

Considered at February 25, 2020 Regular Council Meeting

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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

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.

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*.

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.

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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.

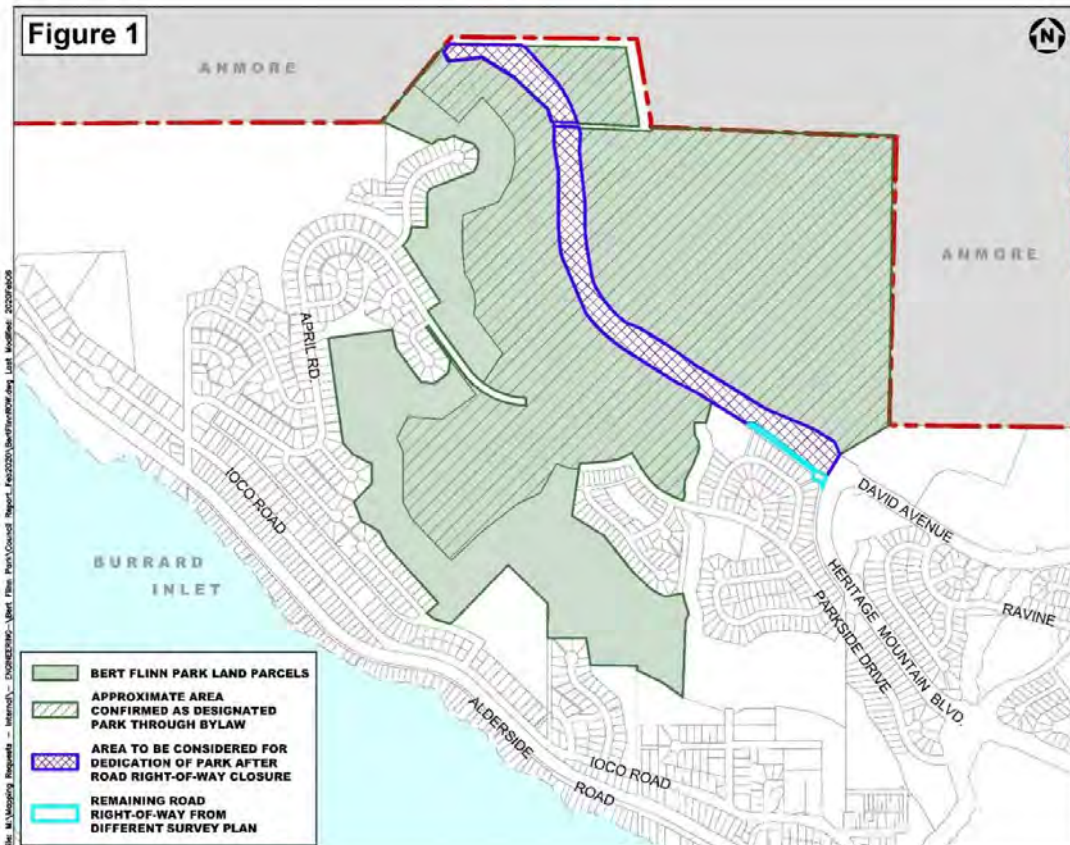
As shown on Figure 1, the current Road Right-of-Way runs through a section of Bert Flinn Park, where the adjacent parcels are zoned as park. After the Road Closure Bylaw is approved, the portion of the Road Right-of-Way will be removed. The property lines denoting the separate parcels will remain.

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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:

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

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

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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

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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

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City of Port Moody

Bylaw No. 3234

A Bylaw to close an unopened road allowance known as the future David Avenue Connector that bisects Bert Flinn Park.

WHEREAS pursuant to s. 40 of the *Community Charter*, Council may adopt a bylaw to close a portion of a highway to traffic and remove its dedication as highway;

AND WHEREAS notice of adoption of this Bylaw has been published in a newspaper for two consecutive weeks prior to adoption and Council has provided an opportunity for persons who consider they are affected to make presentations to Council;

NOW THEREFORE, the Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Road Closure Bylaw, 2020, No. 3234 (Future David Avenue Connector)”.

2. Closure and Removal of Dedication

- 2.1 That area shown in heavy black outline and identified on a Reference Plan, filed under Plan LMP15859, which was dedicated as road on the said Plan LMP15859, a copy of which Reference Plan is attached hereto as Schedule “A” and forms a part of this Bylaw, is hereby stopped up and closed to traffic of all kinds and the dedication as road is removed.

3. Authorization

- 3.1 The Mayor and Corporate Officer are hereby authorized to execute all documentation necessary to give effect to the provisions of this Bylaw.

4. Attachments and Schedules

- 4.1 The following schedules are attached to and form part of this Bylaw:
 - Schedule A – Plan LMP15859.

5. Severability

- 5.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

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Read a first time this ___ day of _____, 2020.

Read a second time this ___ day of _____, 2020.

Read a third time this ___ day of _____, 2020.

Adopted this ___ day of _____, 2020.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3234 of the City of Port Moody.

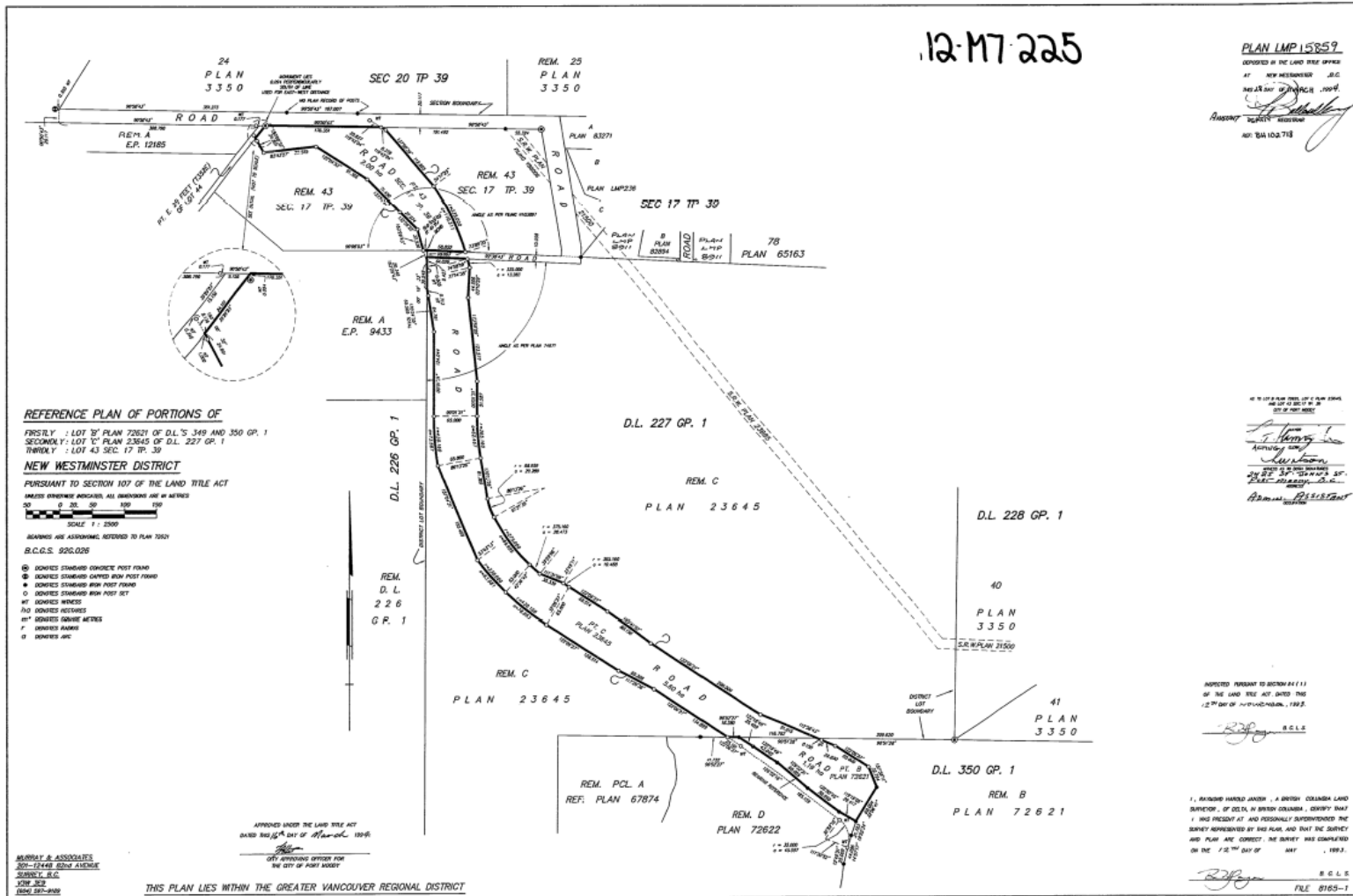
D. Shermer
Corporate Officer

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Schedule A – Plan LMP15859

FILED LMP15859 H21953 2001-10-30-14.26.13.415058



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City of Port Moody

Bylaw No. 3235

A Bylaw to dedicate lands owned by the Municipality for park purposes, pursuant to section 30 of the *Community Charter*, S.B.C. 2003, c. 26.

WHEREAS by way of Bylaws 2440 and 2441, Council of the City dedicated as park the lands known as Bert Flinn Park;

AND WHEREAS Bert Flinn Park is bisected by a formerly dedicated road allowance known as the Future David Avenue Connector;

AND WHEREAS Council of the City of Port Moody wishes to enact a Bylaw to dedicate as park the former road allowance in order to complete Bert Flinn Park as dedicated for park purposes, without a road passing through same;

NOW THEREFORE the Council of the City of Port Moody in open meeting assembled, enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Bert Flinn Park Expansion Park Dedication Bylaw, 2020, No. 3235".

2. Dedication

- 2.1 The following described municipally-owned lands shown on the attached plan are dedicated for park purposes:

All of those portions of land shown as dedicated as Road on Plan LMP15859 as shown on the copy of the said plan, a copy of which is attached hereto as Schedule "A".

3. Attachments and Schedules

- 3.1 The following schedules are attached to and form part of this Bylaw:
 - Schedule A – Plan LMP15859.

4. Severability

- 4.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

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Read a first time this ___ day of _____, 2020.

Read a second time this ___ day of _____, 2020.

Read a third time this ___ day of _____, 2020.

Adopted by a two-thirds vote of Council this ___ day of _____, 2020.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3235 of the City of Port Moody.

D. Shermer
Corporate Officer

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Schedule A – Plan LMP15859

FILED LMP15859 H21953 2001-10-30-14.26.13.415058

