District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021

Effective Date:

District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021

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District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021

A bylaw to close and remove the dedication of unopened road allowance at 25th Street and Shamrock Place 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; and

E) 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 25th Street and Shamrock Place.

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. 5107, 2021.

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 1599 and identified as “Road to be Closed” on Reference Plan EPP109416, 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, EPP109416

READ A FIRST TIME on April 12, 2021

PUBLICATION OF NOTICE OF ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION ON

READ A SECOND TIME on

READ A THIRD TIME on

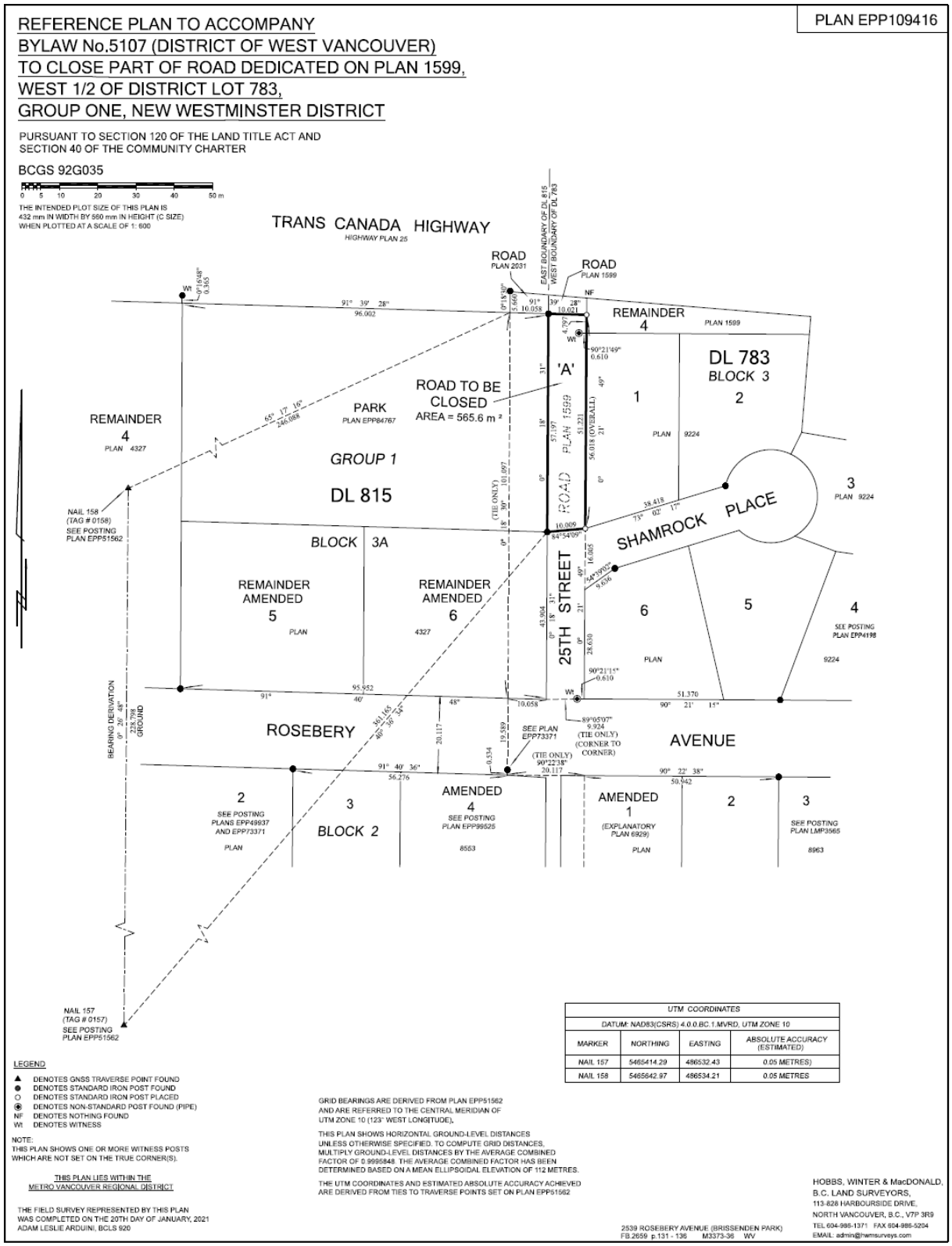
APPROVED by the Minister responsible for the Transportation Act on September 7, 2021

ADOPTED by the Council on

_____
Mayor

_____
Corporate Officer

Schedule A – Reference Plan of Highway Closure



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Director	CAO

COUNCIL AGENDA

Date: Apr 12, 2021 Item: 6.

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

6.

COUNCIL REPORT

Date:	March 31, 2021
From:	Mark Chan, Deputy Chief Administrative Officer
Subject:	Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021 at Shamrock Place and 25th Street
File:	1610-20-5107

RECOMMENDATION

1. Proposed "Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021" 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. 5107, 2021".

1.0 Purpose

The purpose of this report is to introduce a Road Closure Bylaw (see **Appendix 1)** to close a portion of unopened municipal road allowance at Shamrock Place and 25th Street ("Closed Road"). The Road Closure Bylaw enables the raising of title in order to consolidate the Closed Road with the adjacent Brissenden Park to add to the existing parkland at Brissenden Park. This was contemplated by, and is in accordance with, the District's court application to vary the terms of the Brissenden Trust.

The District recently enhanced Brissenden Park with a trail and lawn area. This proposed Road Closure will increase the size of Brissenden Park once the unopened road allowance is consolidated with the park.

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

This proposed Road Closure resulting in increased park land is supported by Policies 2.7.1 and 2.7.2 of the Official Community Plan which provide for maintenance and care for the District's parks and open spaces, and the provision for open space, public realm improvements and/or greenway trails.

4.0 Financial Implications

There are no financial implications specific to the road closure. However, once the road is closed, the District will be able to proceed with the

disposition of the 3 residential lots to the south of Brissenden Park (see Analysis section below for more information).

5.0 Background

Previous Decisions

There are no previous Council decisions specifically relating to the closure of this portion of unopened road allowance.

6.0 Analysis

6.1 Discussion

The proposed Road Closure is intended to close to vehicular traffic an opened road allowance of 25th Street located at Shamrock Place and 25th Street. The Road Closure Area is shown in **Appendix 2**.

Once closed, the Road Closure Area will be added to and consolidated with the adjacent Brissenden Park, thereby adding to the size of Brissenden Park. The Road Closure Area will be used as parkland, generally in its current form.

This Road Closure is consistent with, and was contemplated by, the District's Court application to vary the terms of the Brissenden Trust. The Court approved the District's application, enabling the creation of 3 residential lots to the south of the existing Brissenden Park. The Court's judgment requires that prior to proceeding with the disposition of the 3 residential lots, the District is required to close the Road Closure Area, and consolidate it with Brissenden Park. Thereafter, the District may dispose of the 3 residential lots, and use those proceeds to acquire the last two privately-held properties on the Argyle waterfront at 1444 and 1448 Argyle Avenue.

In accordance with Section 40 of the *Community Charter*, Council must provide notice of its intention to close a portion of road. 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 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.

(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 documents required to raise title and consolidate the land with Brissenden Park, and arranges for the registration of a certified copy of the Road Closure Bylaw at the Land Title Office.

6.2 Sustainability

This report relates to social sustainability in the creation of additional parkland, and financial sustainability by enabling the acquisition of the remaining two Argyle waterfront lots.

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

6.4 Other Communication, Consultation, and Research

Staff in the Planning and Development Services, Engineering and Transportation 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. 5107, 2021" 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. 5107, 2021".

7.2 Considered Options

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

Author: M. Chan

Appendices:

Appendix 1: Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021
Appendix 2: Sketch Plan and Aerial Photograph showing the proposed Closed Road Area

APPENDIX 1

District of West Vancouver

Road Closure and Removal of Highway Dedication Bylaw No. 5107, 2021

Effective Date:

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Schedules

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READ A FIRST TIME on , 2021

READ A SECOND TIME on , 2021

READ A THIRD TIME on , 2021

PUBLICATION OF NOTICE OF ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION ON and , 2021

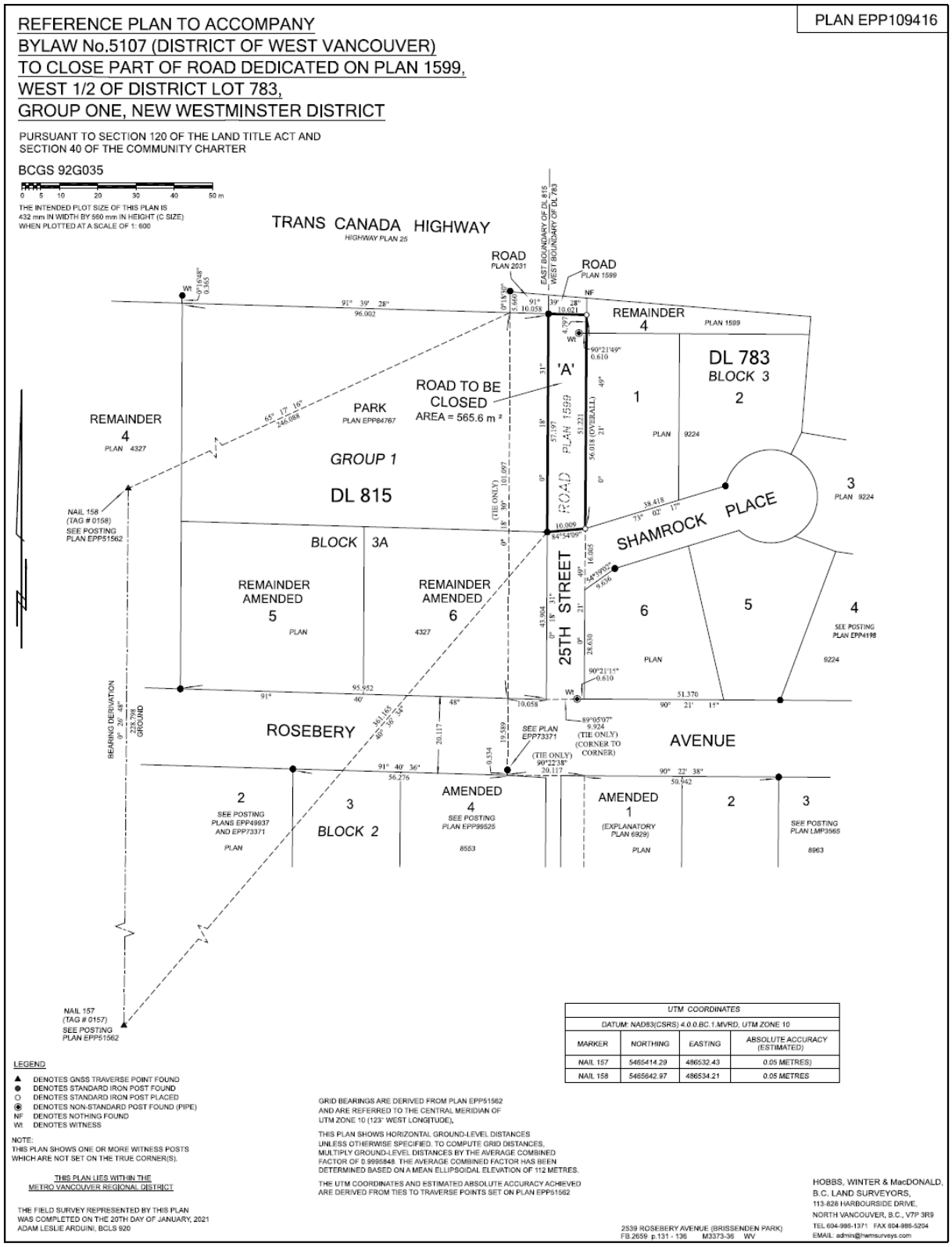
APPROVED by the Minister responsible for the Transportation Act on , 2021

ADOPTED by the Council on , 2021

_____
Mayor

_____
Corporate Officer

Schedule A – Reference Plan of Highway Closure



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REFERENCE PLAN TO ACCOMPANY BYLAW No.5107 (DISTRICT OF WEST VANCOUVER) TO CLOSE PART OF ROAD DEDICATED ON PLAN 1599, WEST 1/2 OF DISTRICT LOT 783, GROUP ONE, NEW WESTMINSTER DISTRICT

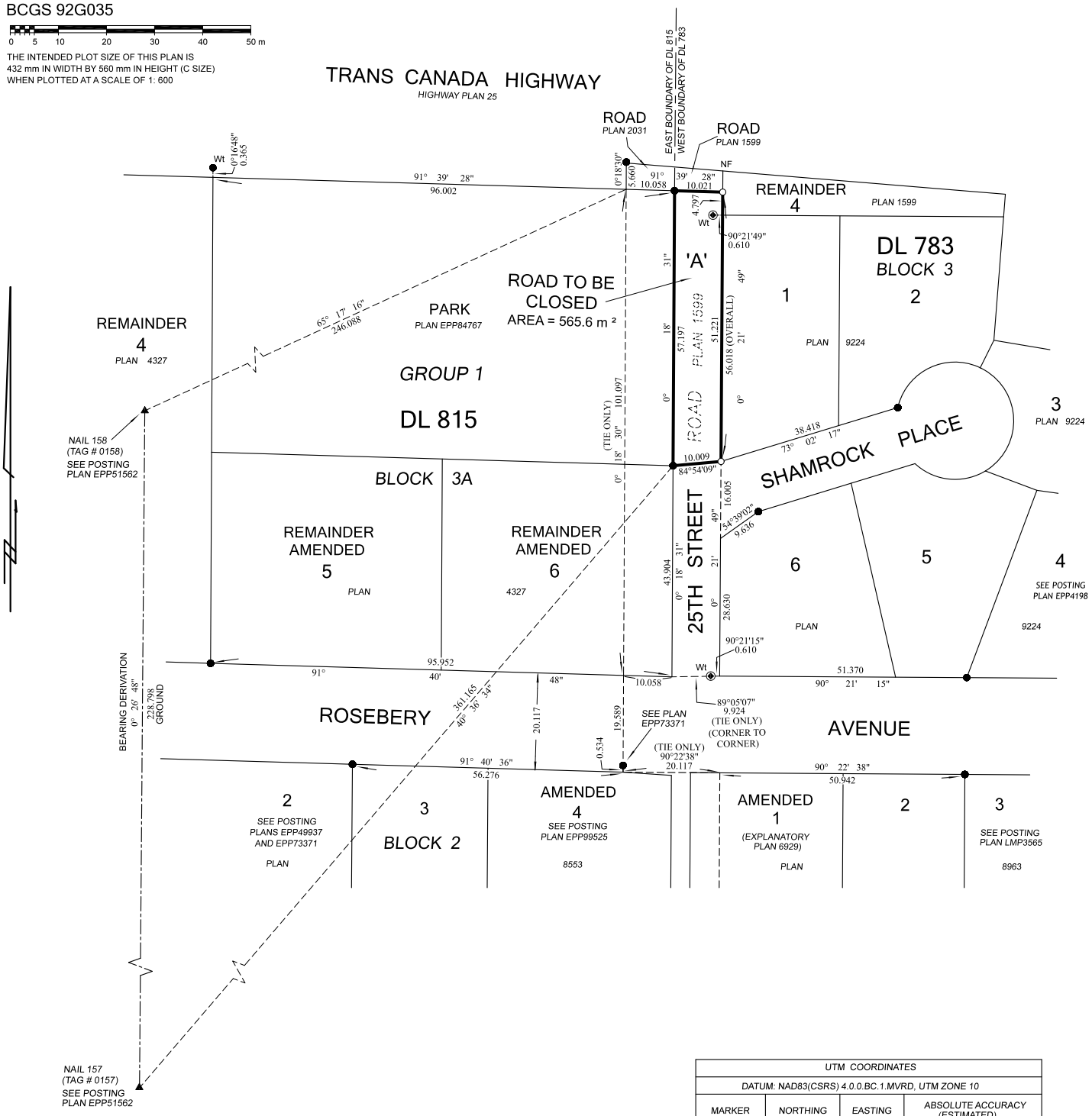
APPENDIX 2

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND
SECTION 40 OF THE COMMUNITY CHARTER

BCGS 92G035

0 5 10 20 30 40 50 m

THE INTENDED PLOT SIZE OF THIS PLAN IS
432 mm IN WIDTH BY 560 mm IN HEIGHT (C SIZE)
WHEN PLOTTED AT A SCALE OF 1: 600



UTM COORDINATES			
DATUM: NAD83(CSRS) 4.0.0.BC.1.MVRD, UTM ZONE 10			
MARKER	NORTHING	EASTING	ABSOLUTE ACCURACY (ESTIMATED)
NAIL 157	5465414.29	486532.43	0.05 METRES)
NAIL 158	5465642.97	486534.21	0.05 METRES

LEGEND

- ▲ DENOTES GNSS TRAVERSE POINT FOUND
- ● DENOTES STANDARD IRON POST FOUND
- ○ DENOTES STANDARD IRON POST PLACED
- ◈ DENOTES NON-STANDARD POST FOUND (PIPE)
- NF DENOTES NOTHING FOUND
- Wt DENOTES WITNESS

NOTE:
THIS PLAN SHOWS ONE OR MORE WITNESS POSTS
WHICH ARE NOT SET ON THE TRUE CORNER(S).

THIS PLAN LIES WITHIN THE
METRO VANCOUVER REGIONAL DISTRICT

GRID BEARINGS ARE DERIVED FROM PLAN EPP51562
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF
UTM ZONE 10 (123° WEST LONGITUDE).

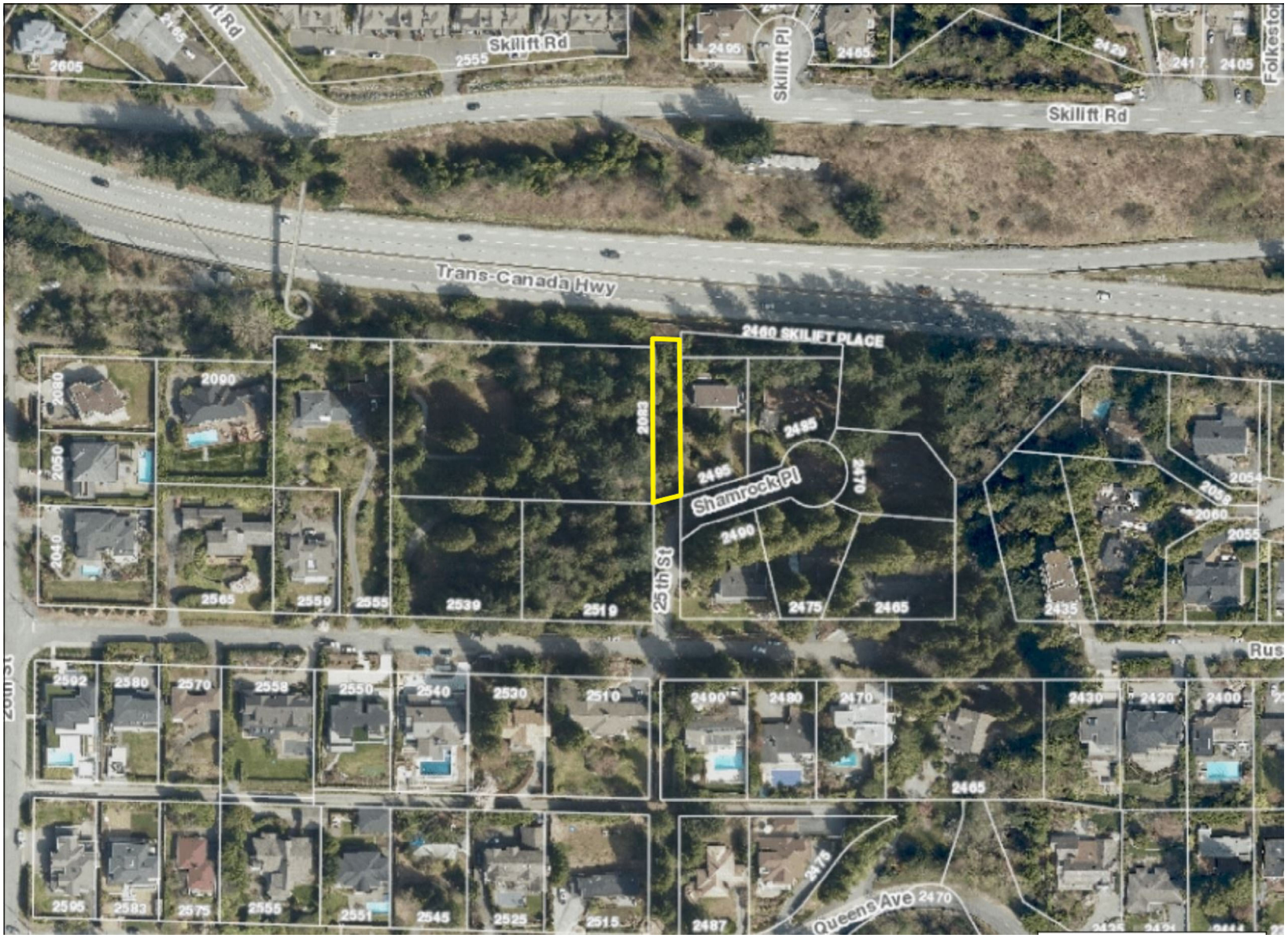
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED
FACTOR OF 0.9995848. THE AVERAGE COMBINED FACTOR HAS BEEN
DETERMINED BASED ON A MEAN ELLIPSOIDAL ELEVATION OF 112 METRES.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED
ARE DERIVED FROM TIES TO TRAVERSE POINTS SET ON PLAN EPP51562

THE FIELD SURVEY REPRESENTED BY THIS PLAN
WAS COMPLETED ON THE 20TH DAY OF JANUARY, 2021
ADAM LESLIE ARDUINI, BCLS 920

2539 ROSEBERY AVENUE (BRISSENDEN PARK)
FB.2659 p.131 - 136 M3373-36 WV

HOBBS, WINTER & MacDONALD,
B.C. LAND SURVEYORS,
113-828 HARBOURSIDE DRIVE,
NORTH VANCOUVER, B.C., V7P 3R9
TEL 604-986-1371 FAX 604-986-5204
EMAIL: admin@hwmsurveys.com


Skilift Rd
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Skilift Rd
Trans-Canada Hwy
2460 SKILIFT PLACE
Shamrock Pl
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