



Council Report

penticton.ca

Date: June 24, 2025
To: Anthony Haddad, City Manager
From: Blake Laven, General Manager of Development Services
Subject: Road Closure Bylaw No. 2025-20 and Land Disposition Notifications

Staff Recommendation

THAT Council give first, second and third reading to "Road Closure (south portion of road right-of-way adjacent to 2905 South Main Street) Bylaw No. 2025-20, a bylaw that closes a portion of an unnamed road right-of-way – formerly a part of Green Avenue - adjacent to 2905 South Main Street as shown on Plan EPP140518, to accommodate a property line adjustment between the City owned property of 2905 South Main Street and the School District 67 owned property at 120 Green Avenue West;

AND THAT Council direct staff to proceed with notification, as per the *Community Charter*, for Road Closure Bylaw 2025-20, allowing representations from those that are impacted by the proposed road closure to be made to Council at the July 15, 2025, Regular Meeting of Council;

AND THAT Council direct staff to proceed with notification, as per Section 26 of the *Community Charter* for the disposition of the following properties:

- That closed portion of un-named road adjacent to 2905 South Main Street, as shown on Road Closure Plan EPP140518, to SD 67, in compensation for road right-of-way on Green Avenue fronting 120 Green Avenue West shown on Plan EPP140519
- That portion of Lot 118, District Lot 116, Similkameen Division Yale District, Plan 333, Except Plans B5593, 20532 and KAP45357 (2905 South Main Street) as shown on Subdivision Plan EPP140519 to SD 67 in compensation for a generally equal portion of land on Lot 1, District Lot 116 Similkameen Division Yale District, Plan 20532 (120 Green Avenue W) as shown on Plan EPP140519

AND THAT Council authorize the Mayor and Corporate Officer to execute all required documents and or agreements related to the road closure, subdivision, consolidations and disposition of lands.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Background

Prior to the construction of Skaha Lake Middle School in 2000, a land swap agreement was made between the City and School District 67, which saw a portion of the City owned Robinson Park (2905 South Main Street) intended to be used for the footprint of the new school, with an equally sized portion of Princess Margaret Secondary School lands (120 Green Avenue) being transferred to Robinson Park as compensation. The agreement also proposed turning a portion of SD67 lands along Green Avenue W to City road right-of-way, in exchange for a portion of City right-of-way intended to become part of the SD 67 lands (road closure area shown on Figure 1).

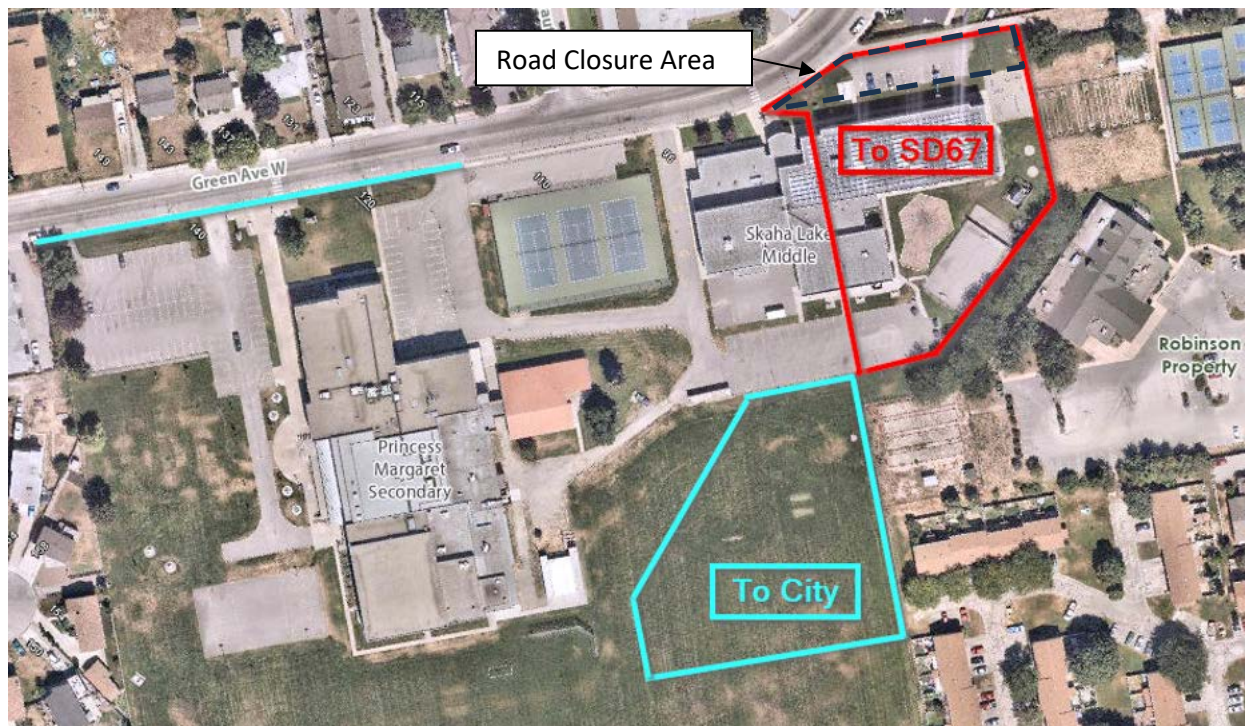


Figure 1: Illustration showing land exchange agreement lands

The use of dedicated City Park land for the school site was approved through a referendum process in 1996. At that time, a road closure bylaw was also adopted by Council, but did not capture the correct area and was not filed at the land title office to 'raise title' for the road.

While this land exchange agreement was approved by both the School District and City, the actual transfer did not occur right away and the school was built straddling the property line (partly on City land, partly on SD 67 land). Over time the completion of the exchange has not occurred. There is a desire for both parties to have this property line amendment process completed to clean up this situation.

Steps required to complete the exchange (lot line adjustment between the two lots)

To complete the agreed upon land exchange, several steps are required, including:

- Giving initial readings of a new road closure bylaw (subject of this report)
- Proceeding with notifications for the road closure and intent to transfer ownership of closed road and other lands to SD 67 (subject of this report)

- Adoption of road closure bylaw (future meeting)
- Registration of road closure and associated property consolidation plans and rights of way agreements with the Land Title Office

Technical consideration

The portion of registered road right of way that is proposed to be closed and consolidated with the SD67 lot, is currently used for parking. Closure of the road is not anticipated to have any impact on traffic as the right of way is not currently a vehicle thoroughfare and there is no change in the surface works being proposed at this time.

From a land use (zoning) perspective, the City's zoning Bylaw has a provision that assigns the zoning of closed portions of road to the zone of the adjacent lands. Both the SD67 lot (120 Green Avenue W) and City lot (2905 South Main Street) are zoned P1 and as such the parcel that will be created from the closed road will have P1 zoning. No zoning amendments are required.

Financial implication

All costs on the City for survey and legal works are accommodated through existing Land Administration budgets. SD 67 has participated in costs for survey and legal document preparation.

Analysis

There is a desire on the part of both the City and SD67 to complete the items outlined in the 1998 land exchange agreement. Giving readings to a new road closure bylaw and proceeding with the required statutory notifications are the necessary next steps for that process. Staff are recommending that Council give readings to the road closure bylaw and direct staff to begin the required notifications.

Attachments

- Attachment A – Road Closure (south portion of road right of way adjacent to 2905 South Main St) Bylaw No. 2025-20
- Attachment B – Subdivision Plan EPP140519

Respectfully submitted,

Blake Laven,
General Manager of Development Services

Concurrence

General Manager Community Services <i>KJ</i>	City Manager <i>AL</i>
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The Corporation of the City of Penticton
Bylaw No. 2025-20

A bylaw to close the south portion of road right of way adjacent to 2905 South Main Street

WHEREAS Section 40 of the *Community Charter* provides that a Council may, by bylaw, permanently close all or part of a highway that is vested in the municipality to all or some types of traffic;

AND WHEREAS the Council of the Corporation of the City of Penticton deems it necessary and expedient to close a portion of an unnamed road right of way, formerly a part of Green Avenue, adjacent to 2905 South Main Street to facilitate a property line adjustment;

AND WHEREAS before adopting this bylaw, the Council has given notice of its intention in accordance with section 94.2 of the *Community Charter*;

AND WHEREAS before adopting this bylaw, Council has provided an opportunity for persons who consider themselves affected by the bylaw to make representation to Council;

AND WHEREAS before adopting the bylaw, Council has delivered notice of its intention to the operators of utilities whose transmission or distribution facilities or works will be affected by the closure;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Road Closure (south portion of road right of way adjacent to 2905 South Main Street) Bylaw No. 2025-20".

2. **Purpose:**

Authority is hereby given to the Corporation of the City of Penticton to close a portion of the road and remove the dedication of a highway as shown on Schedule 'A' attached hereto and forming part of this bylaw.

3. **Repeal:**

"The City of Penticton Road Closing Bylaw No. 97-34 (1997)" and any amendments thereto are hereby repealed upon the adoption of this Bylaw.

READ A FIRST time this _____ day of _____, 2025

READ A SECOND time this _____ day of _____, 2025

READ A THIRD time this _____ day of _____, 2025

ADOPTED this _____ day of _____, 2025

Notice of intention to proceed with this bylaw was published on the __ day of __, 2025 and the __ day of __, 2025 in an online news source and a Penticton newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

PLAN EPP140518

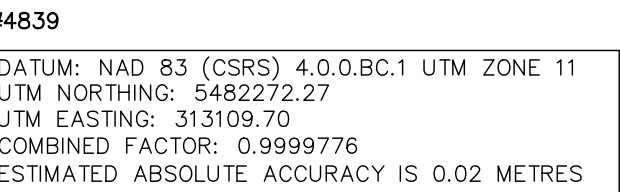
THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:750

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND
SECTION 40 OF THE COMMUNITY CHARTER

AREA OF ROAD TO BE CLOSED=690.2m²

Date: _____

Corporate Officer: _____



44841

DATUM: NAD 83 (CSRS) 4.0.0.BC.1 UTM ZONE 11
UTM NORTHING: 5481882.72
UTM EASTING: 312419.37
COMBINED FACTOR: 0.9999814
ESTIMATED ABSOLUTE ACCURACY IS 0.02 METRES

LEGEND

QTE: THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S).

THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA NO. 12
(PENTICTON) NAD 83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
CONTROL MONUMENTS #4839 and #4841 INTEGRATED
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS
OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY
GROUND-LEVEL DISTANCES BY AVERAGE COMBINED FACTOR 0.9999
WHICH HAS BEEN DERIVED FROM MONUMENT #4839

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS #4839 and #4841

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE NOTED

- (A) CONTROL MONUMENT
 (●) STANDARD IRON POST FOUND
 (○) STANDARD IRON POST PLACED

U.R. UNREGISTER IRON POST FOUND
SET BY STEVEN BUZIKIEVICH, BCLS 600
FILE #09-205, DATED DECEMBER 21st, 2009

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT
OF OKANAGAN-SIMILKAMEEN

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER
FOR THE CITY OF PENTICTON

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED
ON THE 30th DAY OF AUGUST, 2024.
ROSS MANDEVILLE, BCLS 918

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
582 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MSURVEYING.COM

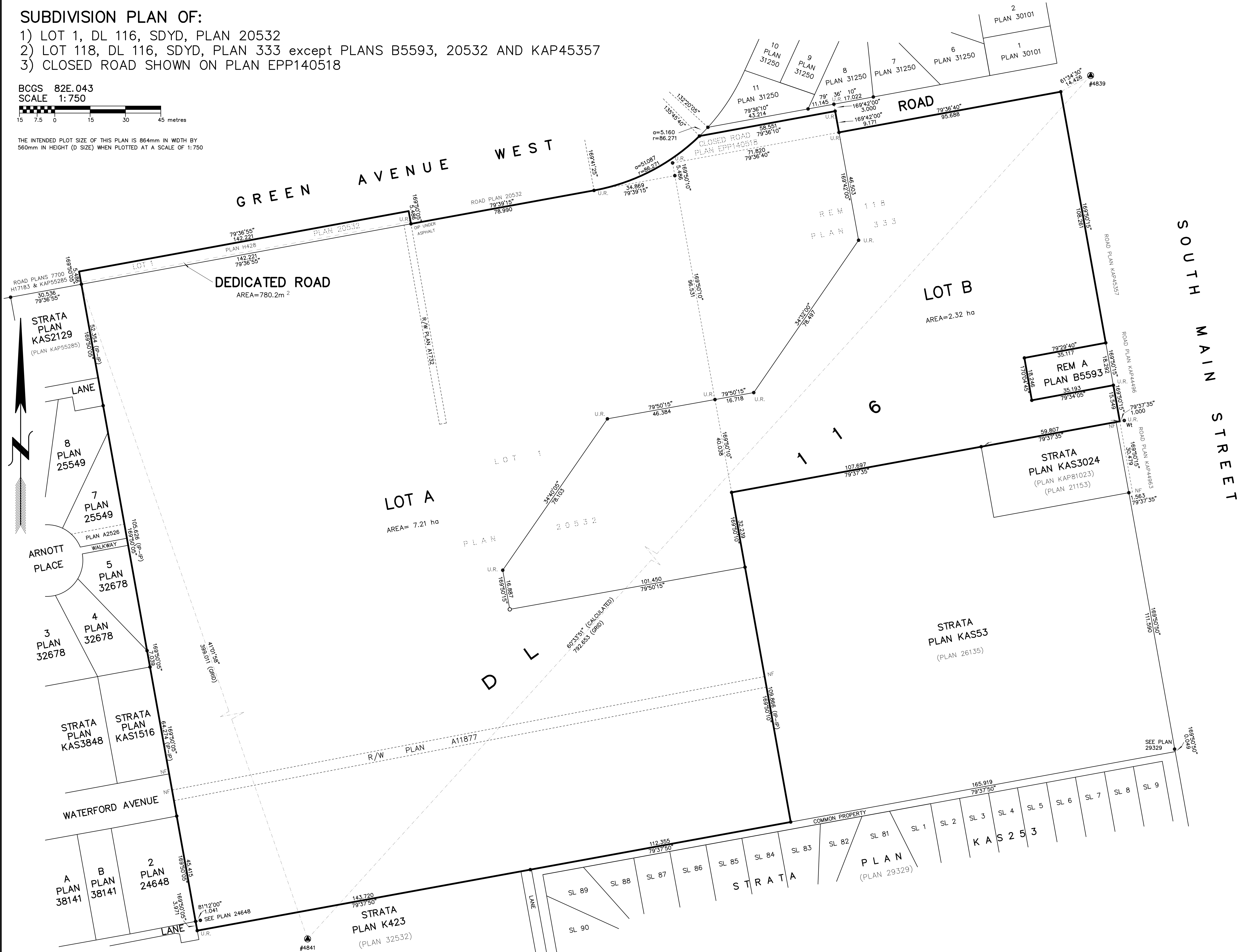
SUBDIVISION PLAN OF:

- 1) LOT 1, DL 116, SDYD, PLAN 20532
2) LOT 118, DL 116, SDYD, PLAN 333 except PLANS B5593, 20532 AND KAP45357
3) CLOSED ROAD SHOWN ON PLAN EPP140518

BCGS 82E.043
SCALE 1:750

THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:750

PLAN EPP140519



#4839
DATUM: NAD 83 (CSRS) 4.0.0.BC.1 UTM ZONE 11
UTM NORTHING: 5482272.27
UTM EASTING: 313109.70
COMBINED FACTOR: 0.9999776
ESTIMATED ABSOLUTE ACCURACY IS 0.02 METRES

#4841
DATUM: NAD 83 (CSRS) 4.0.0.BC.1 UTM ZONE 11
UTM NORTHING: 5481862.72
UTM EASTING: 312419.37
COMBINED FACTOR: 0.9999814
ESTIMATED ABSOLUTE ACCURACY IS 0.02 METRES

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THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 30th DAY OF AUGUST, 2024.
ROSS MANDEVILLE, BCLS 918