

August 22, 2019

Road Closure Bylaw 2019-32 (Westminster Ave E/Abbott St/Van Horne Street)

PUBLIC NOTICE IS HEREBY GIVEN that Council will consider Road Closure Bylaw 2019-32 to close portions of road along Westminster Ave E, Abbott Street and Van Horne Street (refer to Figure 1) at its Regular Council Meeting being held at 6:00 p.m. Tuesday, September 3, 2019 at Penticton City Hall, 171 Main Street, Penticton, B.C.

PUBLIC NOTICE IS ALSO HEREBY GIVEN pursuant to Section 26(3) of the *Community Charter* that upon closing of the road as indicated above, the City of Penticton intends to dispose of the land as part of a land swap totaling 399sq.m. of boulevard and unusable sloped side yard for a lane dedication of 447sq.m. with Reger and Van Abbott Holdings Inc.

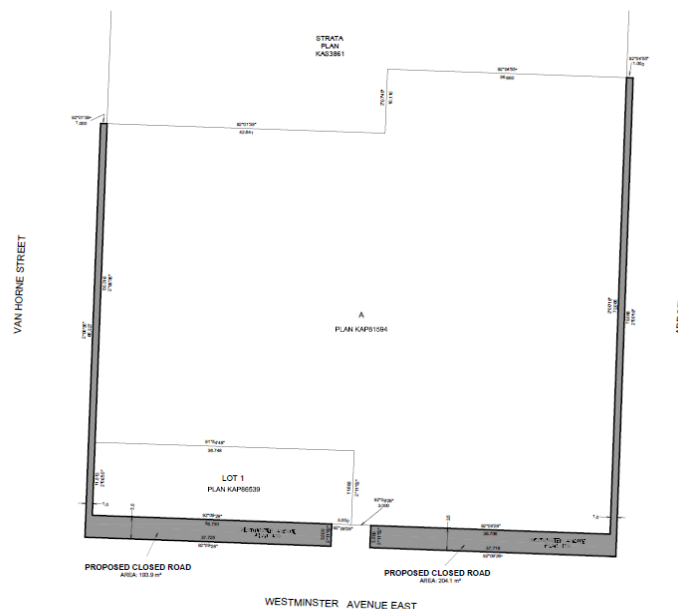


Figure 1

Public Comments:

Any person whose interest may be affected by the proposed bylaw may appear in person or by agent the evening of the Regular Council meeting. **Delegations and Submissions will be received no later than 9:30a.m., Tuesday, September 3, 2019** to Attention: Corporate Officer, City of Penticton, 171 Main Street, Penticton, BC V2A 5A9; Email: corpadmin@penticton.ca. Please note that all submissions must include a name and address and will form part of the public record.

Further Information:

The above mentioned bylaw and supporting information will be available for public inspection up to and including **Tuesday, September 3, 2019** at the following locations during hours of operation: Development Services (City Hall, 171 Main Street), Penticton Public Library (785 Main Street) and the Penticton Community Centre (325 Power Street); or online at www.penticton.ca/publicnotice.

Date: August 20, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 157 Abbott Street / 149 Van Horne Street

File No: RMS Civic Address

Subject: Road Closure (Westminster Ave E/Abbott/Van Horne Street) Bylaw No. 2019-32

Staff Recommendation

THAT Council give first, second and third reading to "Road Closure (Westminster Ave E/Abbott/Van Horne Street) Bylaw No. 2019-32", a bylaw that closes portions of Westminster Avenue E, Van Horne Street and Abbott Street to facilitate a land swap and parking improvements.

Strategic priority objective

The proposal meets Council's Strategic Priority of Community Design, by supporting the development of a unique neighbourhood in-line with the community's vision for the future.

Background

Council at their regular meeting of December 4, 2018, supported a proposed land exchange between the City and owners of two properties fronting Van Horne Street, Abbott Street and Westminster Avenue E (157 Abbott Street and 149 Van Horne Street), to accommodate a development creating 12 RD3 (Residential Infill) lots for single and two family construction (Figure 1).

Council's approval was subject to the developer providing additional public parking at their expense and covering all legal and survey costs. At that meeting Council gave staff direction to enter into the agreement under those terms. The agreement proposes the closure of some excess road right-of-way and the exchange of that right-of-way for a new lane, in support of the residential development.



Figure 1: Proposed 12 lot subdivision

Details of the development and the agreement are contained in the December 4, 2018 staff report to Council. The conclusion of that report was that the exchange represented good value for the public. No funds are involved in the land transfer.

Road closure and disposition process

The process to raise title to road right-of-way involves public notification and the adoption of a bylaw. Notification to all utility companies that may be affected is also required. Once adopted, notice of the bylaw is sent to the land title office (LTO) and the closed road is registered with the LTO. Title is then vested to the municipality.

In the case where disposition of the road right-of-way is planned, as is the case here, further notification is required, which involves notice of the disposition in the newspaper. That process will begin after Council gives support for the bylaw. The actual disposition of the lands and land exchange will occur as part of the subdivision registration, creating the lane and 12 residential lots.

Financial implication

As per the agreements signed by the City with the two property owners, all costs associated with this road closure and exchange are at the cost of the developer. The City has occurred some minor legal expenses (<\$500).

Analysis

Council had previously given support to the exchange of excess road right-of-way in support of the proposed residential development. Raising title to road right-of-way is a regulated process which this bylaw is one step of.

Staff are recommending that Council give first, second and third reading to the bylaw and that staff proceed with notification of the disposition of the land and road closure.

Before adoption of the bylaw, public notice of intention to close the road will take place in accordance with section 94 of the *Community Charter*. Anyone who considers that they are affected by the bylaw will have an opportunity to make representations to Council before final reading of the bylaw.

Alternate recommendations

THAT Council provide alternate direction to staff.

Attachments

Attachment A – Road Closure (Westminster Ave E/Abbott/Van Horne Street) Bylaw No. 2019-32

Respectfully submitted,

Blake Laven,
Planning Manager

Acting Director <i>KK</i>	Chief Administrative Officer DyD
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A Bylaw to close and remove highway dedication for a portion of Westminster Avenue East, Abbott Street and Van Horne Street

SUMMARY OF AREAS:

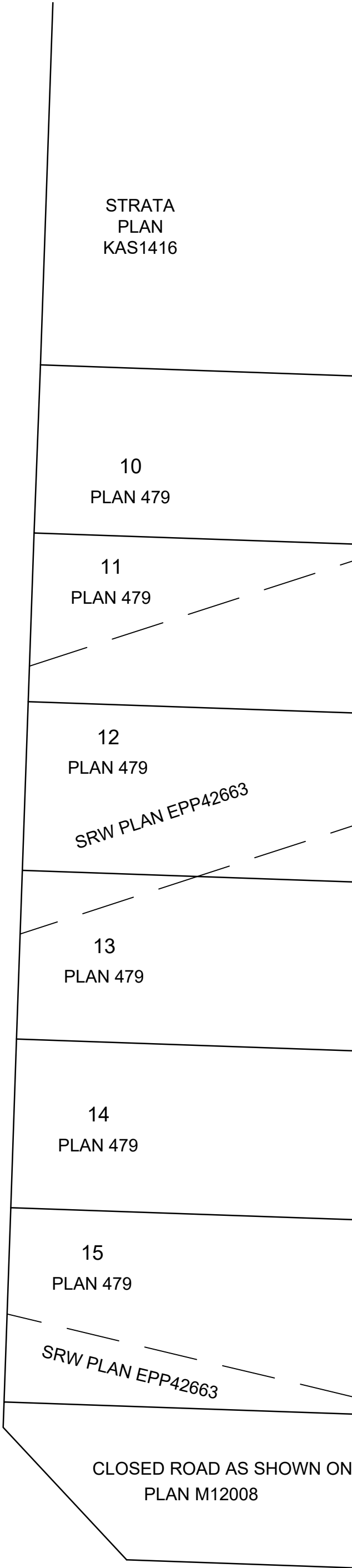
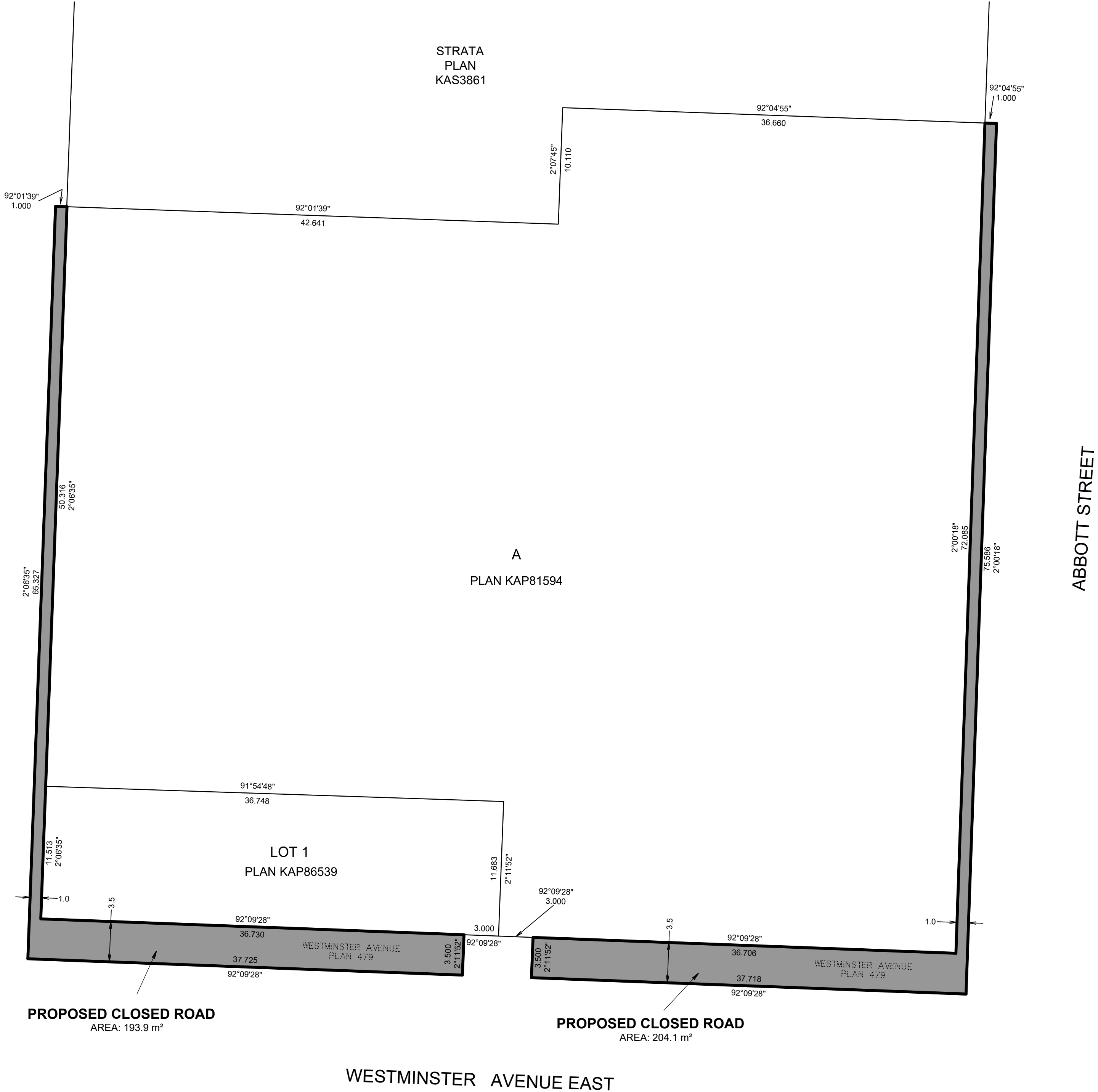
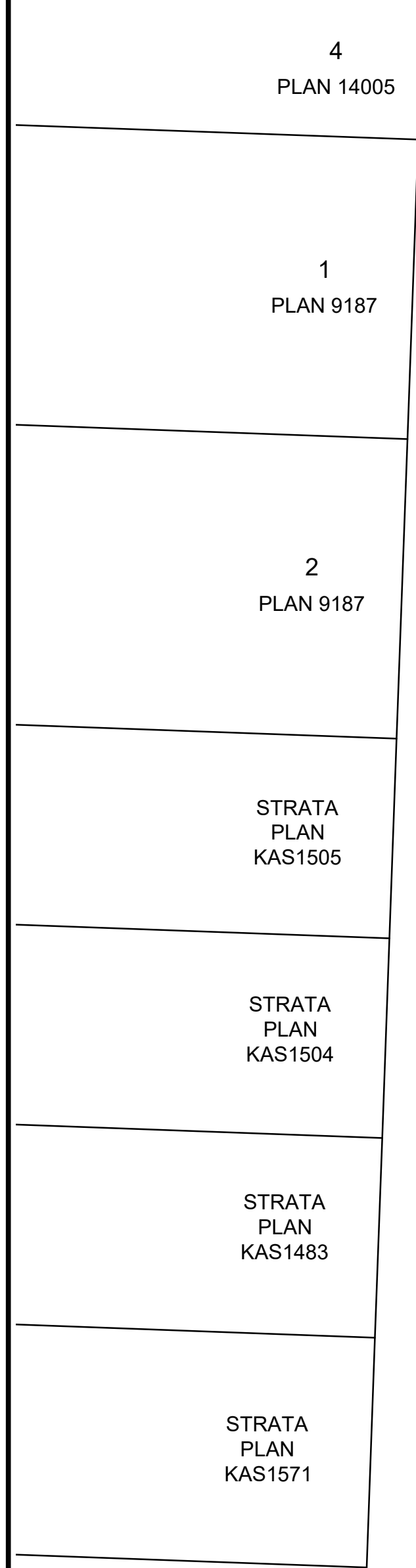
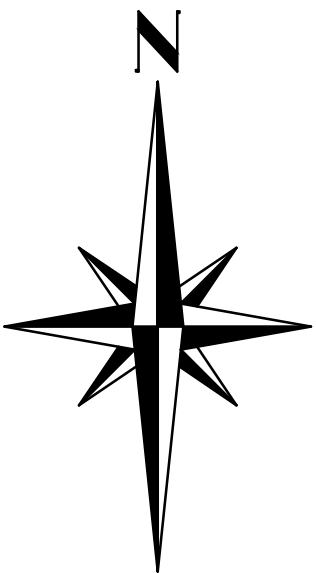
PROPOSED PORTION OF WESTMINSTER AVENUE, VAN HORNE & ABBOTT STREET TO BE CLOSED:

398.0 m²

NOTES:

- 1) VAN HORNE & ABBOTT STREET ROAD CLOSURE IS 1.0m WIDE.
2) WESTMINSTER AVENUE ROAD CLOSURE IS 3.5m WIDE.

BEARINGS ARE GRID AND DERIVED FROM GNSS OBSERVATIONS.
ALL AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO FINAL LEGAL SURVEY.



SKETCH PLAN TO ACCOMPANY
CITY OF PENTICTON BY-LAW No. 2019-32
CANCELING PORTIONS OF ROAD SHOWN
DEDICATED ON PLAN 479
DISTRICT LOT 202 SIMILKAMEEN DIVISION
YALE DISTRICT

BCGS 82E.053
SCALE 1 : 250
0 5 10 15 20 25 m
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
THE INTENDED PLOT SIZE OF THIS PLAN IS 864 mm IN WIDTH BY 560 mm IN HEIGHT (D-SIZE) WHEN PLOTTED AT A SCALE OF 1:250

Road Closure Bylaw 2019-32

Date: _____

Corporate Officer: _____