

DATE OF MEETING OCTOBER 1, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT PROPOSED ROAD CLOSURE ADJACENT TO 400 NEWCASTLE AVENUE

OVERVIEW

Purpose of Report

To obtain Council approval for the proposed road closure of a portion of Newcastle Avenue.

Recommendation

That:

1. Council authorize the road closure of a portion of Newcastle Avenue adjacent to 400 Newcastle Avenue;
2. "Highway Closure and Dedication Removal Bylaw 2018 No. 7255" (To provide for highway closure and dedication removal of a portion Newcastle Avenue adjacent to 400 Newcastle) pass first reading; and
3. "Highway Closure and Dedication Removal Bylaw 2018 No. 7255" pass second reading.

BACKGROUND

The Nanaimo Yacht Club (the "NYC") leases 0.83ha (2.06 acres) of City-owned property located at 400 Newcastle Avenue (the "Property"), Attachment A. In 2017, Council approved setting the annual market rent for the years 2017 – 2021 for the lease of the Property. The lease area was expanded in 2017 to include an area of road right-of-way where encroachments existed. A road closure bylaw was adopted and a survey plan for the road closure area was prepared. This road closure area was to be consolidated with the remainder of the Property.

It was discovered, after the lot consolidation survey plan was prepared, that another area of the Property (674.9m²), which was previously thought to have title, in fact did not.

A road closure bylaw was adopted in 1992 to close this portion of Newcastle Avenue, but no title to this area was ever raised. Without a title to this area, the consolidation of the entire lease area cannot be completed.

The Land Title Office has advised that Council must adopt a new road closure bylaw and file the new bylaw and road closure survey plan with the Land Title Office in order to raise title to this area. After this is complete, all the parcels can be consolidated.

Staff have reviewed the road closure application applicable to all City standards and the road is deemed surplus to City requirements.

OPTIONS

A. That:

1. Council authorize the road closure of a portion of Newcastle Avenue adjacent to 400 Newcastle Avenue;
2. “Highway Closure and Dedication Removal Bylaw 2018 No. 7255” (To provide for highway closure and dedication removal of a portion Newcastle Avenue adjacent to 400 Newcastle) pass first reading; and
3. “Highway Closure and Dedication Removal Bylaw 2018 No. 7255” pass second reading.
 - **Budget Implication:** The City will incur advertising, surveying, and legal costs associated with the road closure.
 - **Legal Implication:** The City’s solicitor has reviewed the previous road closure bylaw and will file the road closure plan with the Land Title office. The road closure is necessary to legally define the lease area.
 - **Engagement Implication:** Staff have reviewed the road closure application applicable to all City standards and the road is deemed surplus to City requirements.

B. That Council:

1. Not authorize the road closure of a portion of Newcastle Avenue adjacent to 400 Newcastle Avenue.
 - **Legal Implication:** Without the road closure, the lease area cannot be legally registered in the Land Title Office.

SUMMARY POINTS

- The Nanaimo Yacht Club leases 0.83 ha (2.06 acres) of City-owned property located at 400 Newcastle (the “Property”). In 2017 Council approved setting the annual market rent for the years 2017 – 2021 for the lease of the Property. The lease area was expanded in 2017 to include an area of road right-of-way where encroachments existed. A road closure bylaw was adopted and a survey plan for the road closure area was prepared. This road closure area was to be consolidated with the remainder of the Property.
- When the lot consolidation survey plan was prepared, it was discovered that another area of the Property (674.9 m²), which was previously thought to have title, in fact does not. A road closure bylaw was adopted in 1992 to close this portion of Newcastle Avenue, but no title to this area was ever raised. Without a title to this area, the consolidation of the entire lease area cannot be completed.
- The Land Title Office has advised that Council must adopt a new road closure bylaw and file the new bylaw and road closure survey plan with the Land Title Office in order to raise title to this area. After this is complete, all the parcels can be consolidated.
- Staff have reviewed the road closure application applicable to all City standards and the road is deemed surplus to City requirements.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Road Closure Area Plan

“Highway Closure and Dedication Removal Bylaw 2018 No. 7255” |

Submitted by:

Bill Corsan
Deputy Director, Community Development |

Concurrence by:

Dale Lindsay
Director, Community Development |

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