



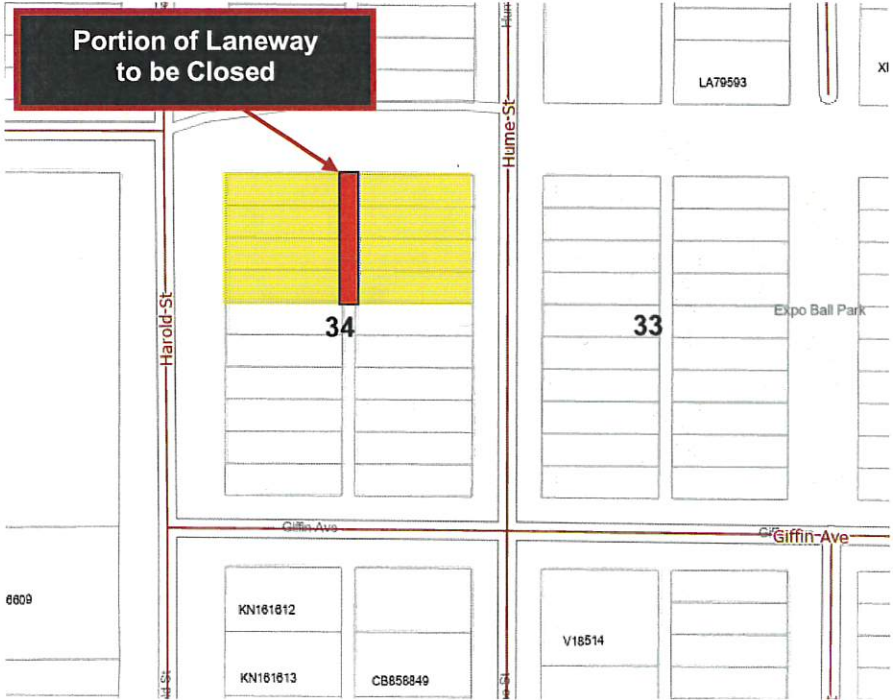
**The Corporation of the
Village of Slocan
Memo**

MTG DATE: MAY 13/24.
ITEM: BLAWS.
FILE: LANE CLOSURE

DATE: May 13, 2024
TO: Mayor and Village Council
FROM: M. Gordon, CAO
SUBJECT: Lane Closure and Dedication Removal Bylaw

ANALYSIS SUMMARY:

For the purpose of constructing an affordable housing development, the Village intends to close a 12' x 120' portion of municipal laneway in Block 34 between Lots 1-4 and 17-20.



Under the provisions of the *Community Charter*, the definition of “highway” means any street, **lane**, road, bridge, viaduct, and any other way open to public use, other than private rights of way on private property.

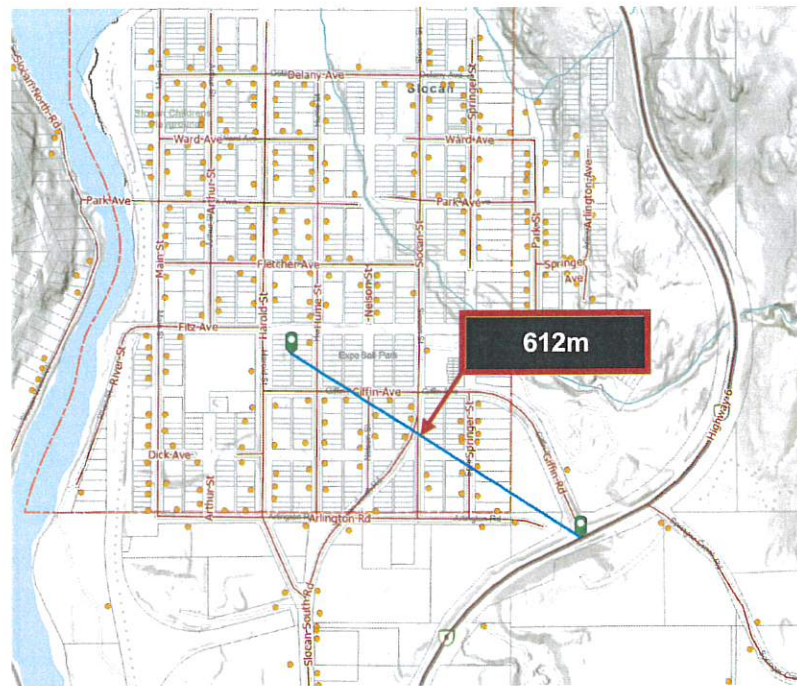
Councils are granted the authority to consider permanent highway closures for roadways that are not dedicated or required for municipal or utility purposes. Council is required to close a highway and remove its highway dedication by bylaw. The highway closure and dedication removal may be done in a joint bylaw or separately. The portion of laneway to be closed will be surveyed and filed with the closure documents.

Prior to adopting a highway (lane) closure bylaw under these provisions, a municipality must:

- Provide public notice in accordance to Section 94 of the *Community Charter*;

- Provide an opportunity for persons who are affected by the bylaw to make representations to Council;
- Deliver notice of its intention to close a highway to operators of a utility affected by the closure;
- Ensure that a proposed closure does not completely deprive an owner of access to their property, unless the municipality receives consent from the property owner or compensates the owner and provides alternate access;
- Refer any highway closure bylaws to the Minister of Transportation & Infrastructure (MOTI) for approval where the proposed highway closure is within 800m of an arterial highway. Specified MOTI regional and district staff may grant such approval on behalf of the MOTI.

**The proposed laneway closure is within 800m of Hwy 6. An application for this purpose has been submitted to MOTI, and approval is required prior to adoption of the bylaw.*



Prior to adopting a highway dedication removal bylaw under these provisions, a municipality must:

- Provide public notice in accordance to Section 94 of the *Community Charter*;
- Provide an opportunity for persons who are affected by the bylaw to make representations to Council;
- Obtain consent of the owner of property in the rare circumstance in which the highway in question is part of a subdivision, where the highway has not been developed and the owner of the land who created the subdivision continues to own all the parcels.

**The highway closure and dedication removal bylaw may be done in a joint bylaw or separately.*

Once the highway closure bylaw and removal of highway dedication bylaw are adopted by Council, and the highway dedication bylaw is filed with the Land Title Office, the property ceases to be a

highway. The highway dedication is then cancelled and title to the property will be registered in the name of the municipality, in accordance with the *Land Title Act*.

The portion of laneway will then be consolidated with the adjacent proposed development lots to form one parcel. This is completed by filing a Lot Consolidation Request with the Land Title Office.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

- *Community Charter*, Part 3, Division 5 – “Highways”
- *Community Charter*, Section 94 – “Requirement for Public Notice”
- *Land Title Act*, Section 120 – “Municipal Bylaw Cancelling Highway Dedication”
- *Transportation Act* – “Highway Closure within 800m of an Arterial Hwy”

COSTS AND BUDGET IMPACT - REVENUE GENERATION:

Legal road closure and dedication removals are required to be filed to the Land Title Office by a registered surveyor with an attached posting plan. Cost to complete this work will be withdrawn from the BC Housing Pre-Development Funds received.

RECOMMENDATIONS:

1. That Council give first, second, and third readings to the “Village of Slokan Block 34 Lane Closure and Highway Dedication Removal Bylaw No. ____ 2024” by title only.
2. That staff be directed to post notice of the proposed closure in accordance to section 94 of the *Community Charter*.



Michelle Gordon
Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF SLOCAN
BYLAW NO. ____, 2024

BEING A BYLAW TO CLOSE A PORTION OF THE LANE LYING BETWEEN HAROLD
AND HUME STREETS WITHIN BLOCK 34, DL 292, KD PLAN 496,
AND TO REMOVE HIGHWAY DEDICATION.

WHEREAS the Council of the Village of Slocan deems it desirable to adopt a bylaw for the purpose of closing a portion of laneway lying between Harold and Hume Streets, within Block 34, for the purpose of constructing an affordable housing complex within the Village of Slocan, and to remove Highway Dedication.

NOW THEREFORE, the Council of the Village of Slocan in open meeting assembled hereby ENACTS AS FOLLOWS:

1. A plan of the said portion of street that is the subject of this bylaw is outlined on the attached reference plan as prepared by Hango Land Surveying, Inc., which forms part of this Bylaw.
2. (a) That the portion of the lane within Block 34, DL 292, KD Plan 496 as shown outlined on the attached plan (hereinafter referred to as the "**Plan**") is hereby closed and stopped up to traffic of all kinds.

(b) The highway dedication for the area, as outlined in the Plan attached hereto, is hereby removed.
3. This effect of this Bylaw shall be advertised as required under Section 94 of the *Community Charter*.
4. This Bylaw shall take effect upon its adoption.
5. This Bylaw may be cited as the "**Village of Slocan Block 34 Lane Closure and Highway Dedication Removal Bylaw No. ____, 2024**".

READ A FIRST TIME the 13th day of May, 2024;

READ A SECOND TIME the 13th day of May, 2024;

READ A THIRD TIME the 13th day of May, 2024;

RECEIVED THE APPROVAL OF THE MINISTRY OF TRANSPORTATION
on the ___ day of _____, 2024.

FINALLY PASSED AND ADOPTED the ___ day of _____, 2024.

Mayor

Chief Administrative Officer

DRAFT

REFERENCE PLAN TO ACCOMPANY
 VILLAGE OF SLOCAN BYLAW
 NO. _____ TO CLOSE PART OF ROAD
 DEDICATED ON PLAN 496 DISTRICT
 LOT 292 KOOTENAY DISTRICT.

Pursuant to Section 120 of the Land Title Act and Section 40 of
 the Community Charter.

BCGS 82F.073

The intended plot size of this plan is
 432mm in width by 280mm in height
 (B size) when plotted at a scale of 1:600



LEGEND

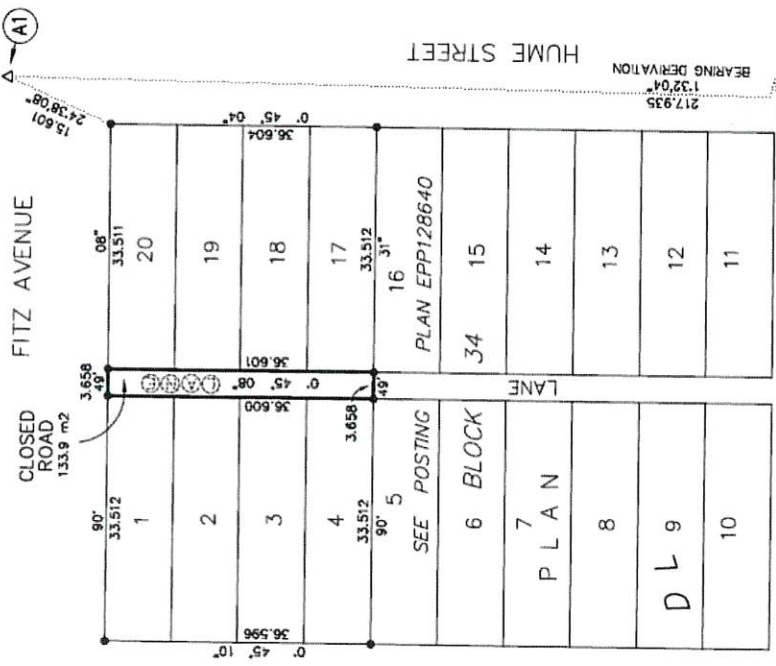
Grid bearings are derived from GNSS observations and
 are referred to the central meridian of UTM Zone 11
 North.
 The UTM coordinates and estimated absolute
 accuracy achieved are derived from Natural Resources
 Canada's Precise Point Positioning (PPP) service.
 This plan shows horizontal ground-level distances,
 unless otherwise specified. To compute grid distances,
 multiply ground-level distances by the combined
 scale factor of 0.999530.
 The combined scale factor has been determined
 based on an ellipsoidal elevation of 538 metres.

m² Square metres

Found Set

- Standard iron post
- △ Traverse hub (TH)

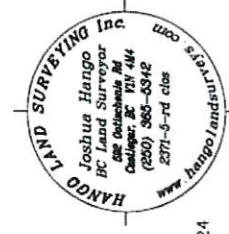
UTM NAD83 (CSRS) 2002.0 Zone 11	
TH A1	N 5512508.174 E 466272.766
Point combined factor:	0.999530
Absolute accuracy	0.04
TH A2	N 5512290.420 E 466266.953
Point combined factor:	0.999529
Absolute accuracy	0.04



SEE POSTING PLAN B7411

GIFFIN AVENUE

The field survey represented by this plan
 was completed on the 26th day of April, 2024
 Joshua G. Hango, BCLS 953.



This plan lies within the
 Regional District of Central Kootenay.

