



10.

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

COUNCIL REPORT

Date:	January 24, 2020
From:	Ingrid Matthews, Land Agent & Corporate Initiatives
Subject:	Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020 at Uplands Way in Rodgers Creek, Area 6.
File:	1610.20.5052

RECOMMENDATION

1. Proposed "Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020" be read a first time; and
2. Staff be directed to issue statutory notices of road closure and removal of highway dedication in connection with "Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020".

1.0 Purpose

The purpose of this report is to introduce a Road Closure Bylaw (see **Appendix I**) to close portions of municipal road allowance adjacent to Uplands Way in Rodgers Creek Area 6 ("Closed Road"). The purpose of the Road Closure Bylaw is to enable the raising of title in order to dispose of the portions of Closed Road to British Pacific Properties Ltd. (BPP). BPP will be consolidating the portions of Closed Road with its adjacent lands to allow for the proposed multifamily residential development in Rodgers Creek Area 6.

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 Official Community Plan

The Official Community Plan designates the Rodgers Creek Area as the Future Neighbourhoods Area within the Upper Lands (Policy UL 8.1). The proposed road closure and disposition will facilitate the planned multifamily development in this area.

4.0 Financial Implications

On October 2, 2019, Council approved the sale of these surplus road allowances to BPP. The purchase price is \$2,109,246 and \$750,000 for a combined total of \$2,859,246. The revenue less related expenses would be deposited into the District's Land Reserve Fund for future use as determined by Council.

5.0 Background

Previous Decisions

In October 2019, Council authorized the District to enter into an agreement with BPP to sell the portions of Closed Road to BPP. The portions of Closed Road are 1,040 square metres (11,194 sq. ft) and 500.7 square metres (5,390 sq. ft) in area, for a total of 1,540.7 square metres (16,584 sq. ft). See **Appendix 2** for the Sketch Plan of the proposed road closure areas and **Appendix 3** for an Aerial Photograph of the proposed road closure areas. Council has authorized publication of the Notices of Disposition with respect to the sale of the Closed Road pursuant to section 26 of the *Community Charter*.

5.1 History

The September 26, 2019 Council Report, for the Rodgers Creek Area 6 proposed Rezoning (19-020) and Development Permit (19-161), included information regarding the required purchase of the subject road allowance (Closed Road) for fair market value of \$2.86 million. The acquisition and consolidation of the Closed Road is required in order to facilitate the proposed development. Adoption of the bylaws and development permit are subject to the execution of purchase and sales agreements for the proposed road allowances.

6.0 Analysis

6.1 Discussion

The Road Closure Bylaw (see **Appendix 1**) will allow for the consolidation of the Closed Road areas with the adjacent private lands to allow for the proposed development as part of the rezoning and development permit in Area 6 of Rodgers Creek.

Staff have confirmed that the Closed Road is surplus to the District's needs and is appropriate for disposition. Staff from the Planning and Development Services, Engineering and Transportation Services, Financial Services, Parks, Culture and Community Services divisions support the sale of the Closed Road. An independent appraiser, instructed by the District, supported the proposed purchase price.

Prior to completing the transaction contemplated in the sale and purchase agreements, the District must close to traffic, and remove the highway dedication of these portions of highway as set out in the proposed bylaw in **Appendix 1** to this report.

In accordance with Section 40 of the *Community Charter*, Council must provide notice of its intention to close a portion of highway. Council must then provide an opportunity for persons who consider they are affected by

the bylaw to make representations to Council. Notification of the disposition of the Closed Road has already been approved 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 reading to the proposed Road Closure Bylaw.
- (b) Staff publish statutory notices for the road closure and removal of highway dedication per section 94 of the *Community Charter* and provide an opportunity for persons who consider they are affected by the proposed bylaw to make representations to Council.
- (c) Pursuant to section 41(4) of the *Community Charter*, the operator of a utility affected by the closure of a highway may require the municipality to provide reasonable accommodation of the utility's affected transmission or distribution facilities or works on agreed terms. The District has contacted the utility companies and confirmed that there are no utility facilities or works within the Closed Road areas.
- (d) After the opportunity for making representations has been provided, Council considers giving second and third reading to the proposed Road Closure Bylaw.
- (e) Pursuant to section 41(3) of the *Community Charter*, since the proposed Closed Road is within 800 metres of an arterial highway, the District must refer the proposed bylaw to the Ministry of Transportation and Infrastructure for approval.
- (f) If approval of the Road Closure Bylaw is obtained from the Ministry of Transportation and Infrastructure, Council may (but is not obliged to) adopt the Road Closure Bylaw.
- (g) To complete the process, the District prepares closing documents and attends to the registration of a certified copy of the Road Closure Bylaw at the Land Title Office.

6.2 Sustainability

The adoption of the proposed Road Closure Bylaw will allow the proposed sale and purchase of this surplus land to complete, generating revenue in the form of the sale price and future property taxes for the District. The eventual development will also provide additional housing supply.

6.3 Public Engagement and Outreach

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 boards at the Municipal Hall. The Notice will also be distributed to homes in the area surrounding the Closed Road.

6.4 Other Communication, Consultation, and Research

Staff in the Planning and Development Services, Engineering and Transportation Services, Financial Services and Parks, Culture and Community Services divisions have been consulted on the subject matter of this report.

7.0 Options

7.1 Recommended Option

1. Proposed "Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020" be read a first time; and
2. Staff be directed to issue statutory notices of road closure and removal of highway dedication in connection with "Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020".

7.2 Considered Options

Council request further information or decide not to proceed with the Road Closure Bylaw.

Author:


Ingrid Matthews

Appendices:

Appendix 1: Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020

Appendix 2: Sketch Plan Showing Portions of Closed Road

Appendix 3: Aerial Photograph



District of West Vancouver

**Road Closure and Removal of Highway
Dedication
Bylaw No. 5052, 2020**

Effective Date:

Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020

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District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5052, 2020

A bylaw to close and remove the dedication of portions of highway near Uplands Way in 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 the portions 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 transmission or distribution facilities or works of utility operators;
- D) the Ministry of Transportation and Infrastructure has approved this bylaw as required under section 41(3) of the *Community Charter* in connection with highways that are within 800 metres of an arterial highway;
- E) the Council has posted and published notices of its intention to dispose of the portions of highway referred to in this Bylaw; and
- F) the Council 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 properties located near Uplands Way.

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. 5052, 2020.

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 and Removal of Highway Dedication

- 3.1 That portion of highway dedicated by Plan 2056 and identified as "Closed Road" on Reference Plan EPP94862, 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 of highway of the Closed Road 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

Schedule A – Reference Plan of Highway Closure, EPP94862

READ A FIRST TIME on _____, 2020.

READ A SECOND TIME on _____, 2020.

READ A THIRD TIME on _____, 2020.

APPROVED by the Minister responsible for the Transportation Act on

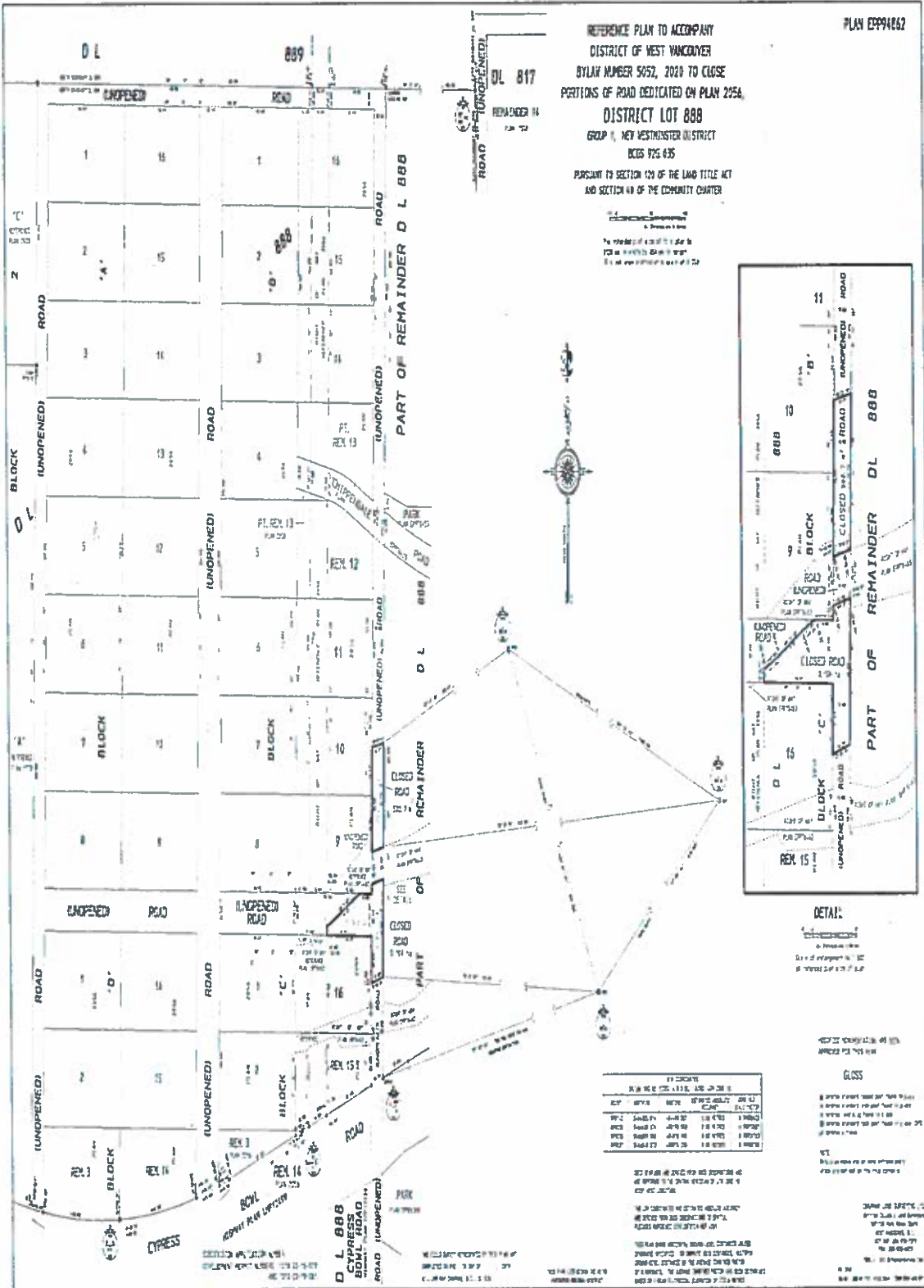
PUBLICATION OF NOTICE OF ROAD CLOSURE AND REMOVAL OF
HIGHWAY DEDICATION ON _____, 2020.

ADOPTED by the Council on _____

Mayor

Corporate Officer

Schedule A – Reference Plan of Highway Closure

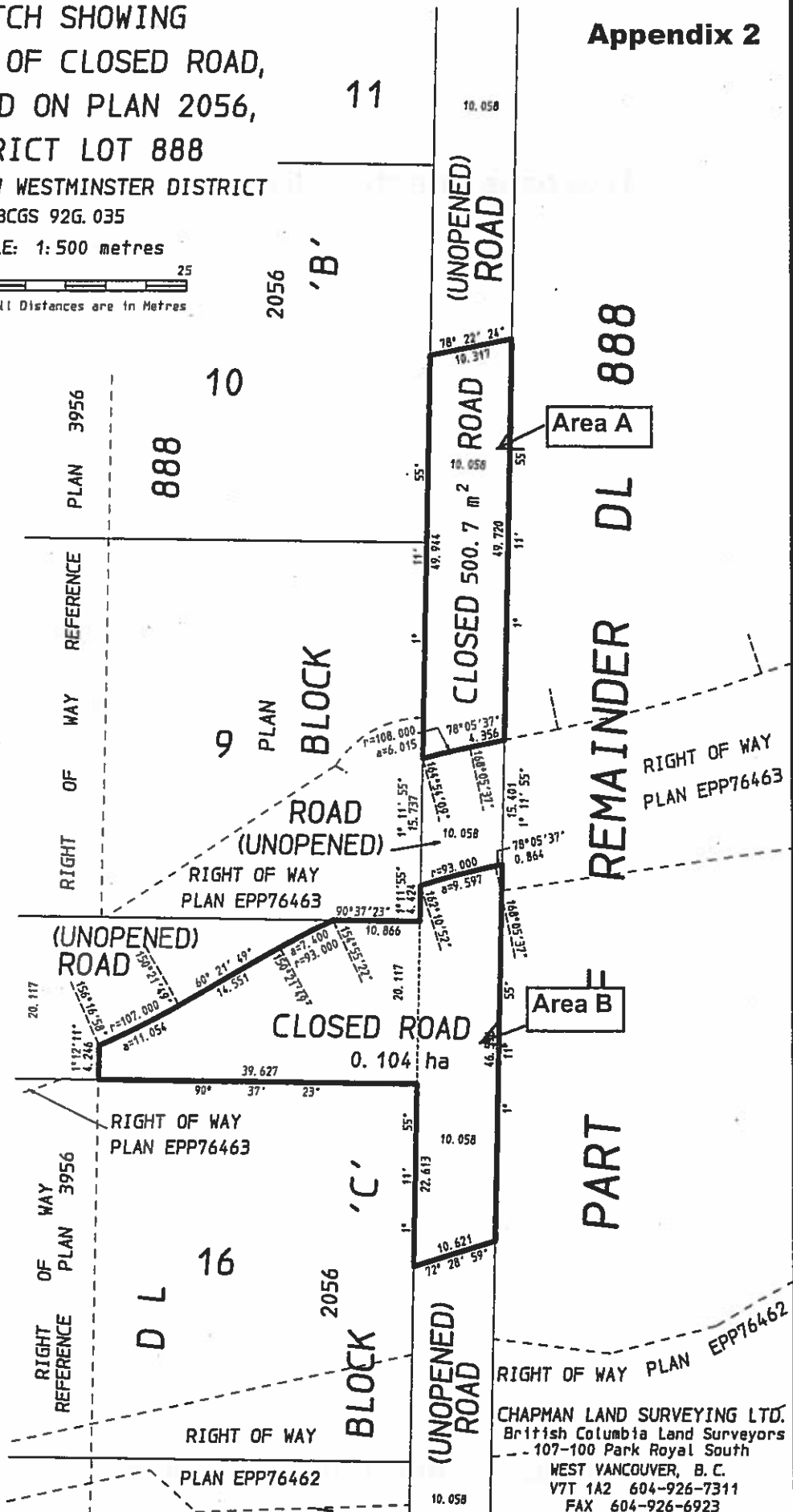
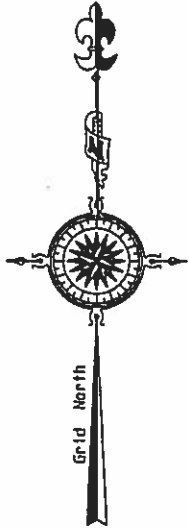


SKETCH SHOWING
PORTIONS OF CLOSED ROAD,
DEDICATED ON PLAN 2056,
DISTRICT LOT 888

Appendix 2

GROUP 1, NEW WESTMINSTER DISTRICT
BCGS 92G.035

SCALE: 1: 500 metres



NOVEMBER 14, 2019.REM. 15 PLAN

F6, G6

JOB: 09-117

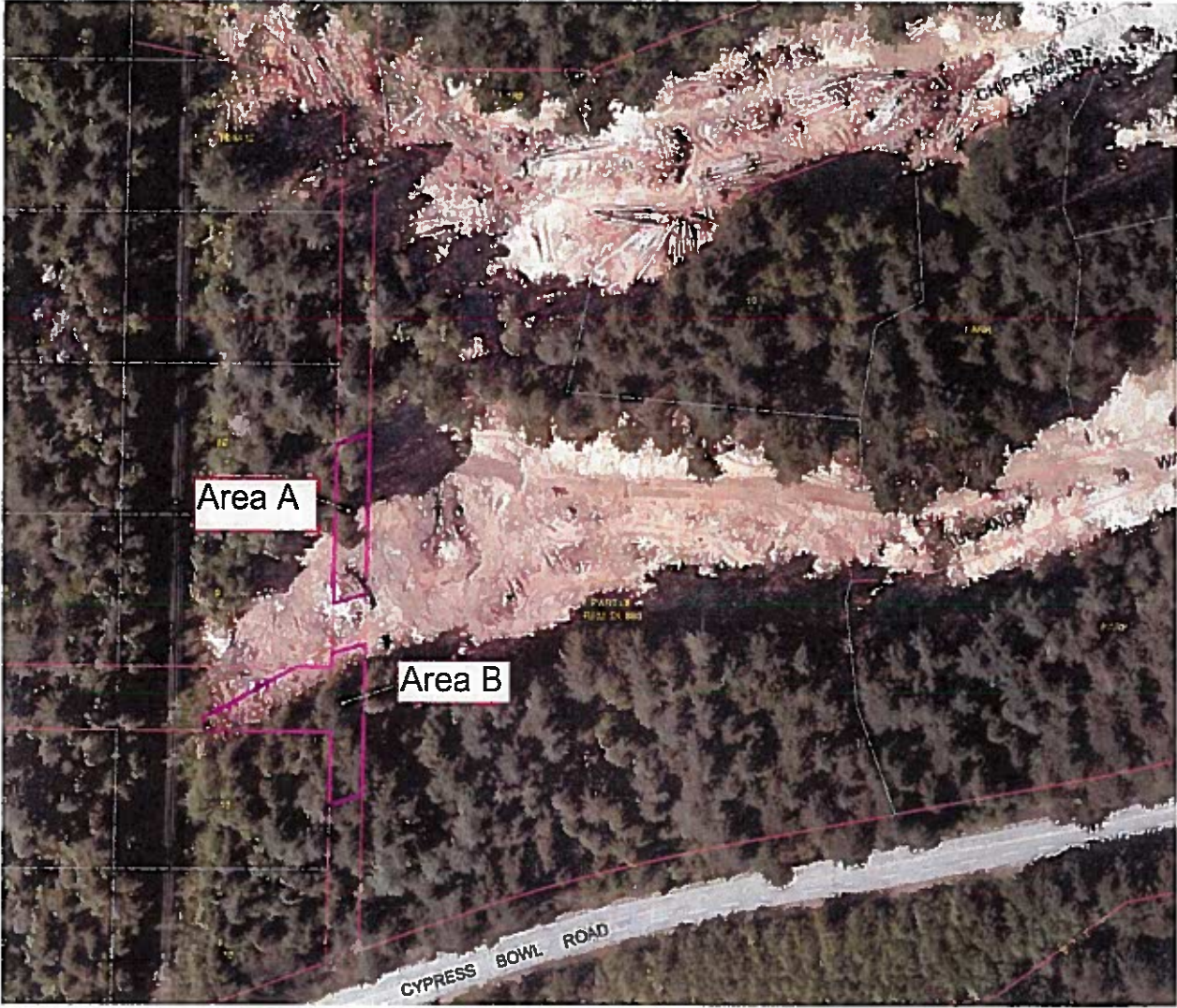
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Appendix 3



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