



# City of Port Moody

## Report/Recommendation to Council

Date: February 6, 2020  
Submitted by: Engineering and Operations Department – Project Delivery Services Division  
Subject: Road Closure Bylaw and Park Dedication Bylaw – David Avenue Connector  
Road Right-of-Way through Bert Flinn Park

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### Purpose

To present for Council's consideration a Bylaw to close and remove the road dedication from the David Avenue Connector Road Right-of-Way through Bert Flinn Park, and a Bylaw to dedicate this land as park.

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### Recommended Resolution(s)

**THAT City of Port Moody Road Closure Bylaw, 2020, No. 3234 (Future David Avenue Connector) and City of Port Moody Bert Flinn Park Expansion Park Dedication Bylaw, 2020, No. 3235 be read a first, second, and third time as recommended in the report dated February 6, 2020 from Engineering and Operations Department – Project Delivery Services Division regarding Road Closure Bylaw and Park Dedication Bylaw – David Avenue Connector Road Right-of-Way through Bert Flinn Park;**

**AND THAT notice of Council's intention to remove the road dedication from an unopened portion of the David Avenue Connector road allowance be provided in accordance with sections 26(3) and 40 of the *Community Charter*.**

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### Background

At the Regular Council meeting held on October 8, 2019, Council considered a report dated September 11, 2019 from Mayor Rob Vagramov regarding Official Community Plan – loco Lands and David Avenue Connector ROW and passed the following resolutions:

*RC19/428a*

THAT staff be directed to bring forward an Official Community Plan Amendment Bylaw to remove the Special Study Area Designation for the loco Area, and to restrict density in the loco Lands Area to the level permitted under the zoning currently in place.

*RC19/428b*

THAT staff be directed to remove the Right-of-Way commonly referred to as the David Avenue Connector, and to incorporate its land into Bert Flinn Park.

RC19/428c

THAT a budget of up to \$75,000 be approved and referred to Finance Committee for a reserve funding source.

The related funding request was considered by the Finance Committee on December 3, 2019, at which time the following recommendation was passed and later ratified by Council on January 28, 2020:

FC19/088

THAT the budget of up to \$75,000 approved for removing the right-of-way commonly referred to as the David Avenue Connector and incorporating its land into Bert Flinn Park be funded from Accumulated Surplus as recommended in the memo dated October 21, 2019 from the Finance and Technology Department – Financial Services Division regarding Funding Source for Official Community Plan – Ioco Lands and David Avenue Connector ROW.

Official Community Plan amendments related to RC19/428a were brought forward for Council consideration at the Regular Council Meeting held on December 3, 2019. A Public Hearing on the corresponding OCP Amendment Bylaw, No. 3214 (Ioco Area) was held on January 28, 2020, followed by third reading and adoption of the Bylaw at the Regular Council Meeting on the same day.

## Discussion

To confirm the process to remove the Right-of-Way commonly referred to as the David Avenue Connector, and incorporate its land into Bert Flinn Park, legal advice from the City Solicitor was sought. The process to eliminate the Right-of-Way requires a Road Closure Bylaw. In a separate process, the former road allowance can then be dedicated as park through the adoption of a Park Dedication Bylaw. Existing legal plan LMP15859 of the Right-of-Way will be used to accompany both the Road Closure Bylaw and the Park Dedication Bylaw.

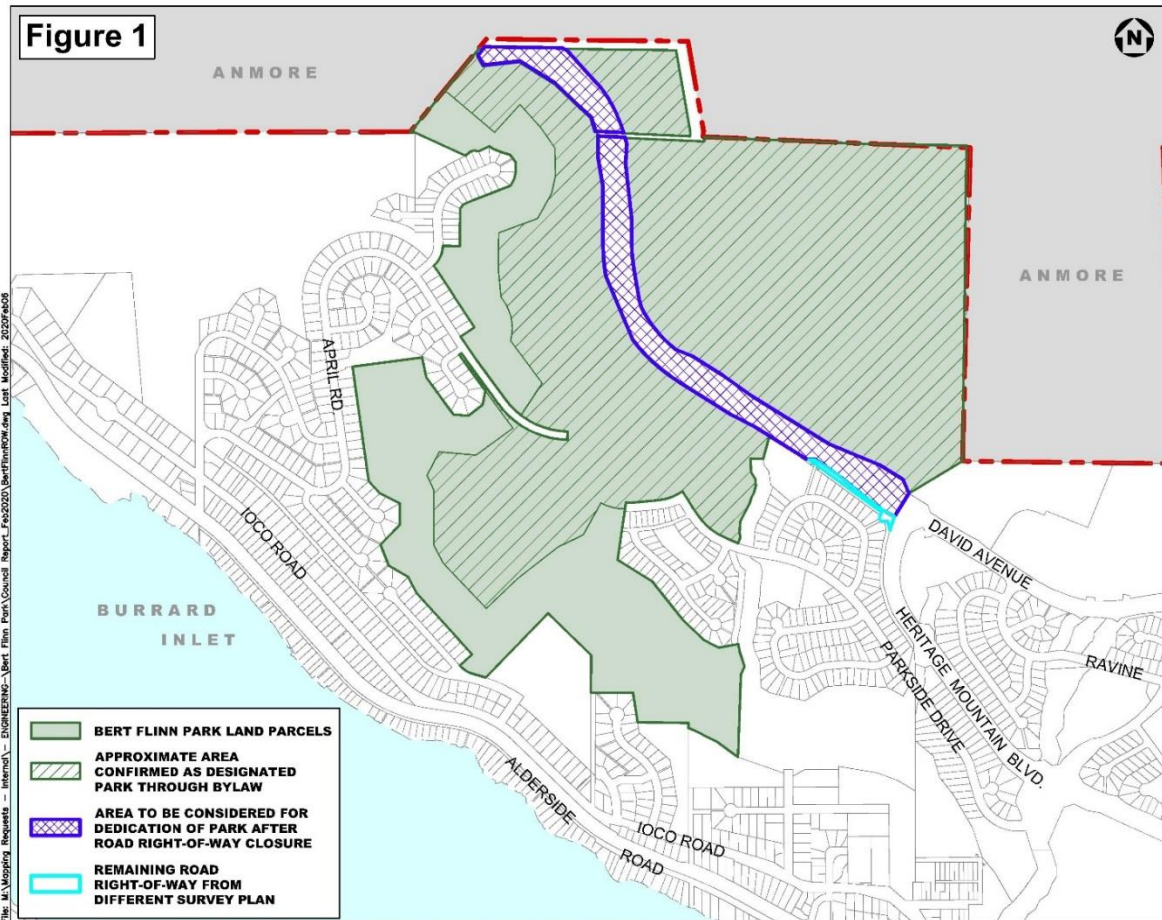
Proposed Road Closure Bylaw, No. 3234 has been written with assistance from legal counsel (**Attachment 1**). The Road Closure Bylaw requires three readings by Council, an advertised notice of intention to close the road, and an opportunity for public input prior to adoption. Following adoption, Bylaw No. 3234 would be submitted to the Land Title and Survey Authority of BC (LTSA) for processing.

Park Dedication Bylaw, No. 3235 has been written with assistance from legal counsel (**Attachment 2**). It is recommended that Bylaw No. 3235 remain at third reading until Road Closure Bylaw, No. 3234 is successfully processed at LTSA. Once road closure is confirmed, Bylaw No. 3235 can be brought forward for consideration of adoption. It should be noted that a Park Dedication Bylaw, as noted in section 30 of the *Community Charter*, may only be adopted by an affirmative vote of at least two-thirds of all the members of Council.

As shown on Figure 1, the current Road Right-of-Way runs through a section of Bert Flinn Park, where the adjacent parcels are zoned as park. After the Road Closure Bylaw is approved, the portion of the Road Right-of-Way will be removed. The property lines denoting the separate parcels will remain.

After approval of the removal of the road designation, the intention is to dedicate the parcel as park. After approval of the Park Dedication Bylaw, the parcel will be incorporated into the surrounding area previously dedicated park under City bylaw as the greater part of Bert Flinn Park.

Also as shown on Figure 1, it should be noted that a small portion of a different Road Right-of-Way as captured in Plan LMP19028 will remain.



Following is a tentative timeline for both Road Closure Bylaw, No. 3234 and Park Dedication Bylaw, No. 3235:

<u>Step</u>	<u>Timing</u>
<ul style="list-style-type: none"> <li>• Consideration of three readings for Road Closure Bylaw, No. 3234</li> <li>• Consideration of three readings for Park Dedication Bylaw, No. 3235</li> </ul>	February 25, 2020 (Council Meeting)
<ul style="list-style-type: none"> <li>• Notice of Intention to remove the road dedication from an unopened portion of the David Avenue Connector road allowance (involves two newspaper ads)</li> </ul>	March 2020

<ul style="list-style-type: none"> <li>• Public input on Road Closure Bylaw, No. 3234</li> <li>• Consideration of adoption of Road Closure Bylaw, No. 3234</li> </ul>	Late March/early April 2020 (Council Meeting)
<ul style="list-style-type: none"> <li>• Submission of Road Closure Bylaw, No. 3234 to LTSA</li> </ul>	April 2020
<ul style="list-style-type: none"> <li>• Consideration of adoption of Park Dedication Bylaw, No. 3235</li> </ul>	Summer 2020 (Council Meeting) – pending confirmation from LTSA

Following adoption of Park Dedication Bylaw, No. 3235, related housekeeping amendments to the OCP will be brought forward for Council consideration to ensure consistency, including map and text amendments.

It should be noted that there exists a risk that the existing legal plan LMP15859 of the Right-of-Way to be used with Bylaws No. 3234 and No. 3235 submissions to the LTSA may not be deemed complete and accepted by the LTSA. If that occurs, staff would obtain a full legal plan through a complete survey, the cost of which was considered in the \$75,000 budget.

### Other Option(s)

1. THAT City of Port Moody Road Closure Bylaw, 2020, No. 3234 (Future David Avenue Connector) not be given any readings.
2. THAT City of Port Moody Bert Flinn Park Expansion Park Dedication Bylaw, 2020, No. 3235 not be given any readings.
3. THAT staff be directed to consolidate the individual parcels after road closure and park dedication processes have completed.

### Financial Implications

In addition to staff time, the City will incur some legal costs associated with the implementation of proposed bylaws. These costs are covered under the approved project budget of \$75,000.

### Communications and Civic Engagement Initiatives

In accordance with section 40(3) of the *Community Charter*, before adopting a Road Closure Bylaw, Council must give notice of its intention to remove the highway dedication and close the subject land, and provide an opportunity for public input; that notice is to be provided in accordance with section 94 of the *Community Charter*.

Should Bylaw No. 3234 receive three readings, advertisements will be placed in two issues of the local newspaper inviting public input.

Staff will continue to provide updates on the City webpage dedicated to the Bert Flinn Park Road Right-of-Way.

### Council Strategic Plan Objectives

The recommendations in this report align with Council's 2019-2022 Strategic Plan pillar of Community Evolution.

## Attachment(s)

1. Draft City of Port Moody Road Closure Bylaw, 2020, No. 3234 (Future David Avenue Connector).
2. Draft City of Port Moody Bert Flinn Park Expansion Park Dedication Bylaw, 2020, No. 3235.

## Report Author

Chad Siemens  
Project Manager

## Report Approval Details

Document Title:	Road Closure Bylaw and Park Dedication Bylaws -David Avenue Connector Road Right of Way through Bert Flinn Park.docx
Attachments:	- Attachment 1 - Draft City of Port Moody Road Closure Bylaw, 2020, No. 3234 (Future David Avenue Connector).pdf - Attachment 2 - Draft City of Port Moody Bert Flinn Park Expansion Park Dedication Bylaw, 2020, No. 3235.pdf
Final Approval Date:	Feb 18, 2020

This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer, Corporate Officer - Feb 11, 2020 - 10:57 AM

Rosemary Lodge, Manager of Communications and Engagement - Feb 14, 2020 - 10:25 AM

André Boel, General Manager of Planning and Development - Feb 14, 2020 - 10:27 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 17, 2020 - 7:50 PM

Jeff Moi, General Manager of Engineering and Operations - Feb 18, 2020 - 2:20 PM

Tim Savoie, City Manager - Feb 18, 2020 - 2:41 PM