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Corporate Report

NO: R059

COUNCIL DATE: March 22, 2004

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	March 1, 2004
FROM:	General Manager, Engineering	FILE:	0910-30/24 & 25
SUBJECT:	Walkway Closures at 14200 Block 33 Avenue		

RECOMMENDATION

That Council authorize the City Clerk to bring forward a By-law for consideration by Council to remove 1,607 ft.² of the dedication as highway of the following:

- (i) ± 803 ft.² (± 75 m²) unopened portion of walkway east of 14228 33 Avenue; and
- (ii) ± 804 ft.² (± 75 m²) unopened portion of walkway west of 14238 33 Avenue 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 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 similar. 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process to close roads has been streamlined to provide clarity and expediency to the process, and road exchanges are no longer applicable.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 two walkway closures that were approved by Council on September 8, 2003 (Appendix III - Corporate Report No. R181). In consultation with Legal Services, Legislative Services has recently advised Engineering that any Corporate Reports involving a road closure under the former Local Government Act where the requisite vesting order (transfer for the walkway) was not provided by the Provincial Government prior to the inception of the Community Charter, would have to be brought back to Council for approval under this new legislation. Title for all roads and lanes now rests with Cities and Municipalities and the Province no longer has the authority to provide a vesting order. Consequently, Council Resolution R03-2241 must be rescinded and the previously approved walkway closure will have to proceed in accordance with the new provisions of the Community Charter as described in the next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 prepared at the applicant's expense is 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 walkway 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 walkway 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 to be paid by the applicants. 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 portions of walkway to the applicants, and registration will take place at the Land Title Office.

CONCLUSION

The information contained within the report allows the City to complete the walkway closure based on the requirements of Section 40 of the new Community Charter, and in accordance with the previously approved Corporate Report No. R181.

Paul Ham, P.Eng. General Manager, Engineering

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Appendices

- I. Site Map
- II. Aerial Photograph of Site
- III. Corporate Report R181