

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

8.

COUNCIL REPORT

Date:	July 11, 2024
From:	John Wong, Acting Director, Corporate Services
Subject:	Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024
File:	1610-20-5342

RECOMMENDATION

RECOMMENDED THAT:

Proposed “Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024” be read a first, second, and third time.

RECOMMENDED THAT:

Staff issue statutory notices of road closure and removal of highway dedication in connection with “Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024”.

1.0 Purpose

The purpose of this report is to introduce a road closure and removal of highway dedication bylaw for that part of the District of West Vancouver (“District”) highway adjacent to 3000 Park Lane, West Vancouver marked “Road to be Closed” in the reference plan of the attached bylaw in **Appendix 1** to this report. A context plan is also attached as **Appendix 2** to this report. The Road Closure Bylaw enables the raising of title in order to consolidate the Closed Road with 3000 Park Lane.

2.0 Legislation/Bylaw/Policy

Sections 40, 41 and 94 of the *Community Charter* provide for the municipal authority and notification process for road closures.

3.0 Council Strategic Objective(s)/Official Community Plan

Supports Council’s Strategic Objective 3.2 “Leverage District assets to generate new revenue streams through new initiatives”.

4.0 Financial Implications

The Road Closure with the intent of subsequently consolidating with 3000 Park Lane will enhance the value of the property that the District currently has listed for sale. The proceeds of the sale of this consolidated waterfront property, when sold, may be used to assist with the funding for the

acquisition of other waterfront properties which could include properties in the Ambleside area.

From a cost mitigation perspective, there is currently an existing pathway located on 3000 Park Lane and if a pathway were to be retained in the area, it would need to be reinstated to the adjacent road allowance that is proposed to be closed in this Bylaw. The cost to reinstate this pathway is approximately \$150,000 plus there will also be ongoing maintenance and operating costs throughout the lifecycle of the pathway.

From a fiscal responsibility and asset management perspective, it would be prudent not to reinstate the pathway adjacent to the east side 3000 Park Lane given the close proximity of other available pathways to the waterfront. There is a recently upgraded pathway approximately 170 metres east of this location and there is also access at the foot of 31st Street (see Exhibit 1 – Alternate Pathways below).

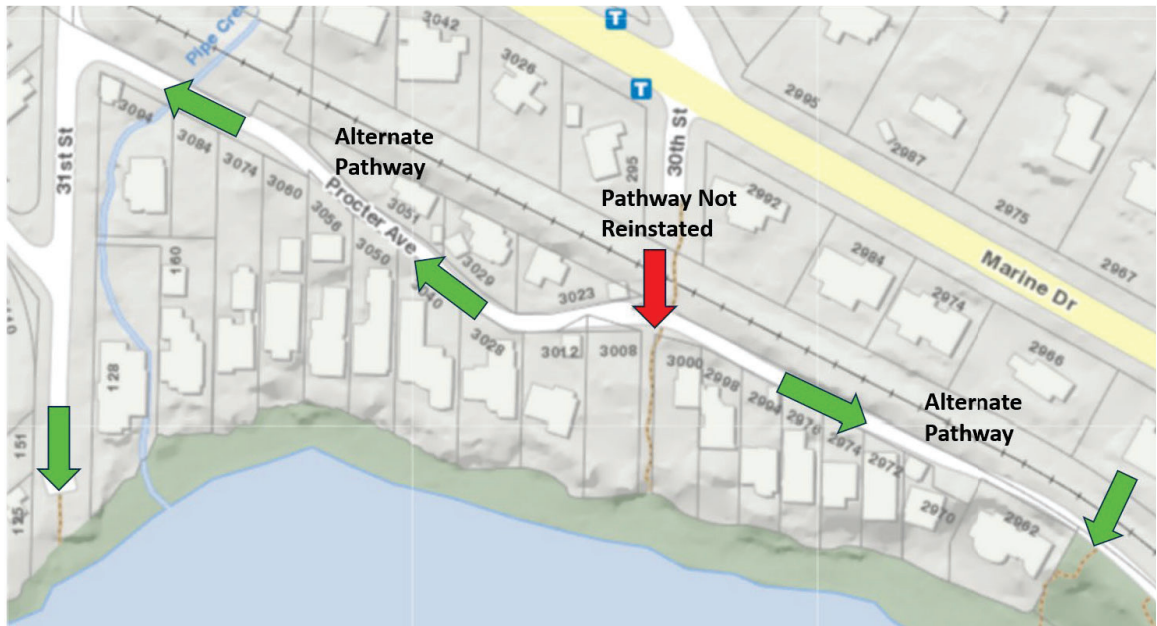


Exhibit 1 – Alternate Pathways

5.0 Background

5.1 Previous Decisions

No previous decisions have been made with respect to the proposed Road Closure.

5.2 History

In 2012, the District commenced legal proceedings to seek removal of encroachments on a District-owned road allowance at the south end of 30th Street at Park Lane (adjacent to 2998 Park Lane). The encroachments included a carport, living room, patio, retaining walls, and fishponds. The trial took place on December 10 and 11, 2012, and judgment was handed down on July 3, 2014. In summary, the judgement found that the encroachments were authorized, and granted the

homeowner at 2998 Park Lane (“the Homeowner”) an easement with respect to the encroachments without any compensation “for the life of the buildings”. The District appealed in 2014, and the Court of Appeal heard the matter on October 28, 2015. The Court of Appeal handed down judgment on February 29, 2016. In summary, the Court of Appeal: declared that the structures and improvements constituted unauthorized encroachments on the District’s road allowance; set aside the easement granted by the previous judgement; and provided a framework for the final resolution of this matter.

As part of the court order, the District was required to pass the Road Closure and Removal of Highway Dedication Bylaw No. 4888, 2016 to close a portion of the road on 30th Street south of Park Lane and subsequently created the freehold property as 3000 Park Lane but did not include the portion of road that is proposed to being closed by this Bylaw. By court order, the creation of 3000 Park Lane was required so that it could be offered for sale to the Homeowner to resolve the encroachment issue as described above. However, the Homeowner refused to purchase 3000 Park Lane and as a result the court order then required that the Homeowner remove the encroachments. The Homeowner completed the removal of the encroachments, and the District decided to sell 3000 Park Lane on the open market. After reviewing the necessity of the remaining road allowance and the complexity of the site to build, it was determined that closing the remaining road and to consolidate it with 3000 Park Lane would create the greatest value for the District from a higher potential sales value and to mitigate ongoing costs to maintain the road allowance.

6.0 Analysis

6.1 Discussion

Under section 40 of the *Community Charter*, before adopting a bylaw, Council must give notice of its intention to close a portion of highway and remove the highway dedication in accordance with section 94 of the *Community Charter*. Council must then provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

The road closure process is summarized below:

- (a) Council gives first, second and third reading to proposed Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024;
- (b) staff publish statutory notices for the road closure and removal of highway dedication and post a notice to provide an opportunity for persons who consider they are affected by the proposed bylaw to make representations to Council; and
- (c) after the opportunity for making representations has been provided, Council may adopt the proposed Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024.

6.2 Climate Change & Sustainability

The adoption of the proposed bylaw, subsequent consolidation with 3000 Park Lane, and eventual sale as a consolidated lot with 3000 Park Lane will generate revenue in the form of the sale price and future property taxes for the District. The sale revenue and property taxes will contribute to the District's financial sustainability.

6.3 Public Engagement and Outreach

The Notice of Road Closure and Removal of Highway Dedication will be published in two editions of the North Shore News. The Notice will be posted on the public notice posting place at Municipal Hall. Signage will also be posted on site.

6.4 Other Communication, Consultation, and Research

The District's Planning & Development Services, Engineering & Transportation Services, Parks, Culture & Community Services, and Financial Services Departments have been consulted on the subject matter of this report.

Author:



John Wong, Acting Director, Corporate Services

Appendices

Appendix 1: Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024

Appendix 2: Context Plan of Road Closure



District of West Vancouver

**Road Closure and Removal of Highway
Dedication Bylaw No. 5342, 2024**

Effective Date:

Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024

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District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024

A bylaw to close and remove the dedication of a portion of highway adjacent to 3000 Park Lane, West Vancouver.

WHEREAS:

- A) under the *Community Charter*, the Council of The Corporation of the District of West Vancouver (“Council”) may close a highway to traffic and remove the dedication of a highway;
- B) the Council has posted and published notices of its intention to close that portion of highway referred to in this bylaw and remove its dedication as highway, and has provided an opportunity for persons who consider they are affected to make representations to Council;
- C) the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators; and
- D) the Council of the Corporation of the District of West Vancouver deems it expedient to provide for the closure to traffic and removal of highway dedication of that portion of highway referred to in this bylaw for the purpose of consolidation with adjacent property owned by the District and having a civic address of 3000 Park Lane, West Vancouver;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Road Closure and Removal of Highway Dedication Bylaw No. 5342, 2024.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Road Closure, Removal of Highway Dedication and Consolidation

- 3.1 That portion of highway dedicated by Plan 4613 and identified as “ROAD TO BE CLOSED” (the “2024 Closed Road”) on Plan EPP138726 attached hereto as Schedule A, which forms part of this bylaw, is closed to all types of traffic.
- 3.2 The dedication as highway of the 2024 Closed Road is removed.
- 3.3 The Mayor and Corporate Officer are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are necessary or desirable to effect the aforesaid closure and removal of highway dedication.

Schedules

Schedule A – Reference Plan EPP138726

READ A FIRST TIME on

READ A SECOND TIME on

READ A THIRD TIME on

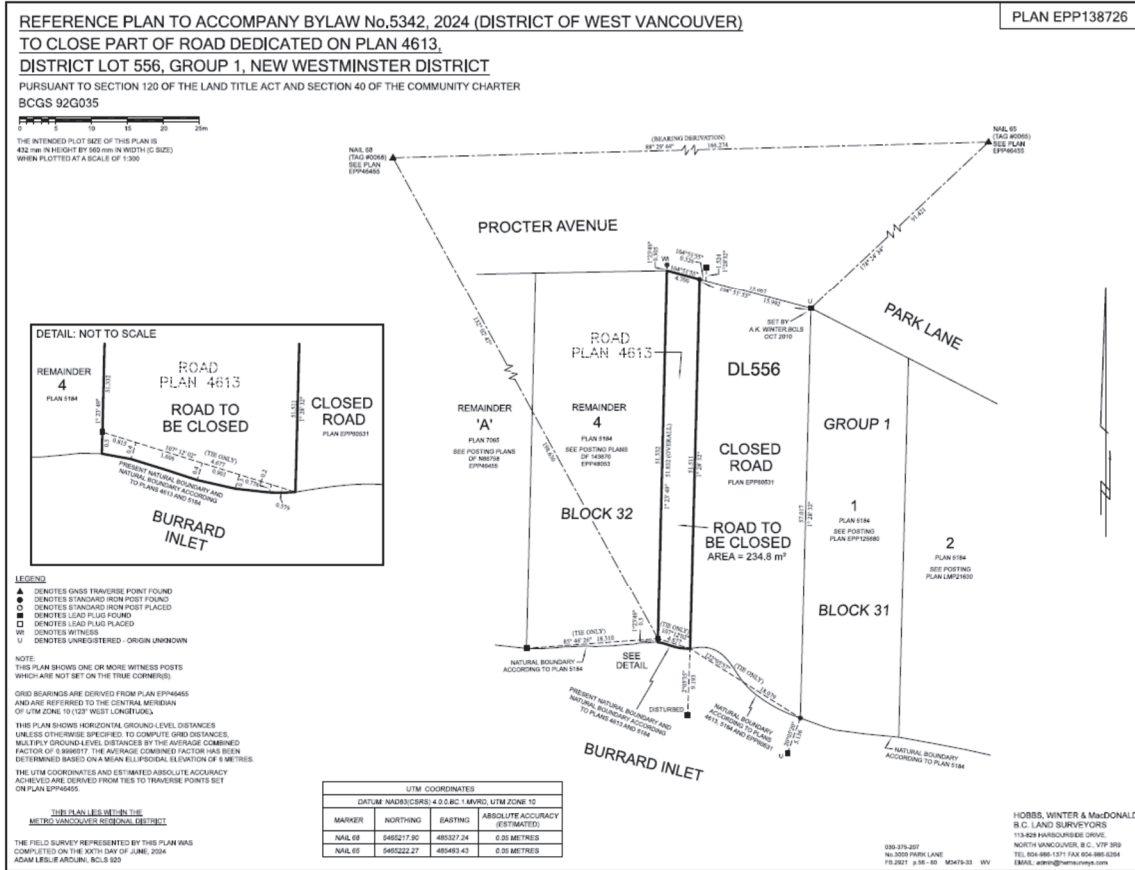
PUBLICATION OF NOTICE OF ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION on _____ and _____,

ADOPTED by the Council on .

Mayor

Corporate Officer

Schedule A – Reference Plan EPP138726



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CONTEXT PLAN

west vancouver

30TH STREET ROAD CLOSURE - ADJACENT TO 3000 PARK LANE

DATE: JULY 11, 2024

SCALE: N.T.S.

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