



Corporate Report

NO: R160

COUNCIL DATE: July 5, 2004

REGULAR COUNCIL

TO: Mayor & Council DATE: June 24, 2004
FROM: General Manager,
Engineering FILE: 7803-0334
SUBJECT: Road Closure at 59 Avenue and 164 Street

RECOMMENDATION

That Council approve the previously approved sale of a $\pm 43,372 \text{ ft.}^2$ ($\pm 4,029 \text{ m}^2$) unopened portion of 164 Street and a $\pm 39,747 \text{ ft.}^2$ ($\pm 3,692 \text{ m}^2$) unopened portion of 59 Avenue as outlined in the attached Corporate Report (R117).

BACKGROUND

On May 17, 2004, Council authorized the Engineering Department to proceed with the sale and closure of a $\pm 43,372 \text{ ft.}^2$ unopened portion of 164 Street and a $\pm 39,747 \text{ ft.}^2$ unopened portion of 59 Avenue. 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 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 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 these portions of road as outlined in the attached report.

Paul Ham, P.Eng.
General Manager, Engineering

GT/mpr

Appendices

I. Corporate Report R117