

NO: R181

COUNCIL DATE: September 8,

| REGULAR COUNCIL | | | | | |
|-----------------|--|-------------|-----------------|--|--|
| TO: | Mayor & Council | DATE: | August 6, 2003 | | |
| FROM: | General Manager, Engineering | FILES: | 0910-30/24 & 25 | | |
| SUBJECT: | Walkway Closures at 14200 Block 33 Avenu | e (Page 102 | ge 102) | | |

RECOMMENDATION

?

That Council approve the following road closures located in the 14200 block of 33 Avenue in the Elgin area:

- 1. $a \pm 803$ ft.² (± 75 m²) unopened portion of walkway east of 14228 33 Avenue;
- 2. $a \pm 804$ ft.² (± 75 m²) unopened portion of walkway west of 14238 33 Avenue;
- 3. the City Clerk to bring forward a Road Exchange By-law for consideration by Council.

BACKGROUND

A. Property Location

The walkway proposed for closure and consolidation is located in the Elgin area at 142 Street and 33 Avenue and is not subject to the Neighbourhood Concept Plan. The immediate area is primarily residential.

B. Plan Designations, Zoning and Land Uses

The properties located at 14228 and 14238 - 33 Avenue are both zoned CD (Comprehensive Development) and are each currently under construction with a single family residence.

The Official Community Plan designation for this area is Suburban.

C. Purpose of Walkway Closure

The Planning and Parks Departments have advised that neither the Environmental Agencies nor themselves support the location of the walkway due to the proximity of a protected watercourse immediately to the south.

The owners of properties located at 14228 and 14238 - 33 Avenue have subsequently applied to close and consolidate this redundant walkway that bisects these two properties to increase the size of their lots.

D. Process

Upon approval by Council, a reference plan prepared at the applicant's expense is submitted to the Legislative Services Department requesting Introduction and Adoption of a Road Closure By-law under Sections 525 and 527 of the Local Government Act. Should any concerns be raised by the public, these issues will be addressed prior to completion of the exchange. Between the Third and Final Readings of the By-law, the Legislative Services Division will advertise the City's intention to dispose of the redundant portion of walkway in a local paper once each week for two consecutive weeks, and at least 30 days before adopting a By-law. After the expiration of the 30 day advertising period, the Legislative Services Division will submit an information package to the Land Title Office (LTO) and the Ministry of Transportation (MOT) requesting a written response. The packages consist of a copy of a Resolution by Council, a copy of the Road Closure By-law & accompanying reference plan, and a copy of the advertisement. A copy of the written replies from LTO and MOT, along with a certified copy of the By-law and By-law Plan, three certified copies of a Petition to Council, copies of the Council Resolution, a copy of the Corporate Report, and a copy of the advertisement is then forwarded to the Ministry of Community, Aboriginal and Women's Services requesting Highway abandonment and the transfer of title for the walkway to the City from the Province. The City will execute transfer documents to transfer the portions of walkway to the applicants. The deposit of these documents, along with a consolidation plan provided by the applicants, will effect the transfer and consolidation of road upon registration at the Land Title Office.

E. Conclusion

The unconstructed walkway to be closed is unsuitable for public access purposes as it is too close to the adjacent environmentally sensitive watercourse. It is therefore recommended that Council approve the walkway closures as outlined in this report.

Paul Ham, P Eng. General Manager, Engineering

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Appendices

- I. Site Map
- II. Aerial Photograph of Site