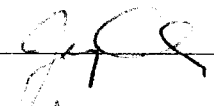


FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER			
Land Management.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	 for ANDREW HAZARETH			
City Clerk.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Engineering.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Development Applications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> <i>SW</i>	NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> <i>GT</i>	NO <input type="checkbox"/>

Staff Report

Origin

Bylaw 8161 – a Bylaw to close a road and remove the highway dedication therefrom – applicable to portions of road adjacent to City property at 5491 No. 2 Road, was given 1st, 2nd and 3rd readings by Council on November 27, 2006. The main body of the staff report that was presented to Council on November 27, 2006 with explanation on the need for the bylaw, is attached to this report (Attachment 1).

The Road Closure and Highway Dedication Removal Bylaw is a requirement of rezoning Bylaw 8041, which is currently being held at third reading, pending adoption of the Road Closure and Highway Dedication Bylaw. Both bylaws affect the future use and configuration of the City's land at 5491 No. 2 Road.

Findings Of Fact

The final survey work for the Road Closure and Removal of Highway Dedication Bylaw 8161 prompted a change to the portion of road to be closed. The new portion of road to be closed is shown on the plan appended to Bylaw 8180.

Analysis

The area of road that may be closed and consolidated with the site has been adjusted by the City's surveyor by reducing the portion identified on the Bylaw Plan as Parcel "B" by 194.1 square metres (approximately 2,089 square feet) smaller than illustrated on the survey plan which was attached to the bylaw when it received 1st 2nd and 3rd readings on November 27, 2006.


The dedication of frontage from the City's parcel (and consolidation of closed road parts "A" and "B" with the parcel) will occur when the subdivision/consolidation plan is registered, after the passage of Bylaw 8180. This is also a requirement of the rezoning bylaw.

Financial Impact

The advertising costs and survey work to effect the change to the Bylaw are provided for within the existing budget.

Conclusion

The adoption of the resolution recommended by staff will allow the road closure to proceed.


per Christine McGilvray
Manager, Property Services
(4005)



City of Richmond

Report to Council

(WITHOUT ORIGINAL ATTACHMENTS)

To Council: Nov 27, 2006

To: Richmond City Council
 From: Christine McGilvray
 Manager, Property Services
 Re: Road Closure and Removal of Highway Dedication Bylaw 8161 - 5491 No. 2 Road

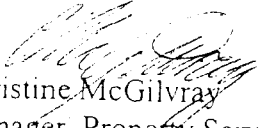
Date: November 14, 2006

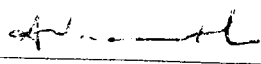
File: 12-8060-20-8161/Vol 01

Staff Recommendation

That:

1. Road Closure and Removal of Highway Dedication Bylaw 8161 be given 1st 2nd and 3rd readings and that staff be given the authority to take all necessary steps as required by the Community Charter to:
 - (a) give the public notice in accordance with s. 94 of the Community Charter;
 - (b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council; and
 - (c) give notice to the operators of utilities whose transmission or distribution facilities or works the City considers will be affected by the closure; and
2. Council authorize staff to make the necessary arrangements to grant rights of way as required for City and non-City utilities and for public rights of access (including vehicular access), and that the Mayor and Clerk be authorized to execute on the City's behalf all documentation (including agreements and plans) as may be necessary or advisable in connection with the granting of such rights.


 Christine McGilvray
 Manager, Property Services
 (4005)
 Att.

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Land Management.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Development Applications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

The rezoning application for the City-owned property at 5491 No. 2 Road (Bylaw 8041) went to Public Hearing on Tuesday April 18, 2006 and was given 1st 2nd and 3rd readings. The site is to be rezoned from School and Public Use (SPU) to CD/172 to permit its subdivision for the purposes of high-, mid- and low-rise multiple-family residential dwellings and (on the southerly portion of the site) to permit development of affordable housing.

The final adoption of Bylaw 8041 requires that the site be reconfigured in accordance with diagram 1 of Bylaw 8041 (~~see Attachment 1~~). In order to do this, a Road Closure and Highway Dedication Removal Bylaw must be enacted.

Findings Of Fact

In order to reconfigure the site as envisioned by Bylaw 8041, the following steps must be undertaken:

1. a portion of the River Road frontage needs to be dedicated to "road" to line up the northerly property line with the adjacent neighbouring property to the west;
2. portions of River Road and No. 2 Road must be closed and the highway designation removed therefrom, so that the land may be consolidated with the larger remaining parcel of 5491 No. 2 Road.
3. City and non-City utilities within the portion of No. 2 Road to be closed will be protected by rights of way registered on the land. The rights of way needed will be for:
 - a. existing underground City utilities;
 - b. existing utilities (BC Hydro, Telus and Terasen gas);
 - c. public rights of access, as the area will continue for a short period to be used, as it is now, as road access onto No. 2 Road from River Road. This use will change in the future when the realigned River Road is constructed and opened for traffic. At that time, the right of way for public access will be discharged.

Bylaw 8161 (~~see Attachment 2~~) will close the appropriate portions of road and remove the highway designation therefrom. This report also seeks Council approval to grant the necessary rights of way for utilities and public rights of access.

Analysis

In order to finalize the rezoning Bylaw 8041, a Road Closure and Removal of Highway Dedication Bylaw must first be enacted to reconfigure the parcel in accordance with the rezoning requirements.

To close a road, the City must enact a Road Closure Bylaw after giving notice of its intentions in accordance with s. 94 of the Community Charter and after providing an opportunity for persons who consider they are affected by the bylaw to make representations to Council as well as deliver notice of its intentions to the operators of utilities whose transmission or distribution facilities or works the City considers will be affected by the closure.

To remove the previous dedication of the road, the City must enact a removal of highway dedication bylaw after giving notice of its intentions in accordance with s. 94 of the Community Charter and after providing an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

Title will then be raised to the closed portion of former road, which will then be consolidated with part of the City's existing parcel, 5491 No. 2 Road. Staff expect that the owners of the utilities will require the City to provide protection for the existing works by registering rights of ways in their favour concurrently with the road closure. Staff will also be registering the public access right of way immediately after the registration of the bylaws to ensure that there is no time when the subject property is not a "Street" within the meaning of the Traffic Bylaw No. 5870.

Financial Impact

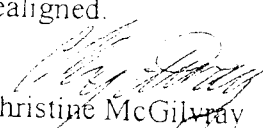
The City will pay for the necessary survey work to reconfigure the property lines, to create rights of way plans, to consolidate the closed road portions and to dedicate the new River Road frontage areas to "road" as necessary. This work is estimated at \$3,500.00.

The City will also bear the cost of registration of the necessary rights of way, estimated at approximately \$400.00.

Funds are available in 7101-80-000-0000-000 (Cost of Selling Land Account) and will be recovered from the eventual sale of the land.

Conclusion

In order to complete the rezoning of the site (Bylaw 8041), Bylaw 8161 must be first enacted. It is recommended therefore that Council proceed with 1st, 2nd and 3rd readings of Bylaw 8161. Prior to final reading of Bylaw 8161, staff must take all steps required by the Community Charter to ensure the notice requirements are met as well as providing an opportunity for persons who consider they are affected by Bylaw 8161 to make representations to Council. The City must also grant the necessary rights of way to protect existing utilities that are in place in the portions of road to be closed and to permit the City to continue to operate the No. 2 Road access road as a road (which will be on the newly titled City lands) until such time as No. 2 Road is realigned.


Christine McGilvray
Manager, Property Services
(4005)



Road Closure and Removal of Highway Dedication Adjacent to 5491 No. 2 Road – Bylaw No. 8180

The Council of the City of Richmond enacts as follows:

- 1. The land described as Parcel "A" and Parcel "B" on the Reference Plan prepared by Stephen J. Campbell, B.C.L.S. attached as Schedule "A" shall be stopped up and closed to traffic, cease to be a public highway and the highway dedication shall be removed.
2. This Bylaw is cited as "Road Closure And Removal Of Highway Dedication Bylaw No. 8180".

FIRST READING

SECOND READING

THIRD READING

ADVERTISED

ADOPTED

Five horizontal lines for signatures or dates.

Approval stamp: CITY OF RICHMOND, APPROVED for content by originating dept., APPROVED for legality by Solicitor. Includes handwritten initials.

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8180

REFERENCE PLAN TO ACCOMPANY THE CITY OF RICHMOND ROAD CLOSING AND REMOVAL OF ROAD DEDICATION BYLAW NO. --- OF PORTIONS OF ROAD DEDICATED IN SECTION 1 BLOCK 4 NORTH RANGE 7 WEST NEW WESTMINSTER DISTRICT

R-06-14610-W-RC

PLAN BCP

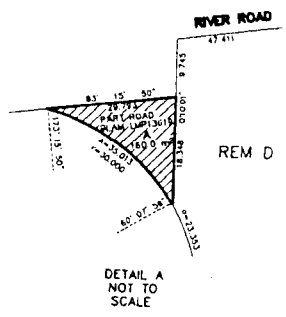
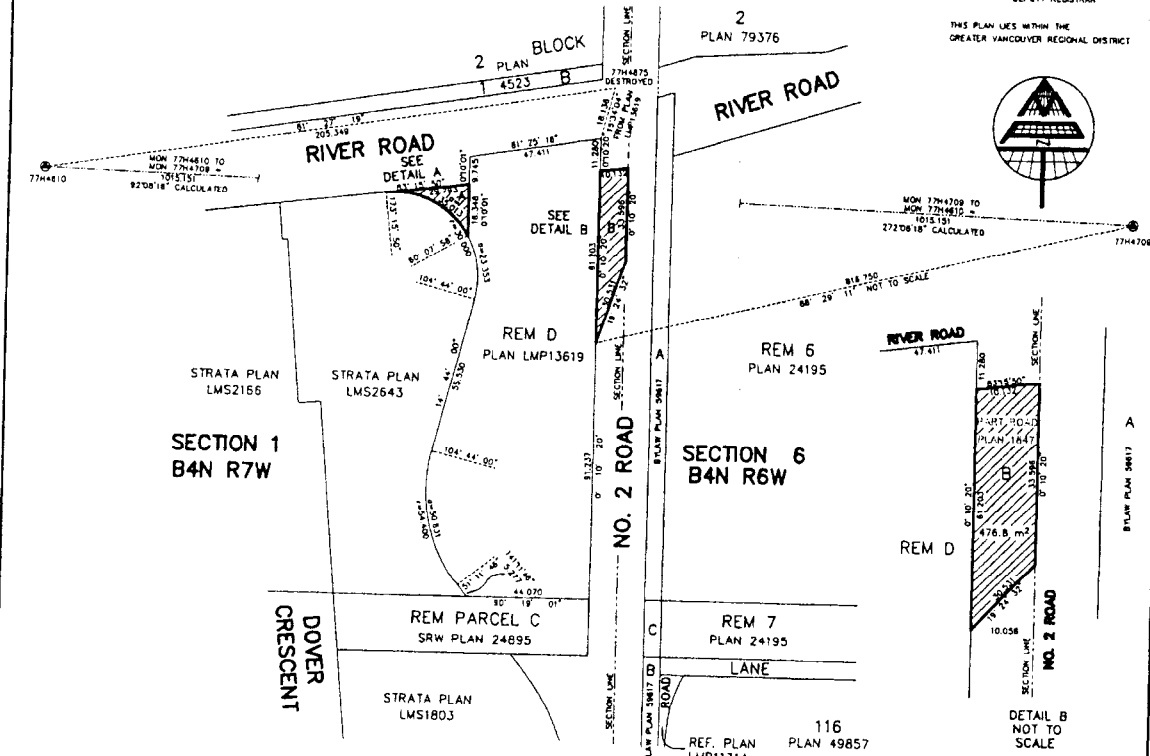
PURSUANT TO SECTION 120 LAND TITLE ACT AND SECTION 40, COMMUNITY CHARTER B.C.G.S. 92G .015

REF. No. _____

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C. THIS DAY OF _____ 20__

LANDS DEALT WITH
 PORTION OF ROAD DEDICATED ON PLAN LMP13619 SEC 1 B4N R7W NWD - 160.0 m²
 PORTION OF ROAD DEDICATED ON PLAN 1847 SEC 1 B4N R7W NWD - 476.8 m²

DEPUTY REGISTRAR
 THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT



EXECUTION DATE
 OFFICER SIGNATURE(S)
 CITY OF RICHMOND
 BY ITS AUTHORIZED SIGNATORY

Y	M	D
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LEE MASSEY, COMMISSIONER FOR TAKING AFFIDAVITS FOR B.C. CITY OF RICHMOND 8811 H.D. 3 ROAD RICHMOND, B.C. V6Y 2C1 278-4000 AS TO THE SIGNATURE OF DAVID WEBER

PARTY(S) SIGNATURE(S)
 CITY OF RICHMOND
 BY ITS AUTHORIZED SIGNATORY

MALCOLM D. BROOK
 MAYOR, AUTHORIZED SIGNATORY

DAVID WEBER
 CORPORATE OFFICER, AUTHORIZED SIGNATORY

LEGEND
 SCALE 1:1000

0 20 40 60

ALL DISTANCES ARE IN METRES
 GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 774610 AND 774708 NAD83 (CSRS) INTEGRATED SURVEY AREA NO. 18, RICHMOND

- INDICATES CONTROL MONUMENT FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES STANDARD IRON POST PLACED
- INDICATES LEAD PLUG FOUND
- ▲ INDICATES ALUMINUM POST FOUND
- ◇ INDICATES DISTURBED
- ▨ INDICATES PORTION OF ROAD TO BE CLOSED

I, J. STEPHEN CAMPBELL, A BRITISH COLUMBIA LAND SURVEYOR, OF PORT COQUITLAN IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2008.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # _____ ON _____, 2008.

_____ B.C.L.S.

MATSON PECK & TOPLISS
 SURVEYORS & ENGINEERS
 2710 - 8771 ODOOR ROAD
 RICHMOND, B.C.
 V6Y 3J8
 PH: 604-270-9331
 FAX: 604-270-4137
 CADFILE: 14610-W-RC.FLX
 R-06-14610-W-RC

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED TO COMPUTE GRID DISTANCES. MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9996044