

# REQUEST FOR DECISION

— REGULAR MEETING —



**To:** Mayor and Council  
**From:** Sasha Bird, Manager of Development & Engineering Services  
**Date:** October 20, 2014  
**Subject:** Road Closure Bylaw No. 2003, being the Riverside Drive Road Closure Bylaw

**Recommendation:** **RESOLVED THAT COUNCIL** give first and second readings to Bylaw No. 2003, being the Riverside Drive Road Closure Bylaw and direct Staff to notify the surrounding property owners and advertise in the local paper, inviting the surrounding property owners and the public to the November 3, 2014 Regular meeting to share their comments or concerns with respect to Bylaw 2003.

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**BACKGROUND:** Staff received a request to close a portion of Riverside Drive adjacent to 7330 Riverside Drive and to consolidate that portion of closed road with the applicant's property, in order to alleviate an air encroachment of the building's canopy and the applicant could then proceed with the strata conversion of his building.

Referral requests were sent to the various agencies and the only comment was received from the Ministry of Transportation and Infrastructure, stating that they had no objection with the closing of that portion of Riverside Drive under the condition that the closure will not affect traffic flow of ingress/egress off of Highway #3. The proposed closure will not affect vehicular ingress or egress from Highway #3 onto Riverside Drive.

At the July 21, 2014 Regular meeting, Council approved the request to close a 3.162 meter width portion of Riverside Drive (portion containing part of the building and the sidewalk), by the length of the building, located in front of 7330 Riverside Drive and directed Staff to proceed with the statutory requirements necessary to start and complete the road closure and the consolidation of that portion of road measuring 75 square meters with property legally described as Lot 1, District Lot 108 & 339"S", S.D.Y.D., Plan 34642 and to sell that portion of closed road to the applicant for \$1,526.40.

Section 40 of the Community Charter governs the process required to permanently close and remove a highway dedication. That process is as follows:

- Council may, by bylaw, close all or part of a highway that is vested in the municipality;
  - Before adopting the bylaw, Council must give notice of its intention in accordance with Section 94 (public notice) and provide an opportunity for persons who consider they are affected by the bylaw, to make representation to Council; and
  - Section 94 requirements for public notice states that the notice must be posted in a public notice posting place and published at least twice in a newspaper that is distributed in the area that is affected by the subject matter of the notice.
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## **Benefits or Impacts of the Recommendation:**

**General:** The benefit of the closure of that portion of road would be to alleviate the encroachment and thereby allowing the developer to proceed with the strata conversion of his building and the Council would be seen as following their Road Closure Policy.

**Strategic Impact:** N/A

**Financial:** The City would see no cost to the taxpayers for the closure and the consolidation of that portion of Riverside Drive, in that the developer is required to pay the City a \$2,500.00 deposit to cover costs incurred with the closure plans. The developer has paid the City the required deposit. There would also be a benefit to the City from the potential increased tax base once the building was stratified and the residential and commercial units were sold.

**Policy/Legislation:** The requirements to close a portion of road and to advertise the closure are legislated by the Community Charter.

**Attachments:**

- a copy of the site plan showing the footprint of the building and the canopy overhang;
- a copy of the Zoning Map showing the location and zoning of the property in question;
- a street view photo of the building and the landscaping of the property after the renovations;
- a copy of the Road Closure Policy #1501; and
- a copy of Bylaw 2003, being the Riverside Drive Road Closure bylaw.

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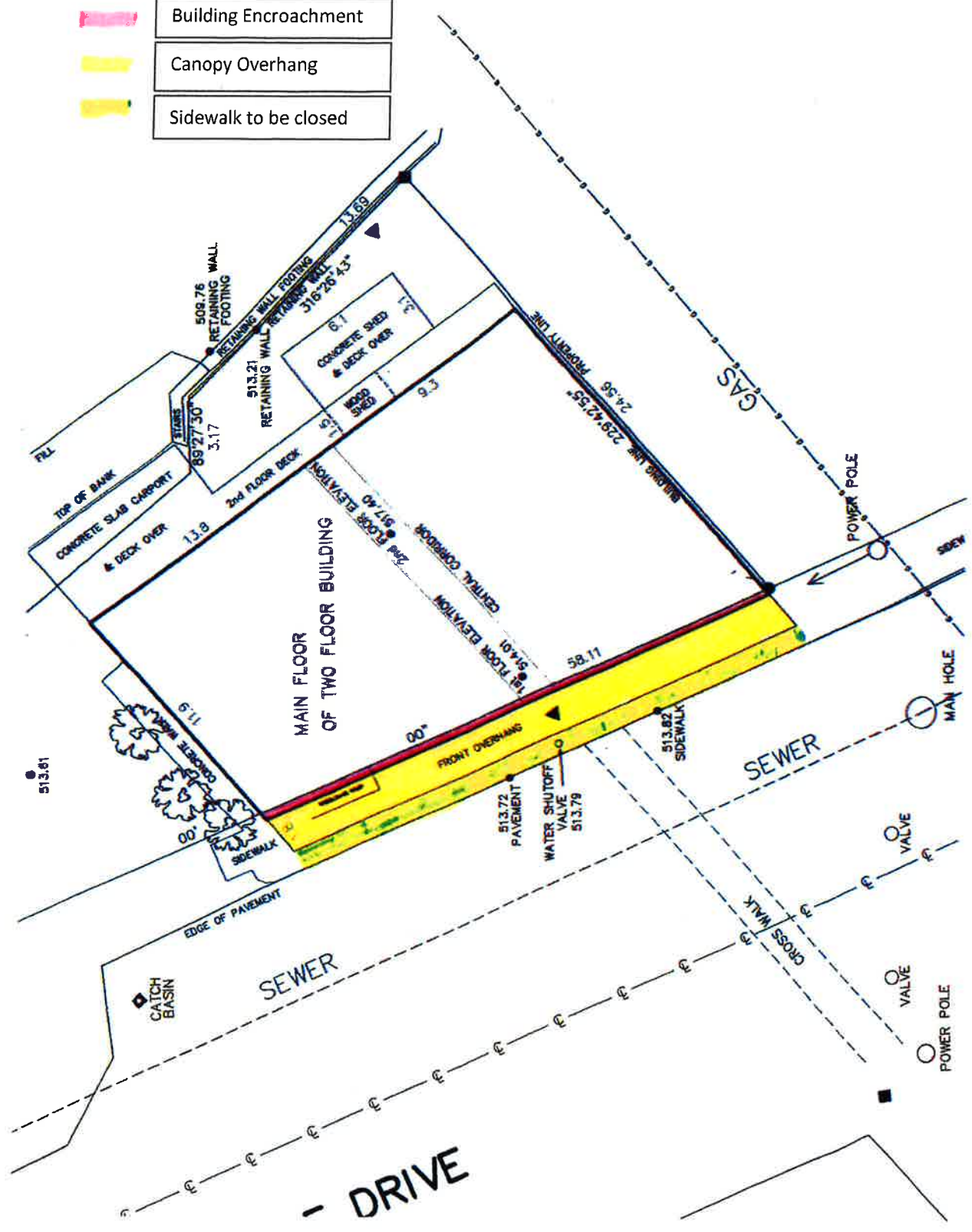


- OPTIONS:**
- 1. COUNCIL CHOOSES TO SUPPORT THE RECOMMENDATION.**
  - 2. COUNCIL CHOOSES TO NOT SUPPORT THE RECOMMENDATION.**
  - 3. COUNCIL CHOOSES TO REFER THE REPORT BACK TO STAFF FOR FURTHER INFORMATION.**

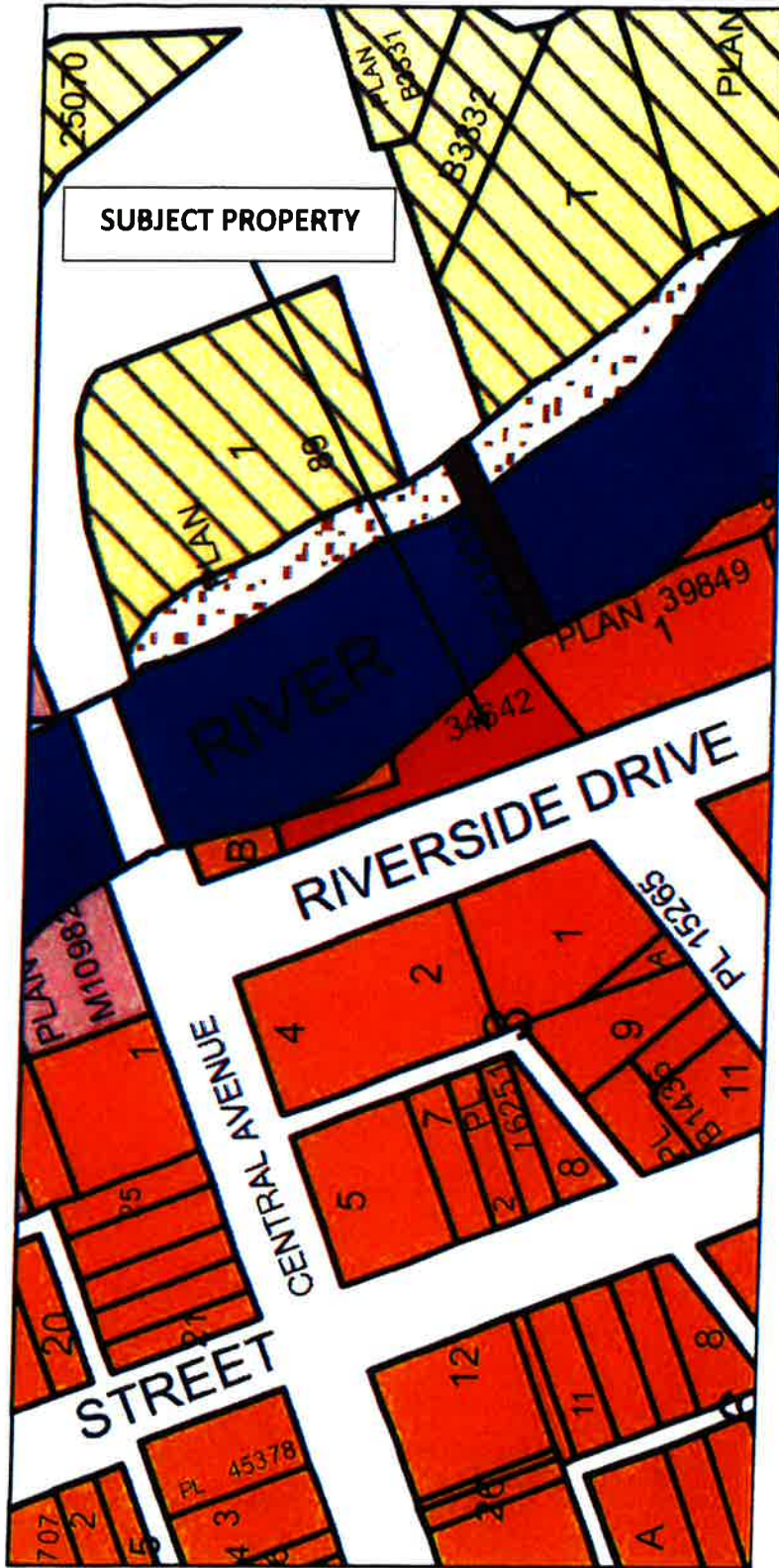
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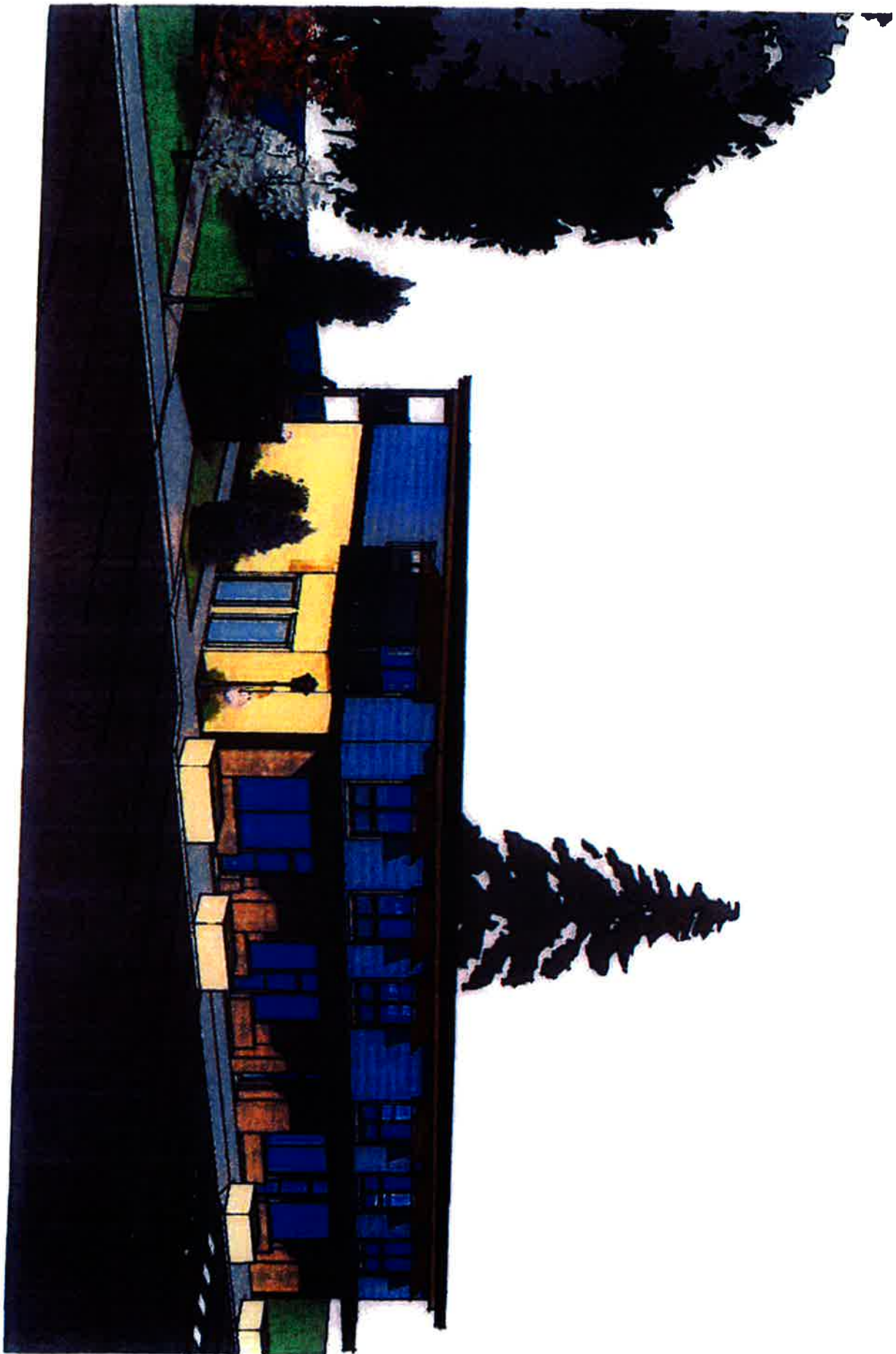
	
Department Head or CAO	Chief Administrative Officer

-  Building Encroachment
-  Canopy Overhang
-  Sidewalk to be closed









## CITY OF GRAND FORKS

<b>POLICY TITLE:</b>	<b>Road Closure Policy</b>	<b>POLICY NO:</b>	<b>1501</b>
<b>EFFECTIVE DATE:</b>	<b>July 20, 2009</b>	<b>SUPERSEDES:</b>	
<b>APPROVAL:</b>	<b>Council</b>	<b>PAGE:</b>	<b>1 of 1</b>

### **Purpose:**

To have money on hand for the recovery of costs for expenses involved in a permanent road closure and ensure that the City does not incur any costs relative to another party's request for road closure.

### **Policy:**

It is Council's policy that all applications for permanent road closures from applicants wishing to take title to the property in question shall be accompanied by a deposit of \$2,500.00. All costs relative to the road closure and payment of market value for any property transferred will be at the sole cost of the purchaser. The City will establish the market value price for the property.

### **Policy Procedure:**

1. \$2,500.00 deposit and a fair market value appraisal, agreed to by the applicant, will be required prior to the City taking any action to initiate road closure.
2. Should the Applicant decide not to proceed with the road closure, at any time during the process, the deposit will be refunded to the applicant, less any related costs incurred by the City. Should the City decide not to proceed with the Road Closure, at any time during the process, the deposit will be refunded to the Applicant.
3. Where the costs of the road closure exceed the amount of the deposit, the applicant will be required to pay such excess costs, as calculated by the City and will include all legal, survey, appraisal, advertising and land title fees.
4. Where the total final costs of the road closure are less than the deposited amount, the overpayment will be refunded to the applicant.
5. As a condition of the road closure, the closed portion of road must either be consolidated with the adjoining property, or another road must be constructed to replace the closed road.
6. The process for the road closure must follow the Provincial Government regulations.

**THE CORPORATION OF THE CITY OF GRAND FORKS**

**BYLAW NO. 2003**

**A Bylaw to Close and Remove the Dedication of that portion of Road  
Shown on Plan 23, D.L. 108 & 366”S”, S.D.Y.D.**

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**WHEREAS** in accordance with the Community Charter, Council may, by bylaw, close and remove the dedication of a highway or a portion of it;

**NOW THEREFORE** the Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS**, as follows:

1. To close and remove the dedication of that portion of road measuring 75 square meters, as outlined on reference plan prepared by A.F. Hoefsloot, B.C.L.S. and dated September 18, 2014, identified as "Schedule A" and attached to this bylaw;
2. That title to the above-described portion of closed road be hereby vested in the name of the Corporation of the City of Grand Forks;
3. That this bylaw may be cited for all purposes as the "**Riverside Drive Road Closure Bylaw No. 2003, 2014**".

Read a **FIRST** time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Read a **SECOND** time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Read a **THIRD** time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**PUBLIC NOTICE** posted at City Hall and advertised in the Grand Forks Gazette on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 and the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**APPROVED BY** the Ministry of Transportation and Infrastructure, pursuant to the Transportation Act, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Approving Officer



**FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Brian Taylor, Mayor

\_\_\_\_\_  
Diane Heinrich, Corporate Officer

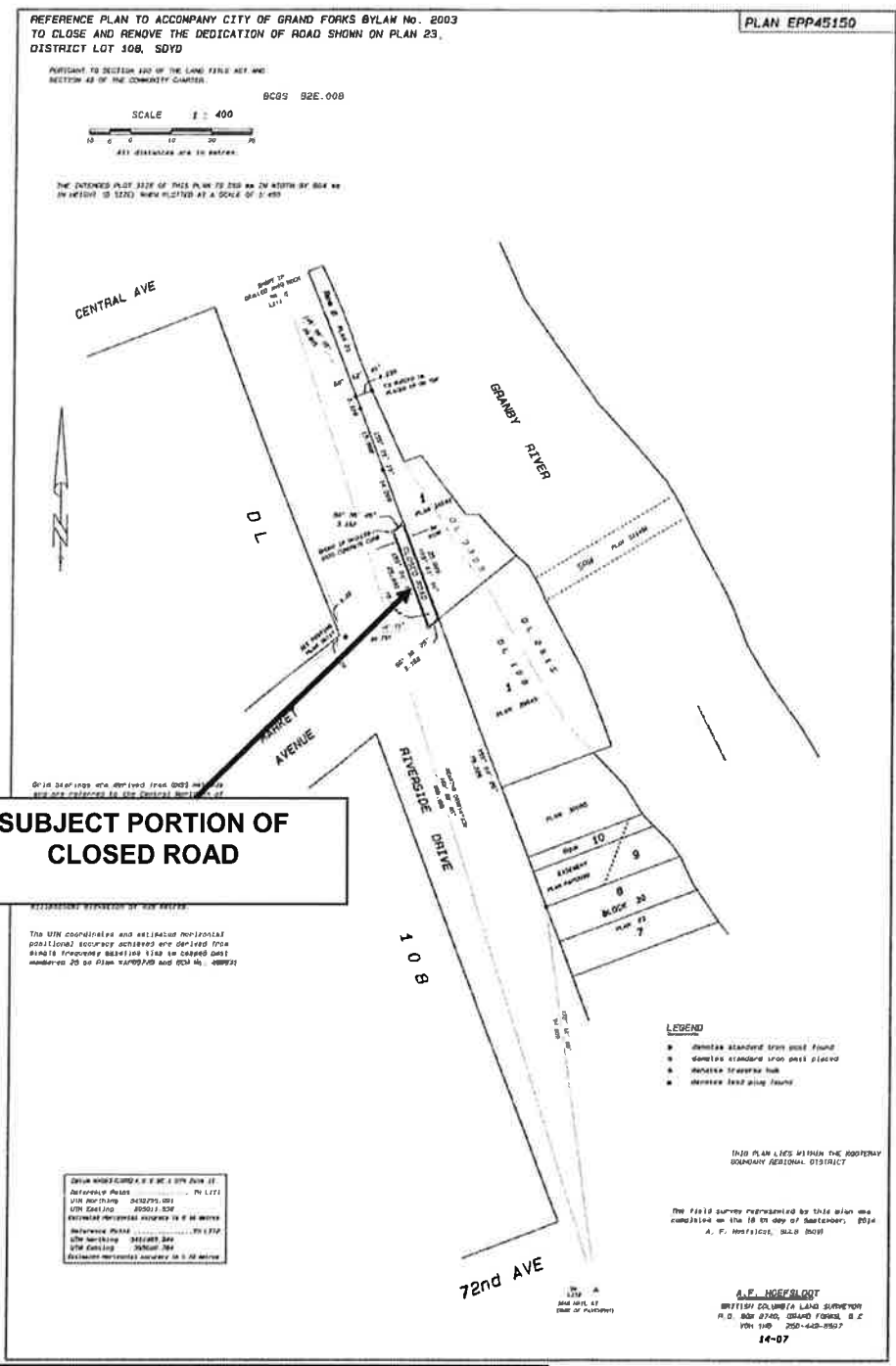
**CERTIFICATE**

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2003, as passed by the Municipal Council of the City of Grand Forks on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Corporate Officer of the Municipal Council of the  
City of Grand Forks

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**SCHEDULE "A"**



**This is Schedule "A" referred to in Section 1 of  
the Riverside Drive Road Closure Bylaw No.  
2003, 2014.**

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**Date of adoption**

\_\_\_\_\_

**Corporate Officer**