

COUNCIL AGENDA/INFORMATION		
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<u>RHS</u> Director	<u>[Signature]</u> CAO
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DISTRICT OF WEST VANCOUVER  
750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

## COUNCIL REPORT

Date: July 17, 2009 File: 1050-20-09-005  
 From: Geri Boyle, Manager, Community Planning  
 Subject: **Road Closure and Removal of Highway Dedication Bylaw 4551, 2009 - Evelyn Drive Development Area**

### RECOMMENDED THAT:

1. Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009 be introduced and read a first, second and third time in short form; and
2. Staff be authorized to take the necessary actions to give effect to the bylaw, including public notification under the *Community Charter*.

### Purpose

The purpose of this report is to obtain Council approval to initiate actions required to close and remove highway dedication of existing road allowances within the Evelyn Drive Redevelopment Area. This measure is one of several necessary in order to dispose of the existing dedicated road allowances, consolidate them into adjacent parcels owned by Millennium Evelyn Properties Ltd. and provide for dedication of new road allowances designed to service newly created parcels of land within the development.

### 1.0 Background

On **April 2, 2007** Council, after extensive community discussion on the future plans for the Evelyn Drive area, adopted the Evelyn Drive Official Community Plan (OCP) amendment bylaw and rezoned the Millennium Evelyn site CD1 zone. A condition precedent to the adoption of these bylaws was a covenant requiring the preparation of a Master Plan acceptable to the District and in compliance with these bylaws.

On **July 25, 2007** Council approved the Evelyn Drive Master Plan, adopting the following resolution:

*THAT the proposed Master Plan for Evelyn Drive be approved, subject to insertion of the revised sustainability section, illustrative site plans, and statistics contained in Appendix A, and design conditions detailed in Appendix C to the report from the Manager of Community Planning dated July 13, 2007, and the objective of obtaining LEED Gold for the concrete buildings in the Evelyn Drive development.*

Following the adoption of the Master Plan, the next step was to secure a Development Permit for each of the Phase 1 buildings, and to re-subdivide the property consistent with the zoning and the Master Plan. The first four building sites received Development Permit approval from Council on April 7, 2008.

Re-subdivision of the property is necessary to provide for:

- the new lot arrangement,
- the dedication of the Evelyn Drive extension to Keith Road,
- the relocation of the Village Walk, and
- the dedication of a second pedestrian connection from Keith Road to Park Royal Shopping Centre.

In order to re-subdivide the property, it is necessary to close some existing roads. In the process of preparing the necessary bylaws, the legal status and ownership of 9<sup>th</sup> Street in the Evelyn Drive Redevelopment Area came into question. After much research it became evident that the portion of 9<sup>th</sup> Street in the Evelyn Drive Redevelopment Area had not been correctly established as a 'road' in the early 1900's. As a consequence, the Province took the position that it owned the section of 9<sup>th</sup> Street in the Evelyn Drive Redevelopment Area. In order for the District to close 9<sup>th</sup> Street, it was necessary for the District to become the owner of the 'road' and to do so the District had to obtain Provincial approval. This approval was received on July 3, 2009.

## **2.0 Road Closure and Disposal Procedure**

The *Community Charter* sets out the procedure for closing and disposing of roads:

1. it must be done by bylaw [*Community Charter*, section 40];
2. public notification must take place prior to bylaw adoption and in accordance with the *Community Charter*, section 26;
3. the public must be provided with an opportunity to make representations to Council on the proposed bylaw prior to Council adoption;
4. utilities whose transmission or distribution facilities may be affected by the closure must be notified [*Community Charter*, section 41]; and
5. as the road allowances that are to be closed and disposed of in the Millennium Evelyn redevelopment are within 800 metres of an arterial highway (Taylor Way), the closure must be approved by the minister responsible for the Highway Act [*Community Charter*, section 41(3)].

## **3.0 Analysis**

### **3.1 Discussion**

The closure and removal of highway dedication is a necessary and integral part of the Evelyn Drive Master Plan approved by Council on July 25, 2007.

The proposed bylaw closes all the internal roads and walkways (including 9<sup>th</sup> Street/the Village walk). After the bylaw has been processed as described in Section 2.0 above, it must receive final Council approval and then it must be filed in the Land Title Office after adoption. The process will be to file the road closure bylaw and plan at the same time as the subdivision plan creating the new roads and walkways.

The attached bylaw shows the internal roads and walkways that are to be closed. Appendix B show those portion of road and walkway that will remain permanently closed and those portions to be opened as new road and walkway.

### 3.2 Financial Implications

Millennium will be responsible for all District costs associated with this road closure bylaw including advertising costs. There are no District costs to relocate or realign municipal utilities and the developer will be dedicating replacement public roads to service the newly created development parcels.

### 3.3 Consultation

- Municipal legal counsel with respect to the road closure and removal of highway dedication bylaw;
- Engineering and Planning staff with respect to utilities and road locations;
- Developer's surveyor with respect to the road closure plan and width and locations of new roads and pathways.

## 4.0 Options

Council may:

- (a) give first, second and third readings of the bylaw, authorize staff to proceed with the statutory public notification and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council by a deadline to be established (recommended). This will also allow other processes to commence, such as obtaining ministerial approval; or
- (b) request further information prior to considering whether to proceed with the proposed bylaw; or
- (c) reject the bylaw and direct staff to come back to Council with other alternatives.

Author: \_\_\_\_\_

*G. Boyle*

### Appendices

A – Bylaw No. 4551, 2009

B – Preliminary Plan of Re-subdivision showing closed roads/walkways and new roads/walkways

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**APPENDIX 'A'**

District of West Vancouver



**Road Closure and Removal of Highway  
Dedication  
Bylaw No. 4551, 2009**

Effective Date –

District of West Vancouver

## **Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009**

A bylaw to close up and remove the dedication of a highway

WHEREAS under the *Community Charter* a Council may close a highway to traffic, remove the dedication of a highway and dispose of municipal land;

WHEREAS the Council of the District of West Vancouver deems it expedient to provide for the closure of a municipal highway and to remove the dedication of that same portion of highway for the purpose of facilitating the redevelopment of the Evelyn Drive area in accordance with the Evelyn Drive Master Plan;

WHEREAS Council has posted and published notices of its intention to close the highway referred to in this bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to Council;

WHEREAS the Council has posted and published notices of its intention to dispose of the highway referred to in this Bylaw;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Road Closure and Removal of Highway Dedication Bylaw No. 4551, 2009.

### **Part 2 Substantive Provisions**

- 2.1 Attached to this bylaw as Schedule "A" and forming part of this bylaw is a copy of a survey plan of highway closure (the "Plan").
- 2.2 The portions of highway dedicated by Plan 7605 labelled as "Closed Road – Area 1" on the Plan and the portion of highway dedicated by Plan \_\_\_\_\_ labelled as "Closed Road – Area 2" on the Plan are closed to all types of traffic (said portions of highway collectively referred to herein as the "Closed Road").

2.3 The dedication as a highway of the Closed Road is removed.

## Schedules

Schedule A – Survey Plan of Highway Closure dated \_\_\_\_\_, 2009

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

APPROVED BY THE MINISTER RESPONSIBLE FOR THE *HIGHWAY ACT* on \_\_\_\_\_, 2009.

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk

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*NOTE: Survey Plan to be provided*

**Schedule "A" – Survey Plan of Highway Closure**

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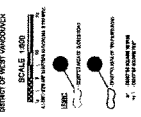


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# APPENDIX 'B'

PLAN OF PROPOSED ROAD AND LANE CLOSURE  
 REQUEST FOR THE EVELYN DRIVE DEVELOPMENT



**TABLE OF ROAD CLOSURE AREAS**

A	756.1m <sup>2</sup>	8139 sq. ft.
B	47.9m <sup>2</sup>	516 sq. ft.
C	3.6m <sup>2</sup>	39 sq. ft.
D	204.2m <sup>2</sup>	2198 sq. ft.
E	949.4m <sup>2</sup>	10219 sq. ft.
F	12.9m <sup>2</sup>	139 sq. ft.
G	1463.6m <sup>2</sup>	15754 sq. ft.

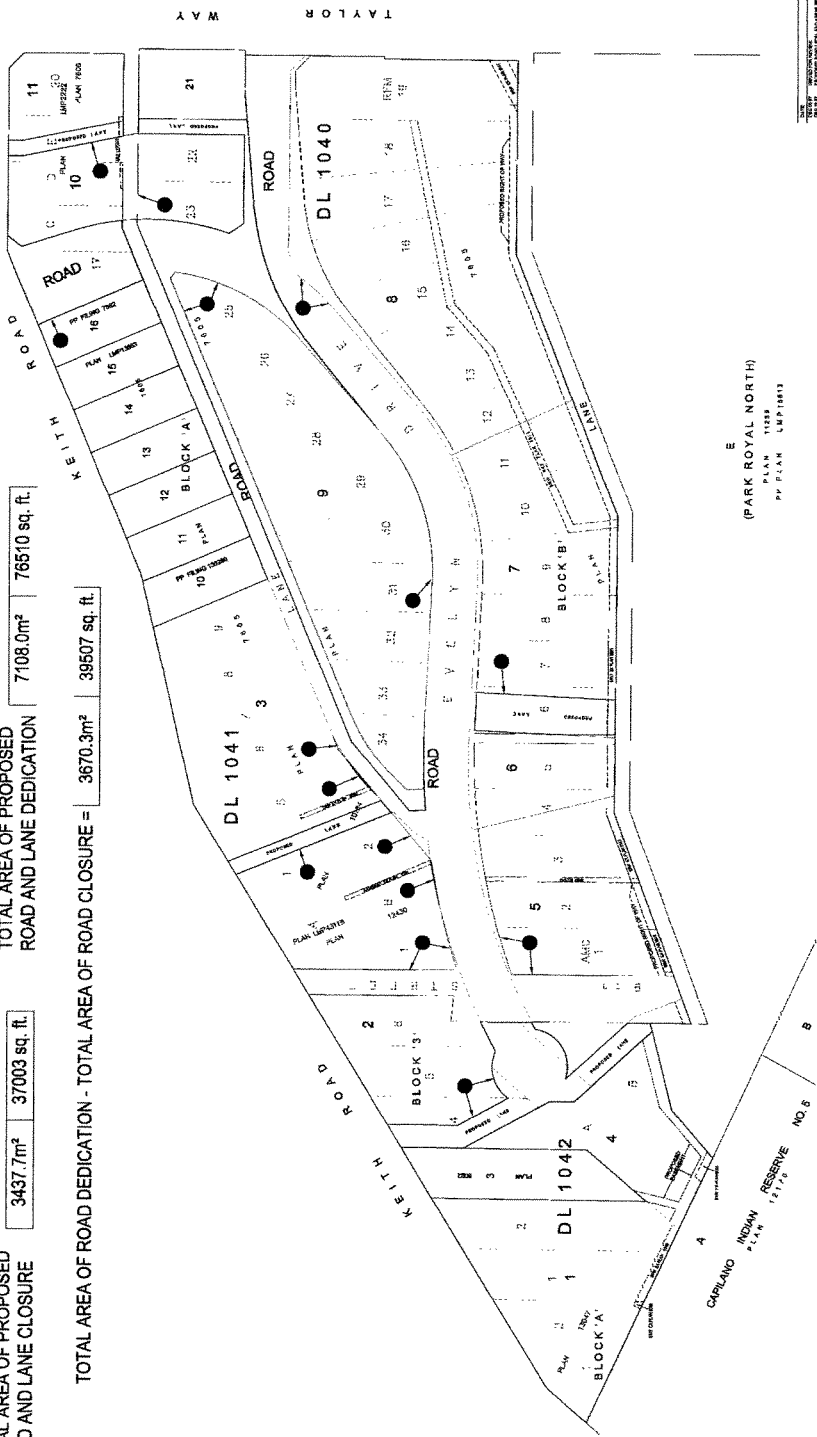
TOTAL AREA OF PROPOSED  
 ROAD AND LANE CLOSURE    3437.7m<sup>2</sup>    37003 sq. ft.

**TABLE OF ROAD DEDICATION AREAS**

H	1705.7m <sup>2</sup>	18360 sq. ft.
I	3.0m <sup>2</sup>	32 sq. ft.
J	818.9m <sup>2</sup>	8815 sq. ft.
K	396.1m <sup>2</sup>	4264 sq. ft.
L	6.8m <sup>2</sup>	73 sq. ft.
M	2554.9m <sup>2</sup>	27501 sq. ft.
N	1343.6m <sup>2</sup>	14462 sq. ft.
O	279.0m <sup>2</sup>	3003 sq. ft.

TOTAL AREA OF PROPOSED  
 ROAD AND LANE DEDICATION    7108.0m<sup>2</sup>    76510 sq. ft.

TOTAL AREA OF ROAD DEDICATION - TOTAL AREA OF ROAD CLOSURE = 3670.3m<sup>2</sup>    39507 sq. ft.



(PARK ROYAL NORTH)  
 PLAN 1000  
 P.P. PLAN 4871845

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