

August 5, 2021

Road Closure (section of Valleyview Road adjacent to 3914 Valleyview Road) Bylaw No. 2021-27

PUBLIC NOTICE IS HEREBY GIVEN that Council will consider Road Closure (section of Valleyview Road adjacent to 3914 Valleyview Road) Bylaw No. 2021-27 to close a 190m² section of road right-of way (Figure 1), at their Regular Meeting scheduled for 1:00 p.m., Tuesday, August 17, 2021 at the Penticton Trade & Convention Centre.



Figure 1

Further Information:

The above mentioned bylaw and supporting information can be viewed on the City's website at: www.penticton.ca/publicnotice.

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed bylaw may participate at the August 17, 2021 Council meeting by:

1. Zoom - Please visit www.penticton.ca for details and the Zoom link.
2. Via telephone - Please visit www.penticton.ca for details and the telephone number.
3. Submitting written comments by mail or email no later than 9:30 am, Tuesday, August 17, 2021 to

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

4. May appear in person.

No letter, report or representation from the public will be received by Council after the conclusion of the August 17, 2021 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: July 20, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director of Development Services
Subject: Road Closure and Notice of Disposition (190m² of road adjacent to 3914 Valleyview Road)

Staff Recommendation

THAT Council give first, second and third reading to "Road Closure (section of Valleyview Road adjacent to 3914 Valleyview Road) Bylaw No. 2021-27", a bylaw that closes a 190 m² section of road right-of-way;

AND THAT Council direct staff to proceed with notification, as per the *Community Charter*, for Road Closure Bylaw-27 allowing those persons who may be impacted by the road closure to be provided the opportunity to make presentations to Council at the August 17, 2021 Regular Meeting;

AND THAT Council proceed with notifications, as per the *Community Charter* for the disposition of: "That closed portion of Valleyview Road, as shown on Schedule A of Bylaw 2021-27", to Marjorie Kathleen Louise Daniels, the owner of 3914 Valleyview Road - the adjacent property - for compensation of \$30,000 plus legal and other associated costs.

Strategic priority objective

- **Asset & Amenity Management:** The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

3914 Valleyview Road is a small, agriculturally zoned property with single family property located on it. The property is 0.25 acres in area and located in a rural area not serviced by the City's sanitary sewer system. The property has been owned by the same family since 1971. A portion of the road right-of-way has been incorporated into the front yard area – in fact, until recently, the property owners assumed the portion of road right-of-way to be part of their property and had been providing maintenance including landscaping etc. on the lands. While the subject land is dedicated road way it is not part of the city's road network. It is likely a historical and or survey anomaly.

When it was discovered that the area was in fact City road right-of-way, the property owners contacted the Land Administration Department about purchasing the lands. This request was reviewed internally and it

was determined there was no current or future City use or purpose for the area and it was determined that the lands could be disposed of. An appraisal of the lands was completed identifying the value of the lands to be \$30,000.

Process

As the lands in question are road right-of-way, a road closure bylaw is required to raise title to the lands prior to being able to transfer the land to the purchaser. This road closure process involves notification of neighbouring or otherwise impacted properties. In addition to the notice of road closure, notice of disposition of the lands is also required.

Once Council adopts the bylaw and the survey work is completed, the lands will be consolidated with 3914 Valleyview Road through the application of a consolidation plan at the land title office. This will not occur until successful completion of all conditions of the land sale agreement.

Financial implication

The future closed portion of road has been appraised at a value of \$30,000. The property owner has agreed to this purchase price as well legal costs to complete the consolidation. The costs to raise title to the lands will be at the cost of the City and not expected to exceed \$3,500.

Analysis

The subject lands do not serve any civic purpose and have been maintained by the adjacent property for at least the past few decades. Sale of the lands to the adjacent property will provide funds for the City to purchase more strategic lands in other areas on the community.

Staff are recommending that Council give first, second and third reading to the Road closure bylaw and give staff direction to begin the notification process for the road closure and land disposition.

Attachments

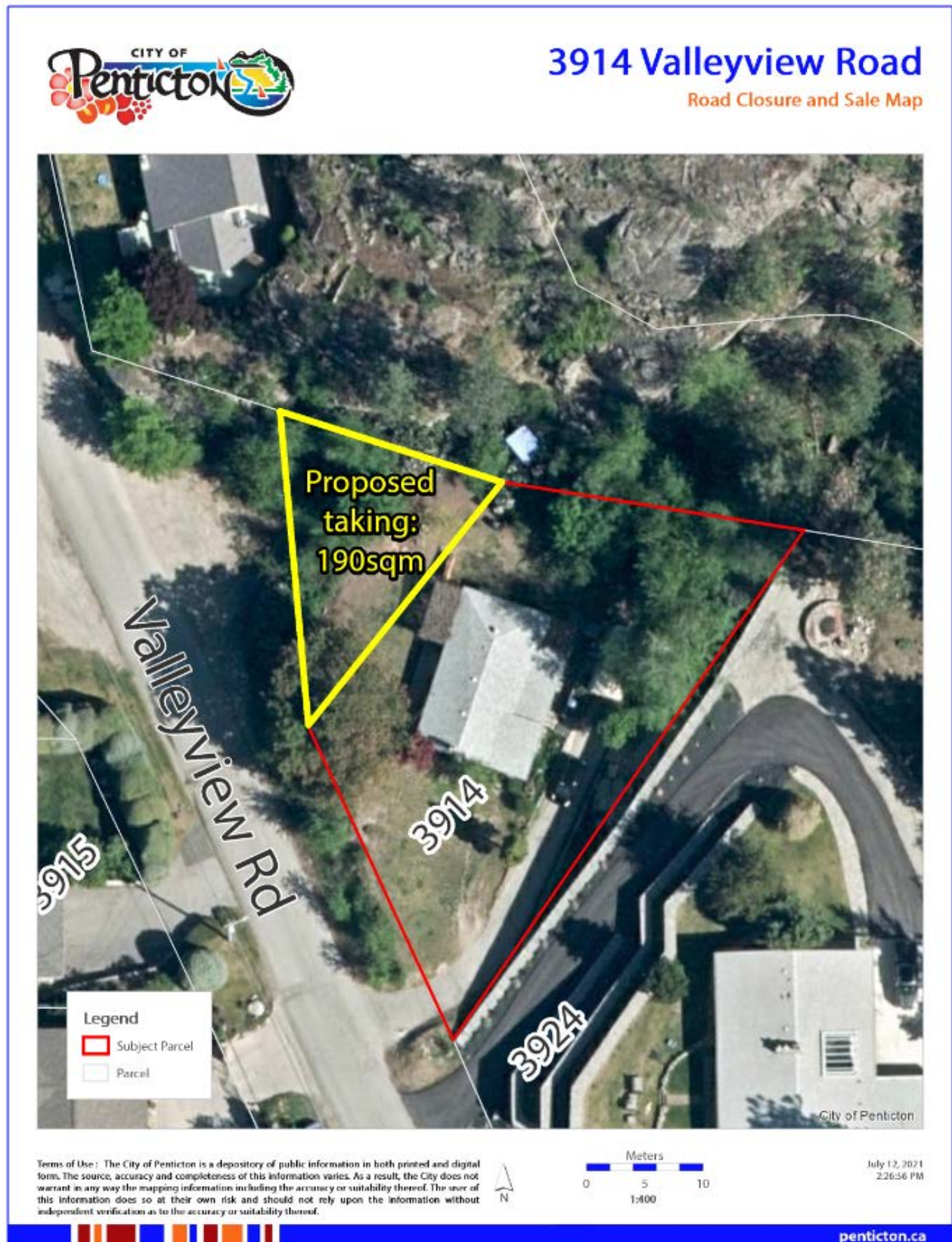
Attachment A: Location Map

Attachment B: Road Closure (section of road adjacent to 3914 Valleyview Road) Bylaw No. 2021-27

Respectfully submitted,

Blake Laven,
Director of Development Services

Acting General Manager Finance and Administration <i>AMC</i>	Chief Administrative Officer DyD
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**The Corporation of the City of Penticton
Bylaw No. 2021-27**

A Bylaw to close and remove highway dedication for area adjacent to 3914 Valleyview Road

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 remove the dedication of a highway;

AND WHEREAS the Council of the Corporation of the City of Penticton deems it necessary and expedient to close a portion of road adjacent to 3914 Valleyview Road;

AND WHEREAS before adopting this bylaw, the Council has given notice of its intention in accordance with section 94 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;

AND WHEREAS upon adoption of the bylaw, the bylaw will be filed in accordance with section 120 of the *Land Title Act*;

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 (section of road adjacent to 3914 Valleyview Road) Bylaw No. 2021-27".

2. **Purpose:**

Authority is hereby given to the Corporation of the City of Penticton to close a portion of the road and remove the highway dedication of 190m² of road adjacent to 3914 Valleyview Road as shown in detail on Schedule 'A' attached hereto and forming part of this bylaw.

READ A FIRST time this _____ day of _____, 2021

READ A SECOND time this _____ day of _____, 2021

READ A THIRD time this _____ day of _____, 2021

ADOPTED this _____ day of _____, 2021

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2021 and the __ day of ____, 2021 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer



3914 Valleyview Road

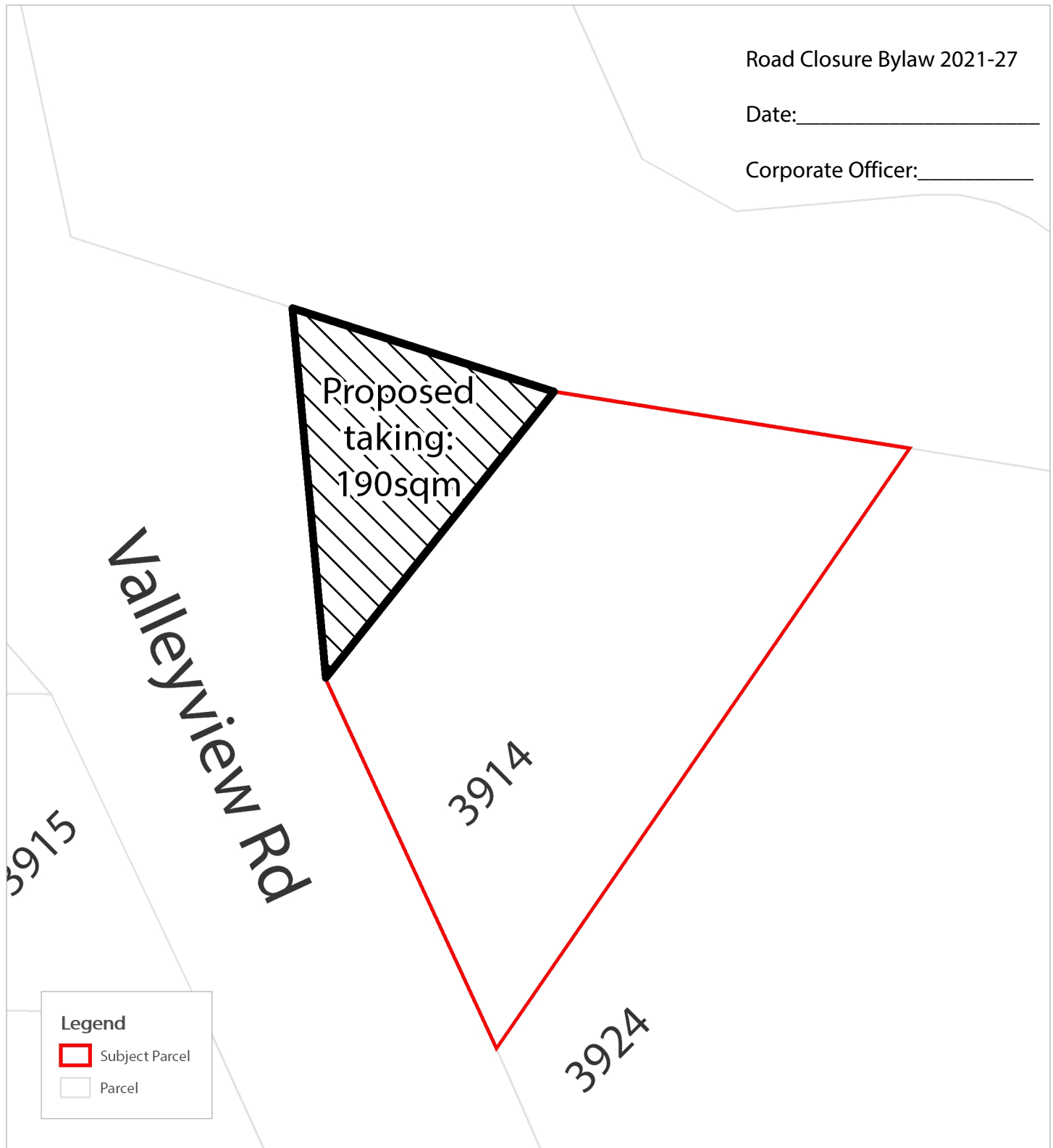
Road Closure and Sale Map

Schedule A: Bylaw 2021-27

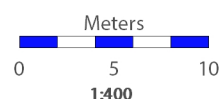
Road Closure Bylaw 2021-27

Date: _____

Corporate Officer: _____



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July 12, 2021
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