Corporate Report

NO: R002

COUNCIL DATE: January 10, 2005

REGULAR COUNCIL

TO:	**Mayor & Council**	DATE:	**December 23, 2004**
FROM:	**General Manager, Engineering**	FILE:	**0910-30/43**
SUBJECT:	**Road Closure of 57 Avenue at 146 Street**		

RECOMMENDATION

That Council approve the previously approved sale of a 5,564 ft.² (516.9 m²) unopened portion of 57 Avenue road allowance located immediately east of 146 Street as outlined in the attached Corporate Report (R152).

BACKGROUND

On July 5, 2004, Council authorized the Engineering Department to proceed with the closure and sale of the subject ±5,693 ft.² (±528 m²) unopened portion of 57 Avenue. The exact area of the closed road is 5,564 ft.^{2} (516.9 m^2) as confirmed by a legal survey. Council's approval of the sale of these portions of road is now required to complete the final step in the road closure process prescribed by the new Community Charter.

DISCUSSION

As a result of the recent introduction of the new Community Charter, the process involving the closure of redundant roads has been changed. While there are some procedural differences between the Local Government Act and the Community Charter, the intent, rights, and obligations of the new legislation upon the City and road closure applicants remain relatively the same.

The Community Charter requires that Council's approval to close and sell roads must be obtained on two separate occasions. The first time is at the beginning of the closure process when Council is requested to authorize the "cancellation of highway" for the portion of road to be closed and consolidated. The second time is at the end of the process when Council's authority is required to formally dispose of the road after all the statutory requirements have been met. In accordance with Section 40 of the Community Charter, the Realty Services Division has met all the necessary requirements to dispose of these redundant portions of road, and it is now in order for Council to authorize this last step in the road closure and sale process.

CONCLUSION

It is recommended that Council approve the disposal of the subject portion of road as outlined in the attached report.

Paul Ham, P. Eng.
General Manager, Engineering

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Attachment: Corporate Report R152