

COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Sept 14, 09</u>	Item # <u>3</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

 Director	 CAO	3
--	---	---

DISTRICT OF WEST VANCOUVER
750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Attachments for item 3 provided under separate cover
--

Date: September 3, 2009 File: 1050-20-09-004
 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.

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.

On **April 7, 2008** Council approved Development Permits for the first four building sites.

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 9th Street in the Evelyn Drive Redevelopment Area came into question. After much research it became evident that the portion of 9th 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 9th Street in the Evelyn Drive Redevelopment Area. In order for the District to close 9th 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. Provincial approval was received on **July 3, 2009**.

On **July 27, 2009** Council instructed staff to publish, once the portion of 9th Street in the Evelyn Drive Redevelopment Area had been dedicated as highway, the necessary statutory notices of Council's intention to close and remove the highway dedication of all of the roads in the Evelyn Drive Redevelopment Area and to prepare a highway closing bylaw for this purpose.

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

On July 31, 2009 the portion of 9th Street in the Evelyn Drive Redevelopment Area was dedicated as highway. The District may now close and dispose of the highways in the redevelopment area in order to give effect to the approved Master Plan.

The attached bylaw shows the internal roads and walkways that are to be closed. This proposed bylaw closes all the internal roads and walkways (including 9th Street/the Village walk). Appendix B shows those portion of road and walkway that will remain permanently closed and those portions to be opened as new road and walkway.

Notice, as required under the *Community Charter*, of the District's intent to close and dispose of these roads and walkways was placed in the North Shore News on Friday September 4, 2009 and Wednesday September 9, 2009. This Notice also advises that the public may make representations to the Council on the proposed bylaw on September 14, 2009.

In addition to the Notice required under the *Community Charter*, staff advised adjacent owners and occupiers by direct mail (see Appendix C) that the Notice would be appearing in the North Shore News.

After the bylaw has been processed as described in Section 2.0 above, it must be adopted by Council and then it must be filed in the Land Title Office. The procedure will be to file the road closure bylaw and plan at the same time as the subdivision plan creating the new roads and walkways.

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

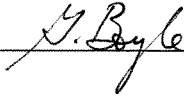
- Municipal legal counsel with respect to the road closure and removal of highway dedication bylaw;
- Planning, Parks and Engineering staff with respect to utilities, roads and walkways; and
- Developer's surveyor with respect to the road closure plan.

4.0 Options

Council may:

- (a) give first, second and third readings of the bylaw, and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council (recommended); 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: _____



Appendices

A – Bylaw No. 4551, 2009

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

C – September 1, 2009 Letter to Adjacent Owners and Occupiers



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 BCP41755 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.
- 2.4 The Mayor and clerk are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

Schedules

Schedule A – Reference Plan of Highway Closure

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 *TRANSPORTATION ACT* on _____, 2009.

ADOPTED by the Council on [Date].

Mayor

Municipal Clerk

This page intentionally left blank



This page intentionally left blank



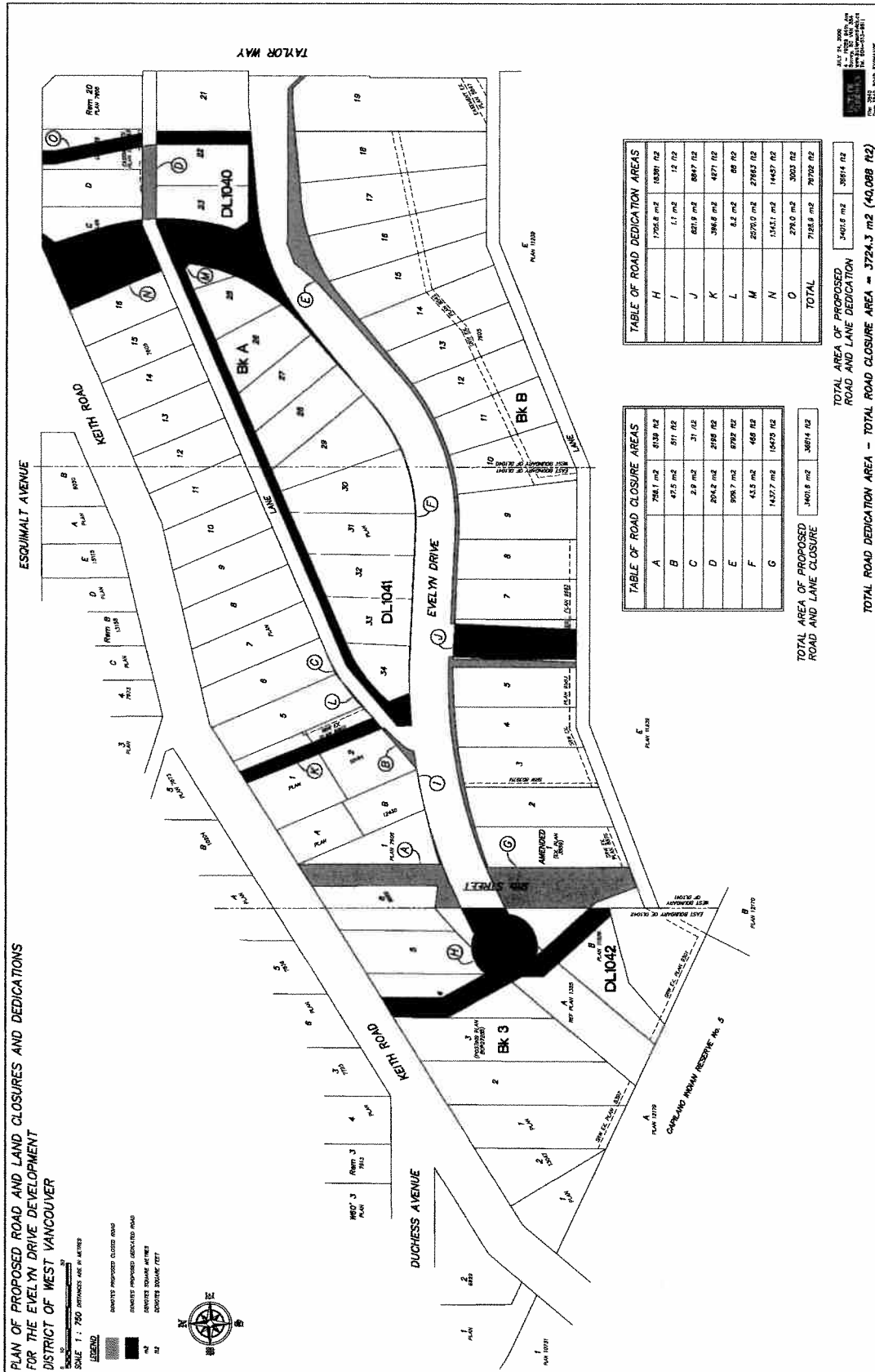
This page intentionally left blank



This page intentionally left blank



APPENDIX 'B'



This page intentionally left blank



This page intentionally left blank



APPENDIX 'C'



westvancouver

PLANNING, LANDS AND PERMITS

750 17TH STREET WEST VANCOUVER, BC V7V 3J3
TELEPHONE: 604-925-7055 FACSIMILE: 604-925-7968

September 1, 2009

File No.: 1050-20-09-004

Dear Resident/Property Owner:

Re: Evelyn Drive Redevelopment Project Status

I am writing to advise you of the current status of this project and to give you a heads-up on a notice dealing with the Evelyn project that will be appearing in the North Shore News on Friday September 4, 2009 and Wednesday September 9, 2009.

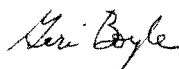
Millennium Evelyn Properties Ltd. has advised the District that it is moving ahead with the redevelopment project. Millennium is currently completing the presentation centre, located at the corner of Keith Road and Taylor Way, and intends to open it this fall. The presentation centre is not a permanent building and will be replaced with single and two-family housing consistent with the Master Plan approved by Council in July 2005.

To carry out the Master Plan, the re-subdivision of the property is necessary. This re-subdivision involves the closing of portions of existing dedicated roads/walkways and the creation of new roads/walkways. This closing and creation of new roads/walkways is a legal process that is done by bylaw and requires notifying the community by newspaper notice. A copy of the notice that will be appearing in the North Shore News is attached.

The existing access that the properties at 760, 770, 790, 810, 820 and 830 Keith Road have from the lane will not be taken away as a result of the road closure, as the road closure bylaw and plan are filed at the Land Title Office at the same time as the subdivision plan creating the new roads and walkways. While some disruption may occur during the road and laneway reconstruction process, District staff and the developer will continue to work with the owners and occupants to minimize impacts.

If you have any questions or concerns regarding the Evelyn redevelopment project, please feel free to contact Tony Tse, Manager of Development Engineering at 604-925-7109 or me at 604-925-7059.

Sincerely,



Geri Boyle
Manager, Community Planning

Enclosure (1)

Document # 368684v1

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER • WESTVANCOUVER.CA

Document # 369328v1

This page intentionally left blank



This page intentionally left blank





District of West Vancouver Notice of Highway Closure and Disposition BYLAW NO. 4551, 2009

The District of West Vancouver gives notice of its intention to close to traffic and remove the highway dedication of the portions of Evelyn Drive, 9th Street and lane allowance shown outlined in bold on Plan 1 and labelled as "Closed Road". The portions of Evelyn Drive, 9th Street and lane allowance to be closed have a total area of 1.25 hectares, more or less.

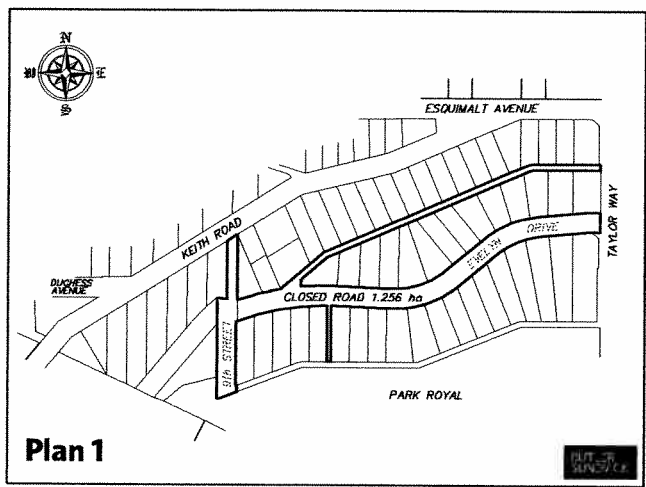
The Bylaw closing and removing the highway dedication of the portions of Evelyn Drive, 9th Street and lane allowance will be considered by Council at its regular meeting at the District Hall, 750 - 17th Street, West Vancouver, on September 14, 2009 at 7 pm. Persons who consider they are affected by the bylaw will be provided an opportunity to make representations to Council at the meeting or by making written submissions in the form of a letter addressed to Council delivered to 750 - 17th Street, West Vancouver by 4:30 pm on September 14, 2009. Written submissions will be considered by Council at the meeting.

The District of West Vancouver further gives notice of its intention to transfer the closed portions of Evelyn Drive, 9th Street and lane allowance to Millennium Evelyn Drive Properties Ltd. (Inc. No. 725706) for the purpose of consolidation with adjacent lands belonging to Millennium and for the purpose of reconfiguring Evelyn Drive and the lane as shown on Plan 2, all in accordance with the approved Evelyn Drive Master Plan. The closed road to be transferred permanently to Millennium has an area of 3,401.6 meters squared, more or less (shown in green on Plan 2). In consideration for this transfer, Millennium will be permanently dedicating as new road the portion of its lands shown in red on Plan 2 having an area of 7,125.9 meters squared more or less. This represents a total new road dedication of 3,724.3 meters squared more or less.

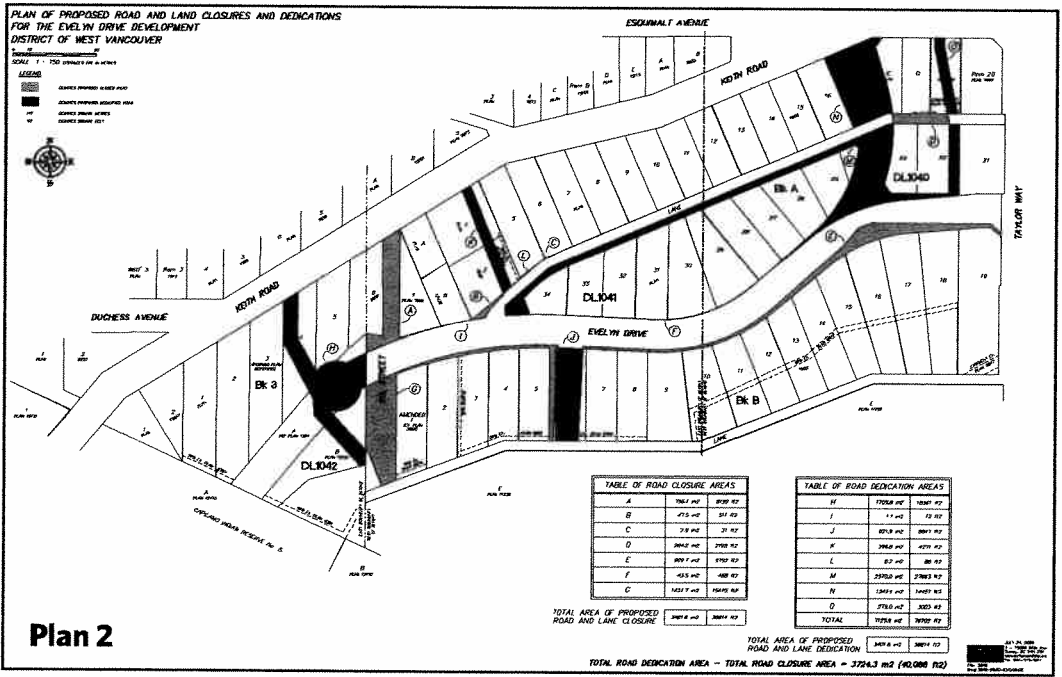
All enquiries regarding the foregoing may be directed to the West Vancouver Planning Department, Municipal Hall. Phone: 604-925-7055. Copies of proposed Bylaw No. 4551, 2009 and other related documents may be inspected from September 3, 2009 to September 14, 2009 at the Municipal Hall at 750-17th

Street, West Vancouver, BC on regular business days (Monday to Friday except for statutory holidays) between the hours of 8:30 am and 4:30 pm.

For convenience only, some of the documents may also be available for viewing on the West Vancouver Municipal Website at westvancouver.ca or in the Reference Department of the West Vancouver Memorial Library at 1950 Marine Drive, West Vancouver, BC (phone 604-925-7400 for current information on Library hours of operation).



Plan 1



Plan 2

This page intentionally left blank



This page intentionally left blank

