
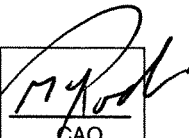


COUNCIL AGENDA/INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Sept. 13 2010</u>	Item # <u>12</u>
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 Director	 CAO
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DISTRICT OF WEST VANCOUVER  
750 - 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

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## COUNCIL REPORT

Date: August 31, 2010 File: 2200 Block Marine 1010-20-10-040  
From: Gordon Reid, Land and Property Agent  
Subject: **2200 Block Marine Drive - Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010**

### RECOMMENDED THAT:

1. Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 be read a first, second and third time; and
2. Staff are authorized to publish the statutory notices required in respect of the proposed Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 setting October 4, 2010 as the deadline for written and oral submissions.

### Purpose

This report recommends closing to traffic and removing the dedication as highway of the unimproved dedicated lane allowance located between 2200 block of Marine Drive and the 2200 block of Fulton Avenue, West Vancouver (the "Surplus Lane Allowance") as shown on the reference plan attached to the bylaw.

The proposed Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 is attached.

### 1.0 Background

#### 1.1 Prior Resolutions

The subject of this report, the Surplus Lane Allowance, is located to the east of the legal lot occupied by John Richardson Park and to the west of four legal lots owned by the DWV (known as the Wetmore Site).

In July 2008 Council authorized staff to issue a Request for Proposals (RFP) for use of the property as seniors housing. The RFP was issued on August 25, 2008 and on June 1, 2009 Council selected Pacific Arbour as the preferred proponent. Continued discussions with Pacific Arbour resulted in an agreement for a 125 year lease for \$14.5 million for construction of 121,500 square feet of residential and support

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space, comprised, in part, of 126 units of seniors housing. Staff has been meeting with Pacific Arbour to refine all of the terms of the proposed Agreement to Lease and the Lease itself.

One component of this District initiative is the creation of a development parcel that could be leased to Pacific Arbour. The lane closure and removal of highway dedication is a pre-condition to doing so.

On July 26, 2010 Council instructed staff to consult with the community on Pacific Arbour's specific plans for the northwest corner of Marine Drive and 22<sup>nd</sup> Street. This meeting is scheduled for Wednesday September 22, 2010 at 6:30 pm in The Seniors' Centre.

## 1.2 Road Closure Procedure

Pursuant to section 40 of the *Community Charter*, the process for closing and removing the dedication of highway is as follows:

- (a) Council concurrently gives first, second and third reading to the proposed highway closure and removal of dedication bylaw;
- (b) A statutory notice of Council's intention to close and remove the dedication of the highway must be published in a local newspaper once each week for two consecutive weeks.
- (c) Council must provide an opportunity for persons who consider they are affected by the proposed bylaw to make representations to Council. In this regard the required statutory notice will include a date, for the submission of written comment and a date for oral comment for the highway closure;
- (d) As the Surplus Lane Allowance is more than 800 metres from any Provincial arterial highway, the proposed bylaw does not require approval of the Minister of Transportation and Infrastructure.
- (e) After the opportunity for making representations has been provided, Council may consider adoption of the proposed bylaw;
- (f) If adopted, a certified copy of the Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 and accompanying reference plan must be filed at the Lower Mainland Land Title Office, to give effect to the bylaw. This will occur concurrent with the lot consolidation and lot line realignments to create a development site at the northwest corner of Marine Drive and 22<sup>nd</sup> Street and revised boundaries for John Richardson Park.

## **2.0 Policy**

2.1 The *Community Charter* authorizes Council, by bylaw, to close all or part of a highway to traffic and to remove the dedication of a highway.

## **3.0 Balanced Scorecard**

<b>STRATEGIC INITIATIVES</b>	<b>2010 MILESTONE</b>	<b>2011 MILESTONE</b>
1.4.5 Advance major development applications, consistent with the District Vision	Implement and process applications for Evelyn Drive, Rodgers Creek, Sewell's Marina, Safeway Site and Wetmore developments.	Process applications, as appropriate.

## **4.0 Analysis**

### 4.1 Discussion

The Surplus Lane Allowance is 510 square metres in area. It is not improved for road or lane purposes. There are no municipal service works or other utility works located in the Surplus Lane Allowance.

The Surplus Lane Allowance is not needed for lane or road purposes and there is no intention nor any foreseeable need or desire to install road or lane improvements in this area at any time in the future. Highway dedication can and should be removed regardless of the use or purpose to which it is ultimately put.

If the proposed Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 is adopted by Council, the current proposal is that a portion of the Surplus Lane Allowance will be consolidated with a reconfigured John Richardson Park and the balance of the Surplus Lane Allowance will be consolidated with District lands to the immediate east and west, all generally as shown on the sketch plan attached as Appendix B.<sup>1</sup>

The proposed reconfiguration of John Richardson Park would require the adoption of the proposed Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010 and, in addition, would require the adoption of a bylaw to repeal the dedication of the portion of the Park that is to be consolidated into the

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<sup>1</sup> Under this proposal there would be no net change in the area of park land and pedestrian access and continuity between the Park and the Community Centre Complex would be enhanced.

development parcel. Adoption of this park dedication repeal bylaw would in turn require an alternative approval process.

Should a reconfiguration of John Richardson Park not take place, either because the alternative approval process is unsuccessful or for any other reason, staff believe that removal of the dedication of this unimproved and unnecessary lane allowance is warranted in its own right. In short, the Surplus Lane Allowance should be closed and its dedication removed so that the land can be put to productive and proper use, whatever Council ultimately decides that use should be.

4.2 Sustainability – The proposed Highway Closing Bylaw will facilitate productive use of the Surplus Lane Allowance.

4.3 Consultation

The *Community Charter* establishes requirements for public notification.

The proposed bylaw has been prepared in consultation with Municipal legal counsel.

## 5.0 Options

5.1 Council can give first, second and third readings to the Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010, thereby allowing for public notification, and public representation prior to considering it for adoption,

OR

Council can reject the proposed bylaw.

Authors:

  
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Land and Property Agent

  
Geri Boyle  
Manager of Community Planning

Appendices:

Appendix A – Road Closure and Removal of Dedication Bylaw No. 4659, 2010.

Appendix B – Sketch Plan of Proposed Park Reconfiguration and Proposed Consolidated Development Parcel



District of West Vancouver

**2200 Block Marine Drive – Road Closure and  
Removal of Highway Dedication  
Bylaw No. 4659, 2010**

Effective Date: \_\_\_\_\_, 2010

District of West Vancouver

## **2200 Block Marine Drive – Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010**

A bylaw to close and remove the dedication of an unimproved lane allowance

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

WHEREAS Council of the District of West Vancouver deems it expedient to provide for the closure to traffic and removal of the dedication of that portion of unimproved dedicated lane allowance located between the 2200 block of Marine Drive and the 2200 block of Fulton Avenue, West Vancouver as more particularly described in this Bylaw; and

WHEREAS Council has posted and published notices of it's 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,

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

### **Part 1 Citation**

- 1.1 This bylaw may be cited as "2200 Block Marine Drive – Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010".

### **Part 2 Substantive Provisions**

- 2.1 Attached to this bylaw as Schedule "A" and forming part of this bylaw is a copy of a Reference Plan of highway closure (the "Plan").
- 2.2 The portion of highway dedicated by Plan 2019 labelled as "Closed Road – Area 1" on the Plan and the portion of highway dedicated by Plan 3522 labelled as "Closed Road – Area 2" on the Plan are closed to all types of traffic (said portions of highway are collectively referred to 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 road closure and removal of highway dedication.

## Schedules

Schedule A – Reference Plan of Highway Closure dated \_\_\_\_\_, 2010.

READ A FIRST TIME on \_\_\_\_\_, 2010.

READ A SECOND TIME on \_\_\_\_\_, 2010.

READ A THIRD TIME on \_\_\_\_\_, 2010.

ADOPTED by the Council on \_\_\_\_\_, 2010.

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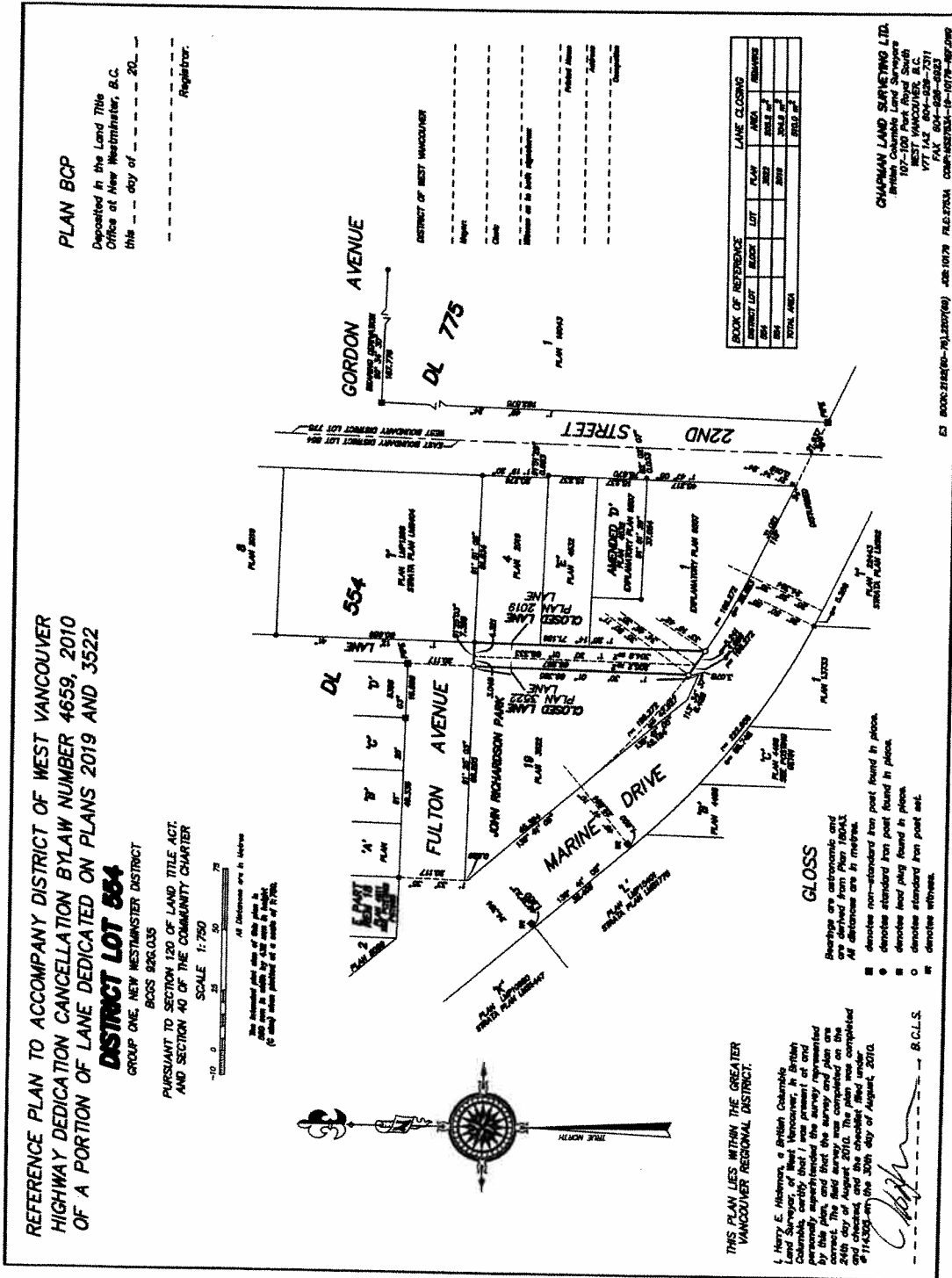
Mayor

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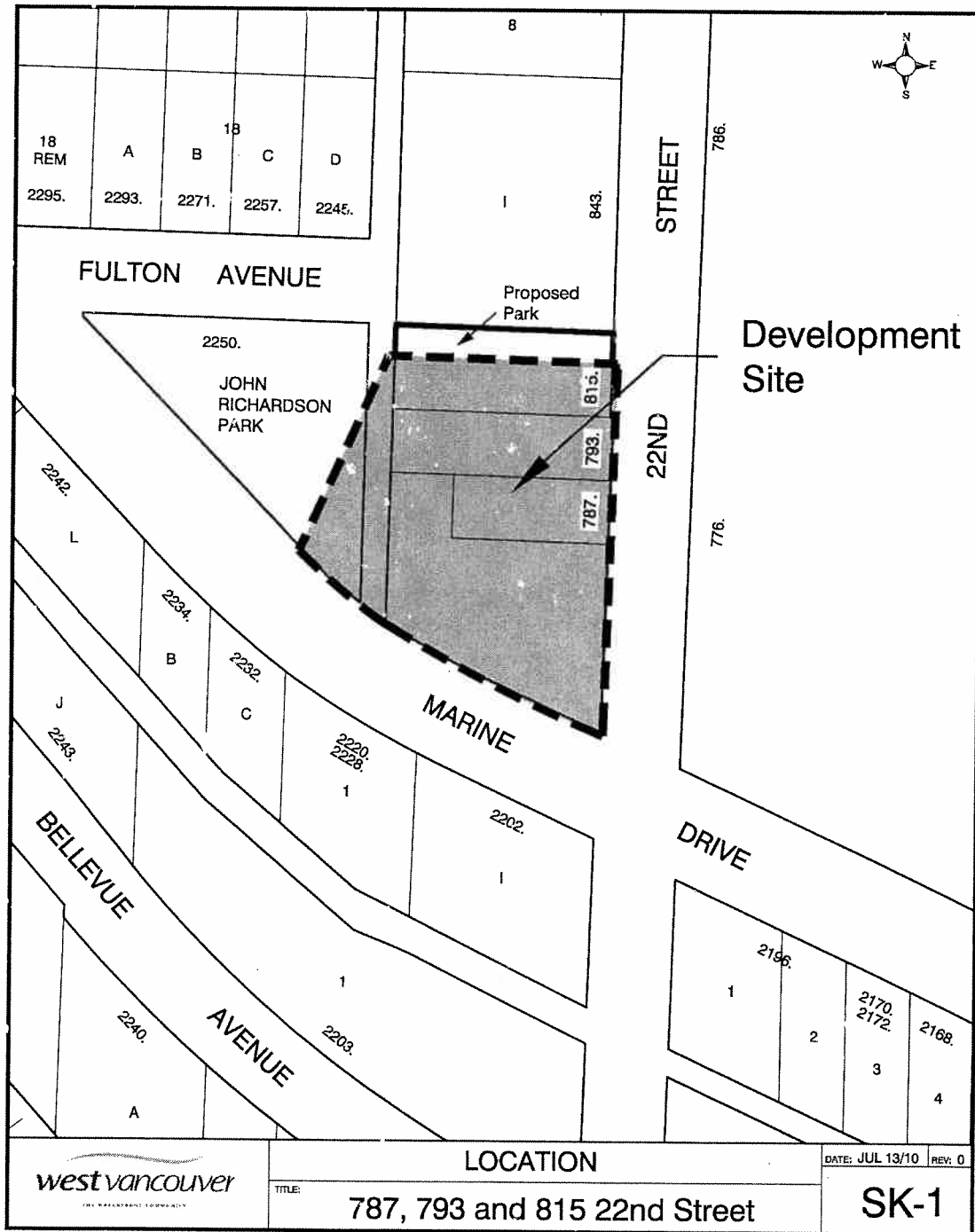
Municipal Clerk

## Schedule A

### 2200 Block Marine Drive – Road Closure and Removal of Highway Dedication Bylaw No. 4659, 2010



# APPENDIX B



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