

DATE OF MEETING June 20, 2022

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT ROAD CLOSURE – PORTION OF LAKE ROAD – 4295 VICTORIA AVENUE – LOUDON PARK

OVERVIEW

Purpose of Report

To obtain Council approval to close a portion of Lake Road at 4295 Victoria Avenue to support the Loudon Park Boat House Project.

Recommendation

That:

1. Council authorize the road closure of a portion of Lake Road at 4295 Victoria Avenue;
2. "Highway Closure and Dedication Removal Bylaw 2022 No. 7341" (To provide for highway closure and dedication removal of a portion of Lake Road at 4295 Victoria Avenue) pass first reading;
3. "Highway Closure and Dedication Removal Bylaw 2022 No. 7341" pass second reading; and
4. Council direct Staff to proceed with public notice for the closure of a portion of Lake Road.

BACKGROUND

Loudon Park, located at 4295 Victoria Avenue (Attachment A), is a popular spot year round for swimming, various paddling sports, walking and fishing. The park is home base for the Nanaimo Canoe and Kayak Club as well as Nanaimo Rowing Club.

Council has provided funding within the 2022-2026 Financial Plan for park improvements at Loudon Park. Part of the improvements that are planned is for the development of a new Loudon Boathouse (the "Boathouse") in partnership with the Rotary Club of Nanaimo North and the Long Lake Flatwater Training Center Society. Staff anticipate bringing a report to a future meeting for the Development Permit for the Boathouse for Council's consideration.

Loudon Park is legally situated on dedicated road right-of-way known as Lake Road. While legally a 'road', the land appears and is used as parkland. In 2018, Council provided approval to close a portion of Lake Road along Victoria Avenue, Wellesley and Apsley Avenue, adjacent to the Loudon Walkway. The road closure was required to raise titles to areas along the walkway where historical encroachments existed. A majority of those titles were then purchased by the upland owners while the walkway was preserved and is now a dedicated parcel of parkland.

The Development Permit for the Boathouse must be registered against a legally titled parcel of land. As the current area is 'road' and untitled, Staff are recommending completing a road closure bylaw process, as shown on Attachment B.

DISCUSSION

Council has the authority to close roads within the municipality through the road closure bylaw process. Once adopted the bylaw can then be filed at the Land Title Office to create a title to the land. The park area will be consolidated with the titles to the parking lot area.

Staff have delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected. BC Hydro will require a statutory right-of-way over a part of the road closure area.

Should Council approval of the first and second reading of Highway Closure and Dedication Removal Bylaw 2022 No. 7246 be received Staff will publish a notice of intent as required by Section 40 in the *Community Charter*. The road closure bylaw will then be further presented to Council for third reading and adoption.

OPTIONS

1. That:
 1. Council authorize the road closure of a portion of Lake Road at 4295 Victoria Avenue;
 2. "Highway Closure and Dedication Removal Bylaw 2022 No. 7341" (To provide for highway closure and dedication removal of a portion of Lake Road at 4295 Victoria Avenue) pass first reading;
 3. "Highway Closure and Dedication Removal Bylaw 2022 No. 7341" pass second reading; and
 4. Council direct Staff to proceed with public notice for the closure of a portion of Lake Road.
 - The advantages of this option: The road status will be removed through the road closure bylaw process and a title will be raised and the development permit can be legally registered. Loudon Park will have a dedicated title which will enable future improvements to be consistent with park use.
 - The disadvantages of this option: None identified.
 - Financial Implications: Surveying and Land Title costs are estimated at \$10,000 which will be paid out of Loudon Park Boathouse budget.
2. That Council deny the road closure of a portion of Lake Road at 4295 Victoria Avenue.
 - The advantages of this option: None identified.
 - The disadvantages of this option: The legal status of this portion of Lake Road will remain as road right-of-way and there will not be a legal title to the land which the development permit will be attached to. The Boathouse project will need to be redesigned or relocated to titled land.
 - Financial Implications: The City will incur additional design costs if the project is moved to a different location.

SUMMARY POINTS

- Loudon Park located at 4295 Victoria Avenue is home base for the Nanaimo Canoe and Kayak Club as well as Nanaimo Rowing Club.
- Park improvements have been planned for the park including a new Loudon Boathouse in partnership with the Rotary Club of Nanaimo North and the Long Lake Flatwater Training Center Society. A Development Permit for the Boathouse will be presented to Council for consideration at a future meeting.
- Loudon Park is legally situated on dedicated road right-of-way known as Lake Road, however it appears like parkland and not road.
- The Development Permit for the Boathouse project must be registered against legally titled land and with the absence of the park having a title, the proposed road closure area must be closed through the road closure bylaw process.
- Council approval is being sought to provide first and second reading of the road closure bylaw to close a portion of Lake Road where Loudon Park is situated.

ATTACHMENTS:

ATTACHMENT A: Location Plan

ATTACHMENT B: Lake Road Closure Area – Loudon Park
Highway Closure and Dedication Removal Bylaw 2022 No. 7341

Submitted by:

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Concurrence by:

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Culture