

STAFF REPORT TO COUNCIL

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DATE: August 7, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Road Closure Application No. RCL00024 and Road Closure Application No. RCL00025, Bylaw No. 9428, 2023

APPLICANT: Steven & Joyce Leach, Kevin Gunning & Tiffany Coffey
LOCATION: Road Dedication between 8160 and 8174 St. John Crescent
DEDICATED ON ROAD PLAN: 25106

ATTACHMENT(S): Location Map
Appendix "A" to Bylaw No. 9428
Exhibit "A" – Proposed Consolidation Plan

RECOMMENDATION(S):

That Council GIVES FIRST AND SECOND READING to "City of Prince George Road Closure Bylaw No. 9428, 2023".

PURPOSE:

Bylaw No. 9428, 2023 proposes to permanently close a 111.7m² portion of road dedication on Plan 25106 ("subject area") to rectify an existing encroachment. The purpose of Bylaw No. 9428, 2023 is to remove the current road dedication to facilitate the future disposal of the subject area.

DISCUSSION:

The subject area is located in between 8160 St. John Crescent – Lot 44, District Lot 754, Cariboo District, Plan 25106 ("Lot 44") and 8174 St. John Crescent – Lot 45, District Lot 754, Cariboo District, Plan 25106 ("Lot 45"), as shown on the attached Location Map and Appendix "A" to Bylaw No. 9428. Currently, the road dedication is as an undeveloped walkway.

Each adjacent property is encroaching on the subject area. Proposed Bylaw No. 9428, 2023 would close the subject area and remove its road dedication thereby allowing consolidation of the subject area with the adjacent lands being Lot 44 and Lot 45, as shown Exhibit "A". The consolidation will see the existing 111.7m² walkway area split evenly in half, with each 55.85 m² half to be consolidated with Lot 44 and Lot 45.

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 Exhibit A.

FINANCIAL CONSIDERATIONS:

The purchase price for the subject area is \$13,225.62 (\$6612.81 plus GST for each half portion of the unconstructed walkway). Administration considers this price to be fair market value.

This sale would provide the adjacent property owners with the ability to consolidate the unconstructed walkway with their properties to rectify an encroachment.

POLICY/REGULATORY ANALYSIS:

Sections 40 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 111.7m² shown on Exhibit A for purchase by the adjacent landowners of 8160 and 8174 St. John Crescent, subject to approval of the road closure.

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 has given 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.

Notice of Property Disposition

As per the requirements set out in Section 94 of the *Community Charter*, and as set out in our Public Notice Bylaw No. 9329, 2022, the City of Prince George has given notice of Administration's intention to sell this 111.7m² portion of road dedication.

Referrals

This application was referred to internal City divisions and external agencies for comments.

Internal Divisions

No outstanding concerns. The Parks Division is supportive of closing the walkway as other available constructed 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. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9428, 2023 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the closure of the 111.7m² area road dedication (i.e. unconstructed walkway) shown on Appendix "A" to Bylaw No. 9428. Should the closure be approved, each 55.85 m² half of the walkway will be sold and consolidated with the adjacent properties, and the consolidation plan will be deposited at the Land Title Office.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning & Development

PREPARED BY: Léah Labarrère, Planner 2

APPROVED:

Walter Babicz, City Manager

Meeting Date: 9/25/2023