



Corporate Report

NO: R273

COUNCIL DATE: November 15,

2004

REGULAR COUNCIL

TO: Mayor & Council **DATE: November 8,
2004**

**FROM: General Manager,
Engineering** **FILE: 0910-30/36B**

SUBJECT: Road Closure at 2336/38 King George Highway

RECOMMENDATION

That Council approve the previously approved sale of a $\pm 3,878 \text{ ft.}^2$ (360.3 m²) opened portion of road fronting 2336/38 King George Highway as outlined in the attached Corporate Report (R100).

BACKGROUND

On May 3, 2004, Council authorized the Engineering Department to proceed with the sale and closure of a $\pm 3,888 \text{ ft.}^2$ opened portion of King George Highway (KGH) fronting the property at 2336/38 KGH. A legal survey has since been completed and the surveyed area of the surplus road is 3,878 ft².

The sale includes the condition precedent for the applicant to obtain a development permit pertaining to site improvement prior to the closing of the sale. Council gave final approval for the development permit on October 18, 2004; therefore, this condition will be satisfied. Council's approval of the sale of this portion 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 (exchanges no longer allowed), 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 portion of road as outlined in the attached report.

Paul Ham, P.Eng.
General Manager, Engineering

AW/mpr

j:\property\admin\corprpts\2004\10290844-aw.doc
MPR 11/15/04 8:34 AM

Appendices

I. Corporate Report (R100)