

STAFF REPORT TO COUNCIL

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DATE: September 1, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning & Development

SUBJECT: 8171 Prince Edward Crescent Road Closure Bylaw No. 9224, 2021

APPLICANT: John and Jennifer McBain
LOCATION: Adjacent 8171 Prince Edward Cres
DEDICATED ON ROAD PLAN: 23117

ATTACHMENT(S): Appendix “A” – Proposed Road Closure Survey
 Proposed Consolidation Plan
 Location Map

RECOMMENDATION(S):

That Council GIVES FIRST AND SECOND READING to “City of Prince George 8171 Prince Edward Crescent Road Closure Bylaw No. 9224, 2021”.

PURPOSE:

The purpose of this report is to permanently close a 102.5m² portion of road dedicated on Plan 23117, east of the property located at 8171 Prince Edward Cres (Lot 30 District Lot 2013 Cariboo District Plan 23117) and to remove its road dedication for future disposal of the lands. The proposed closure and sale provide the property owner of 8171 Prince Edward Cres with the ability to consolidate the unconstructed walkway with their property to rectify an encroachment at the location identified on the Location Map attached.

Surrounding Land Use Table

North	Developed Residential
South	Undeveloped Bare Land
East	Developed Residential
West	Domano Blvd and Undeveloped Bare Land

Background Information

At a Special Purpose Council Meeting on June 28, 1982, a Motion was Carried “that the Administration be instructed to draft the necessary bylaw to provide for the stopping up and closing of Prince Edward Place walkway.”

A search of City records could not produce the bylaw; therefore, Administration is returning to Council for approval to close the walkway. The walkway has been enclosed by fencing and has been a part of the adjacent owner’s yard for 40 years, since the Special Purpose Meeting in 1982. Administration could not find record of any payment for the walkway.

Also, Administration is working with the owners of 8171 Prince Edward Cres to correct an encroachment occurring at the rear of the property. The attached Proposed Consolidation Plan includes the area of the walkway and rear yard encroachment.

POLICY/REGULATORY ANALYSIS:

Sections 40, 41 and 94 of the *Community Charter* provide for the municipal authority and notification process for road closures.

Under the “City of Prince George Officer Positions and Delegation of Authority Bylaw No. 8340, 2011” Administration has approved the sale of the dedicated road area of 102.5m² shown on Appendix “A” for purchase by the adjacent landowners of 8171 Prince Edward Cres.

The purchase price for the subject walkway is \$2,472.00 plus GST. Administration considers this price to be fair market value.

Proposed Bylaw No. 9224, 2021 authorizes the City to close that area of road dedicated on Plan EPP119188, as shown on Appendix “A” and remove its road dedication thereby allowing for consolidation of the 102.5m² road area with the adjacent lands being Lot 30 District Lot 2013 Cariboo District Plan 23117 as shown by the heavily outlined area on the Proposed Consolidation Plan attached.

If approved, the bylaw and consolidation plan will be deposited at the Land Title Office to consolidate the walkway with the adjacent Lot as shown on the Proposed Consolidation Plan.

OTHER CONSIDERATIONS:

Statutory Notification

As per the requirements set out in Section 40(3) and 94 of the *Community Charter*, the City of Prince George will give notice of Council’s intention to adopt the proposed bylaw and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council via written comments. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time third reading of the bylaw is proposed to be considered. Submissions received after the council meeting agenda has been published will be provided to Council as a handout on the day of the council meeting for their consideration during deliberations on the application.

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received through the referral process:

Parks department is supportive of closing the walkway given the long-term established use. Other available access points to the greenspace are nearby.

Private Utilities

Fortis BC, BC Hydro, and Telus do not have any concerns with this closure. Shaw, to date, has not provided comment regarding this walkway closure, however, the notification required under s.40(4) of the *Community Charter* will be provided prior to adoption of the bylaw.

ALTERNATIVES:

1. Approve the bylaw
2. Direct Administration to provide further information
3. Reject the Bylaw and not proceed with the application

Administration recommends that Bylaw No. 9224, 2021 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the sale, and closure, of the 102.5m² area of walkway shown on Appendix "A". Should the closure be approved, the portion of the walkway will be consolidated with the property located to the east, and Bylaw No. 9224, 2021 and the consolidation plan will be deposited at the Land Title Office.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning & Development

PREPARED BY: Jackie Bassett

APPROVED:

Walter Babicz, City Manager

Meeting Date: 9/21/2022