

1. **Elimination of Road Exchanges**

The Community Charter provides for road closures only. Road exchanges were previously provided for in the Local Government Act; however, they are no longer available to civic government.

2. **Two-Step Council Approval and Public Notification Process**

(a) **Notice to Close & Remove the Dedication of Highway**

Following the initial approval by Council to close the previously dedicated road, an advertisement is placed in the local newspaper for two consecutive weeks, and a public notice is concurrently posted at City Hall, both of which describe the particulars of the road closure proposal. This notification process occurs between Third and Fourth Readings of the Road Closure By-law. This advertisement also provides an opportunity for the public, who may have any concerns or comments, to make representation to Council through the City Clerk in writing or at a Regular Council/Public Hearing meeting.

Previously, an advertisement of the proposed road closure was only placed in the newspaper between Third and Fourth Readings of the By-law, through which the public was directed to contact the Realty Services Division for details of the exchange/closure.

(b) **Notice of Intention to Sell City Land**

A second notice describing the City's intent to sell a closed road is publicly advertised and posted for two weeks following Fourth Reading and filing of the By-law at the Land Title Office (LTO). This second notification requirement did not apply to the previous road closure/exchange process. Following the second public notification, Council approval is required to sell the closed road. This is the second of the new two-step Council approval process to close and sell redundant roads. If ownership changes after the public notification, but before completion of the sale, a second public notification is required.

Previously, Council's approval was required only once and at the beginning of the process.

3. **Right of Resumption by the Ministry of Transportation**

Although title to roads has been vested to cities and municipalities, the Community Charter initially provided the Ministry of Transportation the right of resumption for provincial purposes over any previously closed and sold surplus road. The Minister of Transportation has recently amended this provision through a Ministerial Order (M213) that automatically waives the resumption right subject to the following circumstances:

The provincial government's right of resumption under section 35(8) of the *Community Charter*, in relation to a highway or portion of a highway that was vested in a municipality by section 35(1) of that Act, is cancelled if:

- (a) the municipality has, by by-law under section 40 of the *Community Charter*
 - (i) closed the highway or portion, and
 - (ii) removed its dedication,
- (b) the closed highway or portion is not adjacent to
 - (i) a park, recreation area or ecological reserve established under the *Park Act*, the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*, or
 - (ii) an area to which an order under section 7 (1) of the *Environment and Land Use Act* applies, and
- (c) the land is disposed of

- * (i) in exchange for land necessary for the purpose of improving, widening, straightening, relocating, or diverting a highway, or
 - (ii) to one or more adjacent landowners for the purpose of consolidating it with the landowners' existing adjacent parcel or parcels of land.
- * (This does not apply to civic bodies. Exchanges are allowed under rights the Province has to administer roads.)

This section did not apply to the previous road closure/exchange process.

Given the circumstances of the Ministerial Order, M213, most, if not all of the City's road and lane closures will qualify for an automatic cancellation of the Province's Right of Resumption. All road closures within 800 metres of a provincially controlled highway require Ministry of Transportation approval.

4. Notification to Utility Companies

Although past practice included consulting with outside utility companies, the new Community Charter now mandates this notification practice to ensure that the utility companies' rights are not adversely impacted as a result of the road closure.

5. Application Fee Increase \$2,000 to \$2,400

The current fees have been in place since 2002. This section of the revised policy recognizes that the fees should be increased to cover the City's increased costs of processing road closures.

CONCLUSION

The revisions to Corporate Policy No. P-4 reflect the new road closure requirements of the Community Charter and will provide clear and consistent guidelines and principles regarding the City's policy for road closures. This amended policy also addresses the need to increase the application fees to cover the increased costs of processing road closures. The Engineering Department recommends that the revised and updated City Policy No. P 4 be approved to replace the existing Policy P-4 dated September 3, 2002.

Paul Ham, P.Eng.
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Appendices

- I. Revised City Policy P-4, Road, Lane & Walkway Closure Policy
- II. Current Road and Lane Closure & Exchange Policy P-4 - September 3, 2002
- III. Schedule C Amendment to By-law 14577