



Corporate Report

NO: R176

COUNCIL DATE: July 19, 2004

REGULAR COUNCIL

TO: Mayor & Council DATE: July 6, 2004
FROM: General Manager, Engineering FILE: 7803-0099
SUBJECT: Road Closure at 152 Street and King George Highway

RECOMMENDATION

That Council:

1. rescind Council Resolution No. R03-911;
2. repeal By-law No. 15246; and
3. authorize the City Clerk to bring forward a By-law to close and remove the dedication as highway of a ± 376 ft.² ($\pm 4,047$ m²) unopened portion of the King George Highway at 152 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 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. 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process to close roads has been streamlined to provide clarity and expediency to the process, and road exchanges are no longer applicable.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 road closure that was approved by Council on April 14, 2003 as a road exchange (Corporate Report No. R065). In consultation with Legal Services, Legislative Services has since advised Engineering that any Corporate Reports involving road exchanges under the former Local Government Act, and where the requisite By-laws were not introduced prior to the inception of the Community Charter, they would have to be brought back to Council for approval under the new legislation as a road closure. Consequently, Council Resolution R03-911 must be rescinded and the previously approved road exchange will have to proceed in accordance with the new provisions of the Community Charter as described in the next section.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 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 road 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 road 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 road 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 road closure based on the requirements of Section 40 of the new Community Charter. The portion of road to be closed and consolidated is not needed for road purposes.

Paul Ham, P.Eng.
General Manager, Engineering

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Appendices

- I. Site Map
- II. Aerial Photograph of Site
- III. Corporate Report R065