



Corporate Report

NO: R004

COUNCIL DATE: JANUARY 15, 2007

REGULAR COUNCIL

TO: Mayor & Council

DATE: January 2, 2007

FROM: General Manager, Engineering

FILE: 0340-05

SUBJECT: Road, Lane, and Walkway Closure Policy

RECOMMENDATION

The Engineering Department recommends that Council approve the revisions to Section 2 of the City's Corporate Policy No. P-4, "Road, Lane, and Walkway Closure Policy" as attached in Appendix I.

BACKGROUND

Policy No. P-4 (Appendix II), the current Road, Lane, and Walkway Closure Policy was first established in 1978 and was most recently amended on November 15, 2004. The last amendment was the result of the January 2004 enactment of the Community Charter and the accompanying new regulations that govern the City's actions with respect to redundant roads. It is customary that City ~~guidelines are based on provincial practices~~ and policies ~~be updated periodically~~ ~~legislation and have been updated periodically over~~ ~~the years~~ to reflect a better understanding of and/or changes to the provincial legislation.

The proposed policy revision resulted from Realty and Legal Services staff ~~Realty staff~~ experiences and interpretations ~~in-gained~~ while administering the road closure ~~as well~~ ~~provisions of~~ the Community Charter.

DISCUSSION

This report and the recommended policy change deals with road closure applications where the original dedicator of the road to be closed has retained ownership of the lands from which the road was dedicated. As a result of a recent ~~this~~-legal interpretation ~~of the~~ ~~provisions~~ under Section 40 of the Community Charter, City staff are now proposing to revise Section 2 of the current City policy.

Section 40(6) (a) & (b) of the Community Charter states, "Council may not remove the dedication of a highway that was dedicated by the deposit of a subdivision plan if the owner of the land at the time the plan was deposited is the owner of all of the parcels created by the plan, unless the owner of the parcels consents."

| [dated November 15, 2004](#)