

DATE OF MEETING May 17, 2021

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

**SUBJECT LAND EXCHANGE AND ROAD CLOSURE – 857 OLD VICTORIA ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council approval to close an unused portion of Eighth Street, and in exchange, provide a portion of land at 857 Old Victoria Road to improve the road network.

### **Recommendation**

That:

1. Council authorize the road closure and disposition of a portion of Eighth Street adjacent to 857 Old Victoria Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. “Highway Closure and Dedication Removal Bylaw 2021 No. 7286” (To provide for highway closure and dedication removal of a portion of Eighth Street adjacent to 857 Old Victoria Road) pass first reading;
3. “Highway Closure and Dedication Removal Bylaw 2021 No. 7286” pass second reading; and
4. Council direct Staff to proceed with public notice for the closure and disposition of a portion of Eighth Street.

## **BACKGROUND**

A road closure application, LD003575, was received from Manh Nguyen to facilitate a 20-lot strata subdivision application, SUB01337, at 857 Old Victoria Road (the “Property”, Attachments A and B).

### **Subject Property and Site Context**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located east of Eighth Street and west of Old Victoria Road
<i>Total Area</i>	2.47ha (6.12 acres)
<i>Current use</i>	Vacant Land
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Corridor and Light Industrial

## **DISCUSSION**

### **Road Closure and Land Exchange Proposal**

Part of the land that is included within the proposed subdivision is City-owned road at Eighth Street. In order to facilitate the subdivision application, the Applicant has submitted an application for a road closure over a portion of Eighth Street, 0.13ha (0.33 acres), for the construction of part of the strata's road and for parts of Strata Lots 12 and 13 (Attachment C).

Through the subdivision process, it was noted that 0.14ha (0.36 acres) of the Property has City road right-of-way constructed over part of it on road currently known as Old Victoria Road. The area is shown as road dedication on Attachment B.

The survey plan that created the Property was registered on 1919-DEC-10, which dedicated Victoria Road. It is unknown when the road was constructed, but it is assumed by Staff that this portion of Old Victoria Road has been on the Property but maintained by the City as road right-of-way since the time the survey was prepared.

The Applicant has proposed a land exchange that will rectify this historical issue. By closing a portion of unused City road right-of-way at Eighth Street, the Applicant will provide the land under Old Victoria Road.

Staff have reviewed the proposed road closure against all City standards and have ascertained that this road right-of-way at Eighth Street is deemed to be surplus to City requirements. Staff are seeking Council's authorization of the Road Closure and Land Exchange Agreement and for Council to provide first and second reading to "Highway Closure and Dedication Removal Bylaw 2021 No. 7286".

If Council provides first and second reading of "Highway Closure and Dedication Removal Bylaw 2021 No. 7286", a Notice of Disposition will be published, as required by Sections 40 and 96 the *Community Charter*.

## **OPTIONS**

1. That:
  1. Council authorize the road closure and disposition of a portion of Eighth Street adjacent to 857 Old Victoria Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement;
  2. "Highway Closure and Dedication Removal Bylaw 2021 No. 7286" (To provide for highway closure and dedication removal of a portion of Eighth Street adjacent to 857 Old Victoria Road) pass first reading;
  3. "Highway Closure and Dedication Removal Bylaw 2021 No. 7286" pass second reading; and
  4. Council direct Staff to proceed with public notice for the closure and disposition of a portion of Eighth Street.
- Advantages: By providing approval to the road closure and land exchange for the road dedication area, the historical road right-of-way error will be rectified and the Applicant can continue with the process to subdivide the Property as proposed. The

- proposed subdivision is consistent with the Official Community Plan. Staff will publish a notice of intent and disposition as required by Section 40 in the *Community Charter*.
- Disadvantages: None identified.
  - Financial Implications: The Applicant has agreed to pay their legal and surveying costs and half of the costs to publish the required notices. It is estimated half of the publication costs will be \$500 and can be paid out of the Real Estate Section's annual budget.
2. That Council deny the road closure and disposition of a portion of Eighth Street adjacent to 857 Old Victoria Road.
- Advantages: None identified.
  - Disadvantages: The Applicant will incur costs to create a new subdivision layout plan and will have to submit a new application. The portion of Old Victoria Road will remain private property and could be blocked to traffic by the Applicant.
  - Financial Implications: The City will not incur the advertising costs estimated at \$500.

### **SUMMARY POINTS**

- A road closure application, LD003575, was received from Manh Nguyen to facilitate a subdivision application, SUB01337, at 857 Old Victoria Road.
- 857 Old Victoria Road (the "Property") is currently a vacant site with an area of 2.47ha (6.12 acres) and is in the process of being subdivided into a 20-lot strata subdivision.
- In order to facilitate the subdivision application, the Applicant has submitted an application for a road closure over a portion of Eighth Street, 0.13ha (0.33 acres), for the construction of part of the strata's road and for parts of Strata Lots 12 and 13.
- Through the subdivision process, it was noted that 0.14ha (0.36 acres) of the Property has City road right-of-way constructed over part of it on road currently known as Old Victoria Road.
- The Applicant has proposed a land exchange that will rectify this historical issue. By closing a portion of unused City road right-of-way at Eighth Street, the Applicant will provide the land under Old Victoria Road.
- Staff have reviewed the proposed road closure against all City standards and have ascertained this road right-of-way at Eighth Street is deemed to be surplus to City requirements. Staff are seeking Council's authorization of the Road Closure and Land Exchange Agreement and for Council to provide first and second reading to "Highway Closure and Dedication Removal Bylaw 2021 No. 7286".

**ATTACHMENTS:**

ATTACHMENT A: Location Plan

ATTACHMENT B: Location Plan

ATTACHMENT C: Strata Lot Subdivision Plan

“Highway Closure and Dedication Removal Bylaw 2021 No. 7286”

**Submitted by:**

Bill Corsan  
Director, Community Development

**Concurrence by:**

Dale Lindsay  
General Manager, Development Services