

## COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2008 October 22

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 87000 05  
*Reference:* **ROD 04-13**

**SUBJECT: ROAD CLOSURE REFERENCE #04-13**  
**Proposed Closure of Rear Lane Allowance**  
**Between 4560 Harken Drive and 4579 Grassmere Street**

**PURPOSE:** To obtain Council authority to introduce a Burnaby Highway Closure Bylaw for the closure, sale and consolidation of the subject rear lane allowance with property at 4560 Harken Drive and 4579 Grassmere Street.

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**RECOMMENDATIONS:**

1. **THAT** Council authorize the introduction of a Burnaby Highway Closure Bylaw for the closure, sale and consolidation of the rear lane allowance with property at 4560 Harken Drive and 4579 Grassmere Street, as shown on the attached Sketch #1, subject to the conditions outlined in Section 2.0 of this Report.
2. **THAT** Council also authorize staff to introduce a Burnaby Highway Closure Bylaw for the closure, sale and consolidation of the entire lane allowance with either property at 4560 Harken Drive or 4579 Grassmere Street, should either owner fail to satisfy the requirements for closure and consolidation, subject to the conditions outlined in Section 2.0 of this report.
3. **THAT** the Director Engineering be authorized to prepare the requisite road closure, subdivision consolidation and statutory right-of-way plans.
4. **THAT** a copy of this report be sent to Mr. and Mrs. Suresh and Mungala Rampersad, 4560 Harken Drive, Burnaby, BC V5G 2M7; Mr. Dave Korn and Mrs. Heidi Korn, 4579 Grassmere Street, Burnaby, BC V5G 2N8; and Ms. Anna Maria Massullo at 4645 Harken Drive, Burnaby, B.C. V5G 2M8.

**REPORT****1.0 INTRODUCTION**

On 2004 December 13, an application was received for the closure and consolidation of the subject rear lane allowance from Mr. Suresh Rampersad, the owner of 4560 Harken Drive (see attached Sketch #2). On 2004 December 21, a letter was received from Mrs. Heidi Korn, the owner of the property at 4579 Grassmere Street expressing an interest in consolidating half of the rear lane allowance with her lot. Since that time, various positions,

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steps and reviews have been taken with respect to the application; however, the process required to close and consolidate the lane had yet to be concluded.

Arising from a delegation to Council by Mr. Rampersad on 2008 June 16, staff undertook to re-activate the file and advise Mr. Rampersad and Mrs. Korn of the process to advance closure and consolidation of the rear lane allowance. On 2008 June 23, this department wrote to Mr. Rampersad of 4560 Harken Drive and Mrs. Heidi Korn and Mr. Dave Korn of 4579 Grassmere Street to advise of the City's support for the closure and sale of the lane allowance, and the related requirements for consolidation with the subject adjacent properties. Both parties have agreed to advance closure of the lane allowance with each party purchasing one-half of the rear lane allowance for consolidation with their respective lots.

This report seeks Council authorization to introduce the required Burnaby<sup>\*</sup> Highway Closure Bylaw.

## **2.0 SUBJECT LANE ALLOWANCE**

The request to close the subject portion of lane allowance for consolidation with the adjacent properties has been reviewed by City departments and external agencies. The arising requirements for the lane closure are incorporated into the conditions listed below. With Council approval for introduction of the necessary Highway Closure Bylaw, staff will write to the applicants to advise that approval of the road closure is contingent upon satisfaction of the following conditions:

- a) Consolidation of half the lane allowance with 4560 Harken Drive and the remaining half with 4579 Grassmere Street.
- b) Payment of compensation to the City of Burnaby in the amount of \$9,000.00, as determined by the Legal and Lands Department, for each half of the lane allowance from each property owner.
- c) Registration of a statutory right-of-way over approximately 4.5 m width of the lane allowance to protect and provide access to a 200 mm diameter storm sewer main.
- d) The owner of 4560 Harken Drive is required, at his cost, to remove the asphalt from the portion of lane allowance being consolidated with 4579 Grassmere Street and restore this area to its original condition, to the approval of the Director Engineering.
- e) The Engineering Department will prepare the required Highway Closure Bylaw plans, consolidation plans and right-of-way plans. The property owners for the respective lots are each responsible for 50% of all costs relating to the preparation of these plans.
- f) The Legal Department will prepare the required Transfers and statutory right-of-way legal documents as well as arrange for the registration of these items. The property owners for the respective lots are each responsible for 50% of all related costs.
- g) The property owners' solicitors are responsible to arrange for any Extension of Mortgage documents which may be required over the closure areas.
- h) Payment of any outstanding taxes.
- i) Payment of a \$100.00 final examination fee.
- j) These conditions are valid until 2009 April 20.

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Alternatively, should one owner fail to complete and satisfy requirements for the subject lane closure prior to 2009 April 20, Council approval is also sought to allow for the entire lane to be consolidated with the remaining interested party.

### 3.0 NEIGHBOURHOOD ISSUES

On 2008 July 29, staff received a letter from Ms. Anna Maria Massullo at 4645 Harken Drive, Burnaby, B.C. V5G 2M8 expressing concerns with the use and development of the subject unopened lane allowance by Mr. Rampersad related to the paving of the lane allowance and installation of fencing, as well as the process followed by the City to install speed bumps in the lane connecting Harken Drive with Grassmere Street. Over the past several years, Mr Rampersad has undertaken to incorporate the unopened rear lane allowance into his property at 4560 Harken Drive through the installation of paving and landscape material without City authorization.

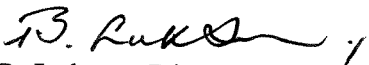
The Director Engineering responded to Ms. Massullo's letter. As part of the consolidation of the subject lane allowance, as noted in Section 2.0 of this report, Mr. Rampersad would be required to remove unauthorized materials from the portion of lane proposed to be consolidated with the opposite property at 4579 Grassmere Street. Engineering staff would inspect and confirm that the works were completed prior to finalizing the subject closure.

Ms. Massullo also requested an opportunity to appear as a delegation to Council to express opposition to the proposed lane closure. With Council adoption of the recommendations of this report, staff would contact Ms. Massullo to provide her with an opportunity to appear before Council on or before presentation of the subject Bylaw for First Reading.

### 4.0 CONCLUSION

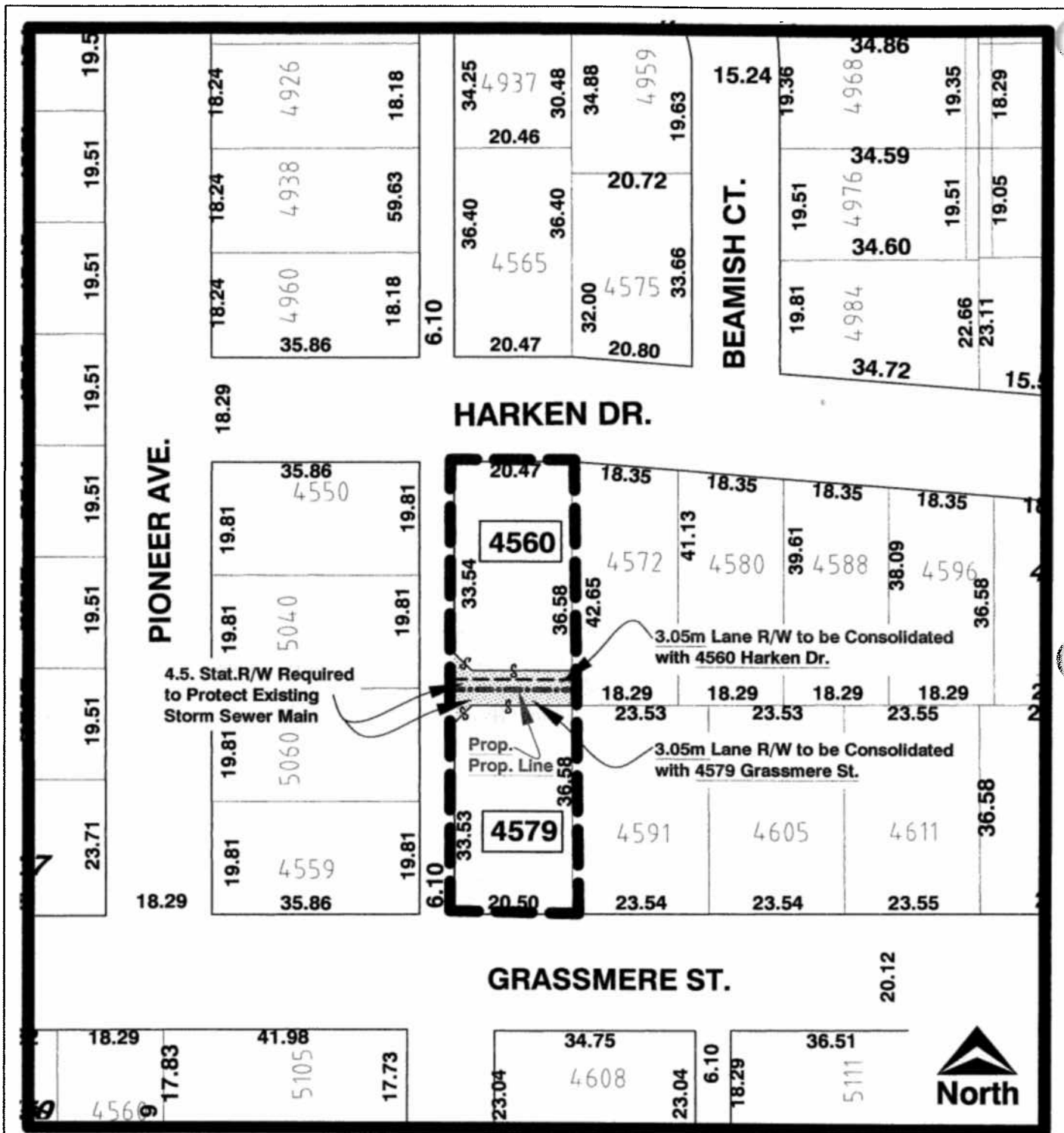
It is recommended that Council authorize the introduction of a Highway Closure Bylaw to advance the closure, sale and consolidation the subject lane allowance, as outlined in this report.

It is also recommended that a copy of this report be provided to Ms. Anna Maria Massullo at 4645 Harken Drive, Burnaby, B.C. to provide notice of Council's forthcoming consideration of the Highway Closure Bylaw to allow her an opportunity to appear as a delegation before Council should she so wish.

  
B. Luksun, Director  
PLANNING AND BUILDING

LJ:hr  
Attachment

cc: City Solicitor  
Director Engineering



## Planning and Building Department

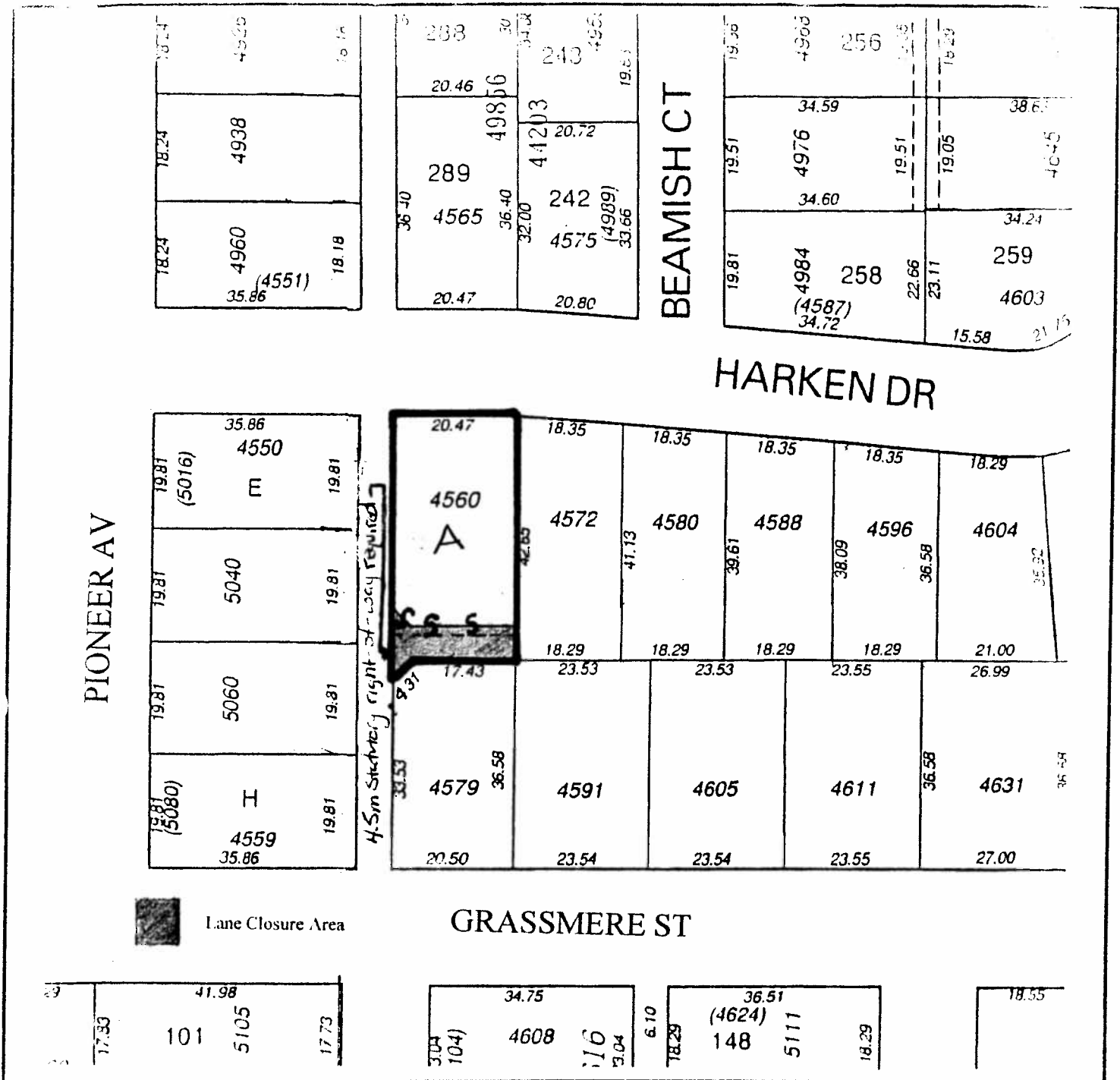
Scale: 1 = 1000

Drawn By: J.P.C.

Date: October 2008

Road Closure Reference #04 -- 13

Sketch # 1



# ROAD CLOSURE REFERENCE #04-13

## 4560 Harken Drive

Proposed Closure and Sale of the Adjacent Unopened Lane Allowance  
Zoning is R4 Residential District

ate: 2005 June 08

Scale: 1:1000

Drawn By: Lina J