

NO: R055

COUNCIL DATE: March 22, 2010

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **March 11, 2010**
FROM: **General Manager, Engineering** FILE: **1505-06400**
SUBJECT: **Road Closure of Hyland Road between 64 Avenue and 65 Avenue
West of 148 Street (Step 2)**

RECOMMENDATION

The Engineering Department recommends that Council authorize the sale of a portion of Hyland Road between 64 Avenue and 65 Avenue, west of 148 Street, having an area of 10,667.04 ft.² (991 m²) under the previously approved terms for this closure and sale, as outlined in the attached Corporate Report No. R1629.

BACKGROUND

Although this road closure was initially approved in 1998, the applicant, City Planning staff, and the Department of Fisheries and Oceans have only recently resolved an impasse over the environmental setbacks and associated landscape requirements adjacent to Hyland Creek, and this road closure can now proceed.

DISCUSSION

On January 25, 2010, Council adopted By-law 17096 authorizing the Engineering Department to proceed with the closure and sale of a portion of Hyland Road between 64 Avenue and 65 Avenue west of 148 Street, having an area of 10,667.04 ft.² (991 m²). 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 Community Charter.

Although this road closure was initiated in 1998 and property values have risen significantly since then, a valuation adjustment is not required. The road closure predated the 2004 introduction of the Community Charter, which eliminated road "exchanges." At the time of application, this 10,667.04 ft.² portion of redundant road was being exchanged for three portions of the applicant's land, which was equivalent in value with the road to be closed. The City will be acquiring two road widenings totalling 2,598 ft.² along 64 Avenue and a 46,268 ft.² portion of land adjacent to Hyland Creek for creek preservation, and the current market values of the respective portions of land and road remain equivalent.

The Community Charter requires that Council approval to close and sell a road 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 portion of 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 this redundant portion of road and it is now in order for Council to approve this last step in the road closure and sale process.

CONCLUSION

It is recommended that Council authorize the sale of this portion of road as outlined in the attached report.

Vincent Lalonde, P.Eng.
General Manager, Engineering

JM/mpr/brb

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Appendix I: Corporate Report No. R1629