUSIONS:

The monies obtained from both subdividers on the north and south sides of Charles Street were obtained for future road purposes in accordance with the requirements of the subdivisions as established by the Approving Officer in compliance with municipal and provincial regulations.

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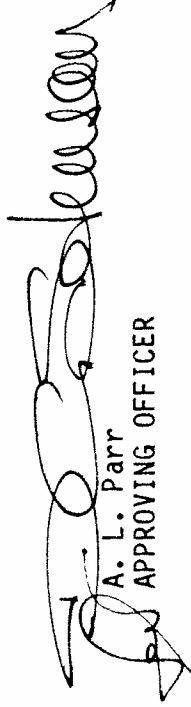
The function of Charles Street was revised by Council from a through street to a hammerhead cul-de-sac, including a pedestrian sidewalk and landscaping, in response to a request from the residents. The road works have been constructed between the two properties in question, albeit to a revised standard. If a hammerhead design had been in place at the time of approval of the Mikls' subdivision, monies would have also been required from them for the future construction of their half of this type of road.

The majority of the works have been completed, with the remainder to follow in the fall, using the monies on deposit from the subdividers.

As mentioned above and unless otherwise directed by Council, the excess monies (\$2,570) will be immediately refunded to Mr. and Mrs. Mikl.

CMM:hr
Att.

cc: Director Engineering
Director Finance
Municipal Solicitor


A. L. Parr
APPROVING OFFICER

