



COUNCIL REPORT
Corporate Services
For the November 26, 2019 Council Meeting

DATE: November 26, 2019
TO: Paul Gipps, CAO
FROM: Steve Neil, Land Agent
RE: Sale of 60.8 m2 of road area for consolidation with 3859 Carrall Road

RECOMMENDED MOTION:

THAT Council authorize the Mayor and Corporate Officer to execute an agreement to sell a (+/-) 60.8m2 portion of road area adjacent to 3859 Carrall Road for consolidation with 3859 Carrall Road, with the final agreement subject to Council approval, removal of the fence encroachment and adoption of a road closure bylaw; and

THAT Council give first, second, and third reading to City of West Kelowna Road Closure and Disposition Bylaw No.0257, 2019; and

THAT Council direct staff to advertise Council's intention to close and sell the road closure area, as per *Section 40 and 94 of the Community Charter*.

RATIONALE:

In March of 2016 it was discovered that a portion of the concrete stairway at 3859 Carrall Road was encroaching into the road area. Selling the property owner a portion of surplus road area would bring the property into compliance with the zoning bylaw.

LEGISLATIVE REQUIREMENTS:

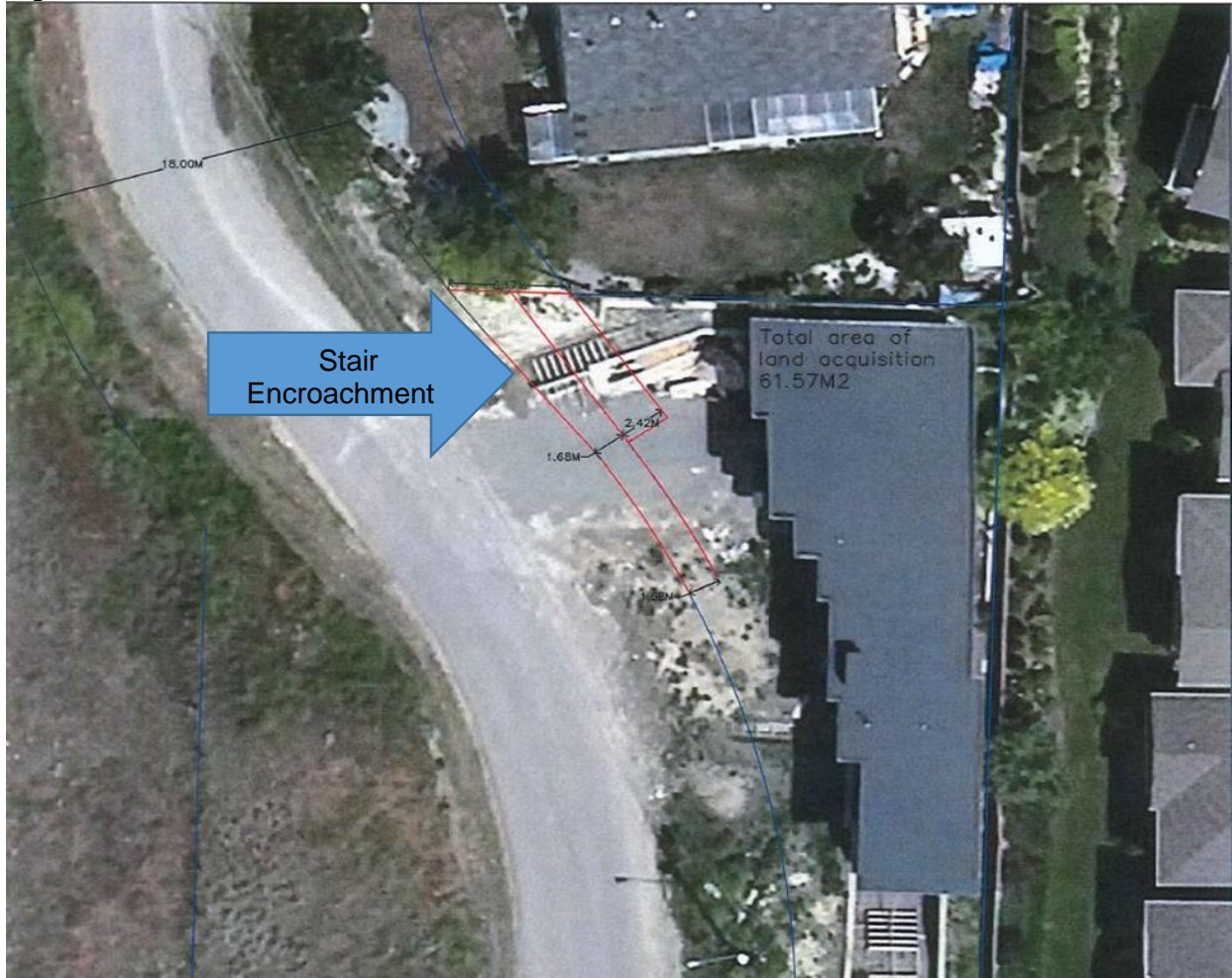
Pursuant to *Section 40 of the Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in accordance with *Section 94 of the Community Charter* in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

BACKGROUND:

Upon discovering that the concrete stairway at 3859 Carrall Road was encroaching into the roadway (see Figure 1), it was confirmed that the road area where the encroachment existed was surplus to the City's needs. A fair market value of the surplus land was determined to be \$14,312. The property owners have agreed to purchase the (+/-) 60.8m2 road area for this price.

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Figure 1



FINANCIAL IMPLICATIONS:

Legal and closing costs will be covered by the purchasers, and the City will receive \$14,312 as a result of the sale of the road area, which is recommended to be deposited in the Land Acquisition Reserve Fund.

ALTERNATE MOTIONS(S):

THAT Council direct staff not to sell a 60.8m² portion of road adjacent to 3859 Carrall Road.

NEXT STEPS:

Should Council decide to proceed with the sale of the road area, next steps would include:

1. The City would be required to give public notice in accordance with s. 40 and 94 *Community Charter* regarding the closure of a public road, and the sale of the closed road area;

2. Council consider final adoption to the bylaw for road closure, consolidation, and sale;
3. Council consider removal of any subject conditions and execution of the sales agreement to sell the road closure area; and
4. Execution of Closing Documents, and registration of the documents and survey plans in the Land Titles Office.

REVIEWED AND APPROVED BY:

Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

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Attachments:
Attachment 1 - Road Closure Bylaw