

TO: ACTING MUNICIPAL MANAGER

1992 April 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #20/90
PROPOSED HIGHWAY RELOCATION BYLAW AND
SALE OF NET GAIN IN MUNICIPAL LAND
7165-77 - 17th Avenue and 7164-76 - 18th Avenue
X-Reference Subdivision #5/91 and Road Closure #2/91

PURPOSE: To obtain Council authority for introduction of a Highway Relocation Bylaw and sale of Municipal land.

RECOMMENDATIONS:

1. THAT the introduction of a Highway Relocation Bylaw be authorized, as more particularly outlined in this report.
2. THAT sale of Municipal land be authorized, subject to the terms outlined in this report.

REPORT

Council, on 1991 January 21 (Item 4, Manager's Report No. 3) adopted recommendations related to the above rezoning (see attached sketch). Contained within the body of that report was the following general comment:

"4.3 An existing lane running through the site is to be closed and included in the site. The Engineering Department has advised that a temporary hammerhead turnaround easement for the remaining lane to the north-east is not required. In order to provide continued lane access to the four R9 lots on 18th Avenue (which may remain for some time), a lane dedication is required to link to 17th Avenue (see attached sketch #2). A Highway Exchange Bylaw will be recommended in this regard. Payment at market value would be made for any excess of land area acquired over that dedicated."

In pursuing requirements leading to introduction of a Highway Exchange Bylaw, it was determined that the existing lane allowance is Municipal property which was obtained some years ago for lane use, but which was never dedicated by survey plan, therefore an Exchange Bylaw cannot be pursued in this instance.

However, the Municipal Solicitor has brought this Department's attention to Section 578(1)(a) of the Municipal Act, which reads as follows:

"Council powers

578(1) The Council may by bylaw
(a) authorize the establishment,
widening, alteration, relocation or
diversion of a highway or a portion of
it;" (emphasis added)

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The effect of entering into a Highway Relocation Bylaw would enable Burnaby to stop up and close to traffic the existing lane and transfer its title in the existing lane and relocate it to the new area shown on the sketch. The Municipality would retain title for use as a lane and would also provide for its future disposal for sale and consolidation with adjacent properties once there is no need for the use of the land for lane purposes.

A portion of land not needed for the relocated lane would provide the developer with a net gain in land. In this regard, a value of \$33.00 per square foot has been established by the Municipal Solicitor and is the recommended compensation to be paid for the excess land, which is approximately 461 square feet (total amount approximately \$15,213.00).

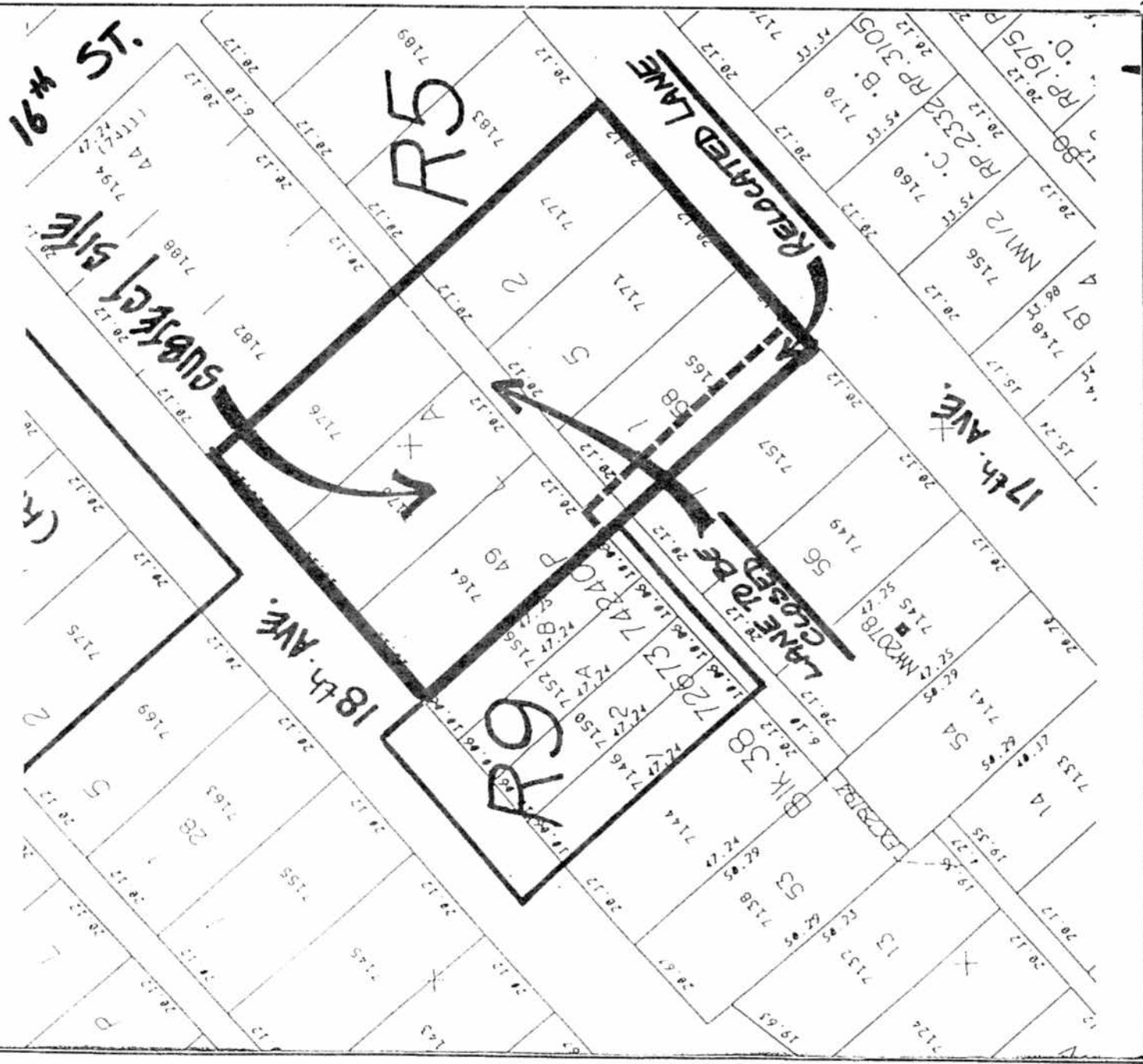
The developer has agreed to the above and will be responsible for confirming the actual areas of land via survey, and that the subject lands will be consolidated with the adjacent lots.

CS:hr
Att.

cc: Municipal Solicitor


A. L. Parr, Director
Planning and Building

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Date: 1992 APRIL
 Scale: N.T.S.
 Drawn By:



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