



COUNCIL REPORT  
Corporate Services  
For the December 10, 2019 Council Meeting

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DATE: December 3, 2019  
TO: Paul Gipps, CAO  
FROM: Steve Neil, Land Agent  
RE: 3859 Carrol Road – Road Closure and Disposition Bylaw No. 0257

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**RECOMMENDED MOTION:**

**THAT** the City of West Kelowna Road Closure and Disposition Bylaw No.0257, 2019 be adopted; and,

**THAT** Council authorize the Mayor and Corporate Officer to remove any subject conditions and execute the sales agreement to sell the road closure area, and to execute all further documents necessary to effect the registration of the land sale and associated survey plans in the Land Titles Office.

**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. The City's engineering staff determined that the (+/-) 60.8m<sup>2</sup> road area was surplus to the City's needs and selling the property owner this 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), the City's engineering department confirmed that the road area where the encroachment existed was surplus to the City's needs as the area to be purchased does not have any long term impacts on utility servicing or road maintenance requirements. Carrall Road is a local road that typically sees lower traffic volume, and the area to be purchased would extend a non-typical road frontage. Public works has also confirmed the location of the curb stops and inspection chambers to ensure that they would remain on the highway right of way.

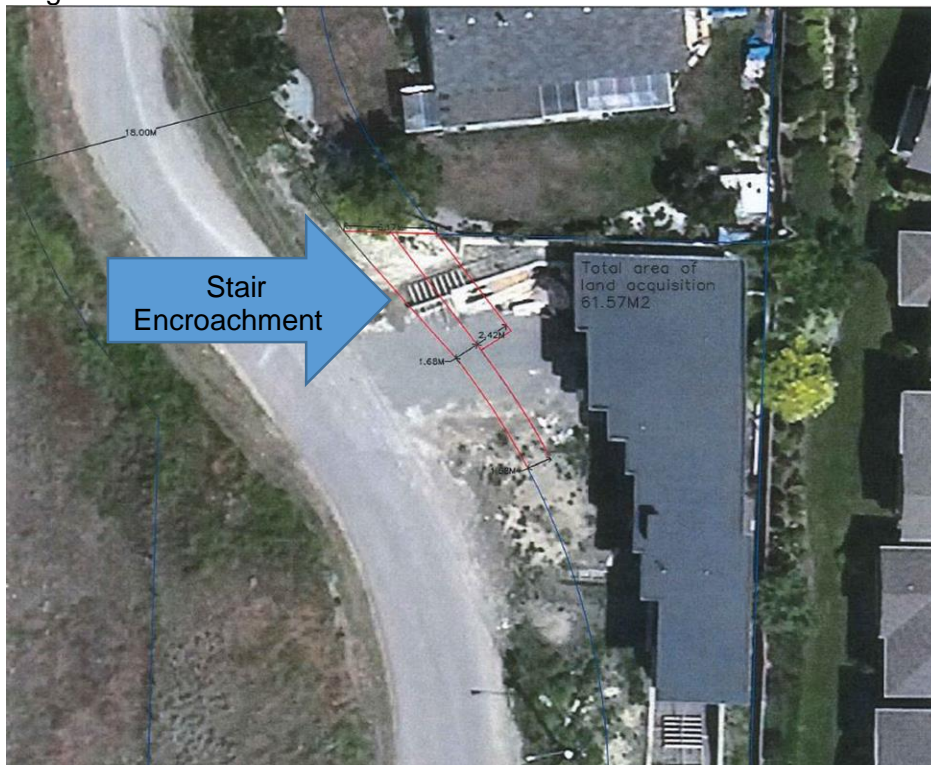
Staff have confirmed that the BC Assessment land value for the property is reasonable, and as a result have determined the fair market value of the (+/-) 60.8m<sup>2</sup> surplus land to be \$14,312 - see Table 1.

**Table 1**

BC Assessment Land Value	Total Land Size (m2)	Land Value Per m2	Portion of Road to be Sold (m2)	Value of Road Area Being Sold
\$201,000	853.887	\$235.39	60.8	\$14,312

The property owners have agreed to purchase the (+/-) 60.8m<sup>2</sup> road area for this price. There is also a fence encroaching into the road allowance, however the property owner has agreed to remove the fence encroachment as a condition contained in the Contract of Purchase and Sale for the acquisition of the road closure area.

Figure 1



COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
11/26/2019	<p><b>Sale of 60.8 m2 of Road Area for Consolidation with 3859 Carrall Road</b></p> <p><u>It was moved and seconded</u></p> <p><b>THAT</b> Council authorize the Mayor and Corporate Officer to execute an agreement to sell a (+/-) 60.8m<sup>2</sup> portion of road area adjacent to 3859 Carrall Road for consolidation with 3859</p>	C381/19

	<p>Carrall Road, with the final agreement subject to Council approval, removal of the fence encroachment and adoption of a road closure bylaw; and</p> <p><b>THAT</b> Council give first, second, and third reading to City of West Kelowna Road Closure and Disposition Bylaw No.0257, 2019; and</p> <p><b>THAT</b> Council direct staff to advertise Council's intention to close and sell the road closure area, as per Section 40 and 94 of the <i>Community Charter</i>.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	
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FINANCIAL IMPLICATIONS:

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

ALTERNATE MOTIONS(S):

**THAT** Council rescind first, second, and third reading of Bylaw No.0257, 2019 and abandon the bylaw; and,

**THAT** Council reject the proposed road closure and sale of the (+/-) 60.8m<sup>2</sup> portion of road adjacent to 3859 Carrol Road.

NEXT STEPS:

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

1. Remove any subject conditions contained in the sales agreement to sell the road closure area;
2. The Mayor and Corporate Officer to execute the road closure bylaw;
3. Execution of Closing Documents, and registration of the documents and survey plans in the Land Titles Office.

REVIEWED AND APPROVED BY:

Allen Fillion, Director of Engineering and Public Works  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes  No

Attachments:  
Attachment 1 – Road Closure & Disposition Bylaw 0257