



Committee of the Whole Report

For the Meeting of January 25, 2017

To: Mayor and Council **Date:** January 10, 2018
From: Fraser Work, Director, Engineering and Public Works
Subject: 816 Government Street (Customs House) - Road Dedication

RECOMMENDATION

That Council authorize the Mayor and the City Clerk to execute legal documents to the satisfaction of the City Solicitor, allowing for the following at 816 Government Street:

- the dedication as road of 12.5 square metres of land; and
- the discharge of existing SRW CA4632179

PURPOSE

The purpose of this report is to gain Council's authorization to accept the property owner's voluntary dedication as road of 12.5 square metres of land where sidewalk is over private property. Currently, there is a Statutory Right of Way (SRW) in place, allowing the public to use this portion of the sidewalk located adjacent to 816 Government Street, at the corner of Courtney Street and Wharf Street. Council authority is necessary to proceed with executing the legal documents that will accompany the lot consolidation plan that dedicates the road, because the City is the owner of the SRW over the property. This is not currently delegated to staff, though approval of road dedications is a decision made by the Approving Officer.

BACKGROUND

The property at 816 Government Street went through a successful rezoning process in 2016, and is now at Building Permit stage. A lot consolidation must occur so the development can proceed through the Building Permit process (currently there are six lots at this location, being consolidated into one lot). To consolidate land, the owner would typically apply to the BC Land Title Office, and the approval of City staff, Council or the Approving Officer would not be required. However, in this instance there is a very small corner of one of the lots that is being dedicated as road right-of-way. This will formalize the existing condition at the southeast corner of the Wharf Street/Courtney Street intersection, where the sidewalk currently runs over private property.

During the staff technical review of the rezoning application for this property in 2015, the need for an SRW was identified, to address the small portion of sidewalk that crossed private property. The SRW was created and registered on the property title during the rezoning approval process, allowing the general public to use this portion of sidewalk located over private property (see Appendix A). The owner is now offering to dedicate this portion of land as road, eliminating the need for the SRW. Road dedication is beneficial to the City, as it allows the City to control the area as it does any other dedicated road.

CONCLUSIONS

Staff recommend Council authorize executing the legal documents allowing for road dedication as part of a lot consolidation at 816 Government Street, as it is beneficial to the City to secure the public right of way.

Respectfully submitted,

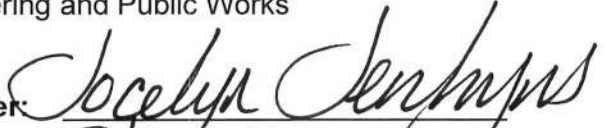


Brad Dellebuur, Assistant Director
Transportation



Fraser Work, Director
Engineering and Public Works

Report accepted and recommended by the City Manager:



Date:

Jan 17, 2018

List of Attachments

Appendix A: Location Plan

