



Corporate Report

2004

NO: R024

COUNCIL DATE: February 9,

REGULAR COUNCIL

TO: Mayor & Council
DATE: February 2, 2004

FROM: General Manager, Engineering
PROJECT FILE: 1799-302

SUBJECT: City-Initiated Lane Closure
(12870 - 72 Avenue)

RECOMMENDATION

That Council:

1. rescind Council Resolution No. R03-2244; and
2. authorize the City Clerk to bring forward a By-law to close and remove the dedication as highway of a $\pm 5,737$ ft.² (± 533 m²) unopened portion of lane at 72 Avenue and 128 Street for consideration by Council.

BACKGROUND

As a result of the recent introduction of the new Community Charter, the process involving the closure or exchange of redundant roads have 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. Essentially, the process to close roads has been streamlined to provide clarity and expediency to the process, and road exchanges are no longer applicable.

DISCUSSION

The following report describes a lane closure that was approved by Council on September 8, 2003 as a lane exchange (Corporate Report No. R184). In consultation with Legal Services, Legislative Services has since advised Engineering that any Corporate Reports involving lane exchanges under the former Local Government Act, and where the requisite By-laws were not introduced prior to the inception of the Community Charter, would have to be brought back to Council for approval under the new legislation as a road/lane closure. Consequently, Council Resolution R03-2244 must be rescinded and the previously approved lane exchange will have to proceed in accordance with the new provisions of the Community Charter as described in the next section.

PROCESS UNDER COMMUNITY CHARTER

Prior to final approval of Council, a reference plan will be submitted to the Legislative Services Department requesting Introduction and Adoption of a By-law to close and remove the dedication as highway. Prior to Final Adoption of the By-law, in conformance with Sections 40 (3) and 94 of the Community Charter, notice of the closure will be advertised for two consecutive weeks in a local newspaper, and a notice will be posted at City Hall. The advertisement provides information to the public at large on the details of the closure and indicates that all pertinent data can be obtained from the Realty Services Division. All concerns from the public will be addressed prior to completion of the closure. In addition, as required under Section 40 (4) of the Charter, notice of the City's intention to close the lane will be directed to all utility companies considered to be affected by the proposed closure. Legislative Services will then request Council to provide Final Adoption of the By-law. Upon completion of these requirements, the By-law will then be registered at the Land Title Office. The Realty Services Division will then advertise the disposition of the portion of lane in a local newspaper and will post a notice at City Hall as prescribed

under Sections 26 and 94 of the Charter. The advertisement and notice will contain a description of the land and the price paid by the applicant. Upon completion of these items, a final report will be submitted to Council to approve the sale. The City will then prepare transfer documents to transfer the portion of lane to the applicant, and registration will take place at the Land Title Office.

CONCLUSION

The information contained within the report allows the City to complete the lane closure based on the requirements of Section 40 of the new Community Charter. The portion of lane to be closed and consolidated is not needed for road purposes.

Paul Ham, P.Eng.
General Manager, Engineering

GT/mpr

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Appendices

- I. Site Map
- II. Aerial Photograph of Site
- III. Corporate Report R184