

TO: CITY MANAGER

DATE: 1994 JULY 19

FROM: DIRECTOR ENGINEERING

FILE: 10-01-12

SUBJECT: LOCAL IMPROVEMENT LANE PAVING IN THE 6800/6900 BLOCK UNION STREET

PURPOSE: To provide Council with a status report on a local improvement lane paving project in the 6800/6900 block Union Street.

RECOMMENDATION:

1. THAT a bylaw to amend Local Improvement Construction Bylaw No: 10034 be prepared.
2. THAT a copy of this report be sent to:
 - a) The Burnaby School District #41, 5325 Kincaid Street, Burnaby, B.C.
 - b) Westridge School Parent Association, c/o Westridge Elementary School, 510 Duncan Avenue, Burnaby, B.C.

REPORT

BACKGROUND:

In October 1993 the Engineering Department received a request from an abutting property owner for improvements to a lane immediately north of the 6800/6900 block Union Street (next to the Westridge Elementary School). Following our current procedures, all abutting property owners were notified of the request and a petition form prepared for circulation and approval. The petition was subsequently returned with the requisite supporting signatures and Council on 1994 February 21 approved the City Clerks Certificate of Sufficiency. Local Improvement Construction Bylaw 10034 was approved by Council on 1994 April 18 with lane construction tentatively scheduled for early summer.

The Municipal Act exempts School Districts from local improvement charges. Despite this statutory exemption, the Burnaby School District was notified of the proposed improvements and later confirmed that they would not participate in the petition process but would, however, support the majority decision of abutting owners.

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The original request, subsequently approved by Council and abutting property owners, stipulated improvements from the east property line of 6911 Union Street west to Duncan Avenue. Construction of a through lane as planned would require the removal of an existing tree from the lane right-of-way. Subsequently, staff received a signed petition from the Parent Association representing students of the Westridge Elementary School. The petition expressed concerns regarding the safety of school children and removal of a tree from the lane right-of-way. Further construction activity was immediately put on hold pending a review of the project.

CURRENT SITUATION:

Staff met on-site with the abutting owners Monday, July 19 to discuss the various options available for providing appropriate access and deal with the safety and environmental concerns of the Westridge School Parents Association. At the meeting, five of the seven owners abutting the proposed improvements signed a petition supporting a reduction in the scope of works that would end construction on either side of the tree at the east and west property lines of 6889 Union Street, as shown on the attached sketch. The proposed change would in effect avoid removal of the tree and at the same time provide suitable access to all abutting owners except 6889 Union Street, the property which abuts the cedar tree. The property owner for 6889 Union Street did not support the original request for lane improvements.

Section 667 of the Municipal Act gives Council discretion to reduce the scope of work of a local improvement. The statutory condition for the exercise of the power is that if the Council "deems it inadvisable or impracticable to complete the work then (a) if the frontage tax assessment roll prepared for the work has not been authenticated, the council may amend the construction bylaw in so far as it relates to the extent of the work; or (b)....."

The construction bylaw for this project is in place, however, the work is not complete and the assessment roll therefore has not been authenticated. It is recommended that Council, in accordance with Section 667 of the Municipal Act, amend Construction Bylaw 10034 to reflect a reduction in the scope of works, as outlined in this report. The proposed amendments have been endorsed by five out of seven abutting owners.

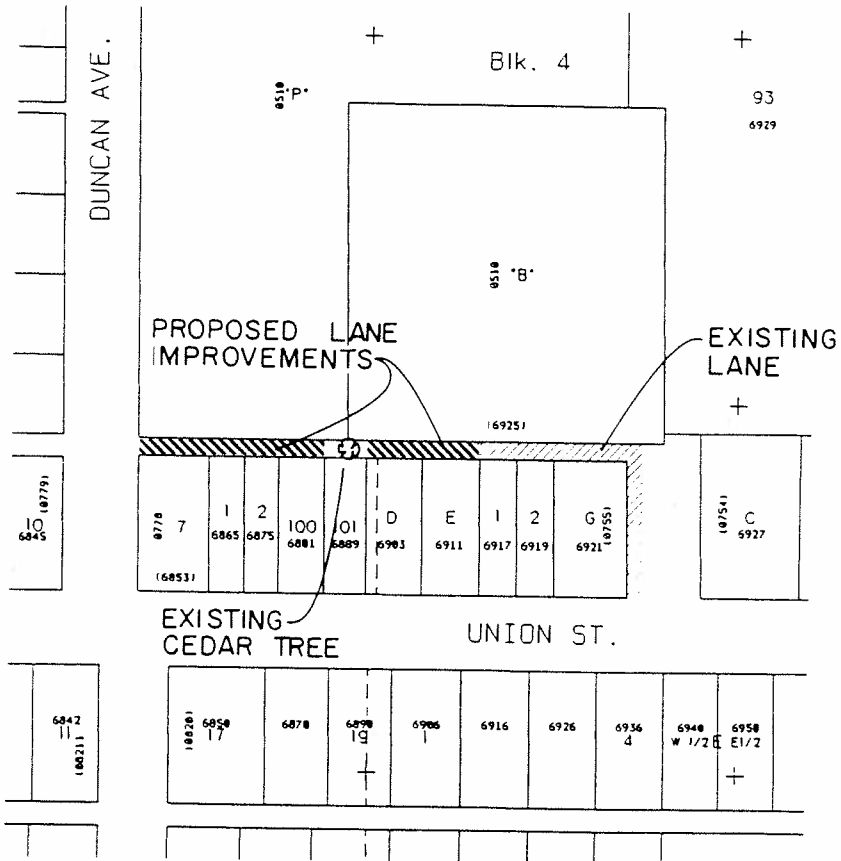
The contents of this report were discussed with a representative of the Westridge School Parents Association.

W.C. 
 DIRECTOR ENGINEERING

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 AAS:
 attach:
 cc: City Clerk
 City Solicitor



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NO.	DATE	REVISION
<p>PROPOSED LANE IMPROVEMENTS 6800/6900 BLOCKS UNION STREET</p>		
DRAWN BY	H. LOUIE	SCALE NTS
APPRVD BY		DATE 94-07-20
		A 322

