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Corporate Report

NO: R014

COUNCIL DATE: February 7,

2005

REGULAR COUNCIL

TO: Mayor & Council DATE: January 31, 2005

FROM: General Manager, Engineering FILE: 0910-30/65

SUBJECT: City-Initiated Road Closure at South Meridian Park

(12 Avenue and 161A Street)

RECOMMENDATION

That Council:

- 1. rescind Council Resolution No. R99-2206; and
- 2. authorize the City Clerk to bring forward a By-law to close and remove the dedication as highway of a ±40,256 ft.² (±2,740 m²) unopened portion of road at 12 Avenue and 161A Street for consideration by Council.

DISCUSSION

The following report describes a road closure that was previously approved by Council on September 7, 1999 as a "road exchange" (Corporate Report No. R1991) to improve the size, configuration, and functionality of South Meridian Park. In consultation with Legal Services and Legislative Services, Engineering has been advised that all Corporate Reports involving road exchanges under the former Local Government Act, and where the requisite Bylaws were not introduced prior to the inception of the Community Charter, would have to be brought back to Council as a "road/closure." Consequently, Council Resolution R99-2206 must be rescinded and the previously approved road exchange will have to proceed under the new provisions of the Community Charter as described in the next section.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 will be 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 portion of 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 portion of 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

GT/mpr

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Appendices

- I. Site Map
- Aerial Photograph of Site II.
- Corporate Report R1991 III.