COUNCIL REPORT

Date: October 15, 2015
From: Mark Chan, Director, Corporate Services
Subject: Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015

RECOMMENDED THAT:

1. proposed Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015 be read a first, second and third time; and


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 1086 23rd Street, West Vancouver marked “Closed Lane” in the reference plan of the attached bylaw in Appendix 1 to this report.

1.0 Background

1.1 Prior Resolutions

On July 20, 2015 Council authorized the District to enter into an agreement to sell a portion of District-owned road adjacent to 1086 23rd Street (“Closed Lane”) for $525,000 to the proposed purchaser, 0962243 B.C. Ltd, subject to the required road closure processes. 0962243 B.C. Ltd is the legal owner of the neighbouring property at the civic address 1086 23rd Street. The lane is currently unopened and is approximately 20 feet by 100 feet (2,000 square feet or 186.2 square metres) in size – see Appendix 2 for an aerial photo depicting the Closed Lane area. Council also authorized publication of a Notice of Disposition with respect to the sale of the Closed Lane pursuant to section 26 of the Community Charter.
2.0 **Policy**

2.1 Policy

Sections 26, 40 and 94 of the *Community Charter* provide for the municipal authority and notification process for highway closures and dispositions of municipal land.

3.0 **Analysis**

3.1 Discussion

The road closure and sale will allow the consolidation of the Closed Lane with 1086 23rd Street. Staff from the District’s Planning, Engineering and Finance Departments confirmed that the Closed Lane is surplus to the District’s needs and support the disposition of the Closed Lane.

Prior to completing the transaction contemplated in the sale agreement, the District must close the road and remove the highway dedication of this portion of highway as set out in the proposed bylaw in **Appendix 1** to this report.

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. Approval to proceed on the notification for the disposition of the Closed Lane has already been given by Council and will be advertised concurrently with the Notice of Road Closure and Removal of Highway Dedication.

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. 4856, 2015;

(b) staff publish statutory notices for the disposition of Closed Lane and 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;

(c) after the opportunity for making representations has been provided Council may (but is not obliged to) adopt the proposed Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015; and
(d) to complete the process, the District will execute the necessary closing documents and provide a certified copy of the bylaw for registration at the Land Title Office.

3.2 Sustainability

The adoption of the proposed bylaw will allow the proposed disposition of this surplus land to complete, generating revenue in the form of the sale price and future property taxes for the District. The sale revenue will be deposited to the Endowment Fund thereby contributing to the District’s financial sustainability.

3.3 Consultation

The District’s Planning, Engineering and Finance Departments have been consulted in the preparation of this report.

3.4 Communications Process

The Notice of Disposition and 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. The notice will also be distributed to homes in the area surrounding the Road Closure.

4.0 Options

4.1 Council can give first, second and third reading to the proposed bylaw, thereby allowing for public notification, or decide not to proceed with the bylaw, or request further information.

Author: [Signature]

Concurrence (optional)

Appendices:
Appendix 1: Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015
Appendix 2: Aerial Photo and Map of Proposed Closed Lane
District of West Vancouver

Road Closure and Removal of Highway Dedication  
Bylaw No. 4856, 2015

Effective Date:
District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015

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District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015

A bylaw to close and remove the dedication of a portion of highway adjacent to 1086 23rd Street, West Vancouver

WHEREAS

A) under the Community Charter the Council of the District of West Vancouver may close a highway to traffic, remove the dedication of a highway and dispose of municipal land;

B) the Council has posted and published notices of its intention to close the 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;

D) the Council has posted and published notices of its intention to dispose of the portion of highway referred to in this bylaw for the purposes of consolidation with the adjacent property located at 1086 23rd Street;

E) the Council of the Corporation of the District of West Vancouver deems it expedient to provide for the closure to traffic and removal of the dedication of that portion of highway referred to in this bylaw for the purposes of consolidation with the adjacent property located at 1086 23rd Street; and

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. 4856, 2015.

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 Substantive Provisions

3.1 That portion of highway dedicated by Plan 7027 and identified as “Closed Lane” on Plan EPP55054, a reduced copy of which is attached hereto as Schedule A and forms part of this bylaw, is closed to all types of traffic.

3.2 The dedication as highway of the Closed Lane is removed.

3.3 The Mayor and Clerk 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

Road Closure and Removal of Highway Dedication Bylaw No. 4856, 2015

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

PUBLICATION OF NOTICE OF ROAD CLOSURE, REMOVAL OF HIGHWAY DEDICATION AND DISPOSITION OF MUNICIPAL LAND on [Date]

ADOPTED by the Council on [Date].

______________________________
Mayor

______________________________
Municipal Clerk
Schedule A – Reference Plan of Highway Closure dated 21 September, 2015
Appendix 2:
Bylaw No. 4856, 2015 - Orthophoto and Map of the Proposed Closed Lane:

[Map showing the proposed closed lane area with labels]