

STREETS & ROADS

ROAD CLOSURE AND SALE

STR.34

POLICY

Date Policy Adopted: January 4, 2005
Date Policy Amended: November 1, 2006
Date Policy Amended: May 7, 2007
Date Policy Amended: October 1, 2007
Date Policy Amended: April 7, 2008
Date Policy Amended: July 21, 2008
Date Policy Amended: December 15, 2008
Date Policy Amended: May 4, 2009
Date Policy Amended: January 1, 2010

Council Resolution Number: 05/010
Council Resolution Number: IC2006/261
CAO Approval
Council Resolution Number: 07/878
Council Resolution Number: 08/297
Council Resolution Number: 08/617
Council Resolution Number: 08/1064
Council Resolution Number: RC09/249
Bylaw 5070-2009

Council may consider closing and selling portions of roads, based on the following criteria:

1. The Director of Engineering and Public Works determines that the subject portion of road is not required in the future.
2. The portion of road to be closed and purchased is adjacent to and contiguous with the applicant's property.
3. The applicant agrees to the following requirements, all to be completed solely at the applicant's expense:
 - a) pay an administration fee for the road closure and sale process as set out in the District of Mission's Fees and Charges Bylaw No. 4029-2007, and amendments thereto;
 - b) provide proof of ownership of the property adjacent to and contiguous with the requested road closure area;
 - c) provide signed consent(s) from any other property owner(s) adjacent to and contiguous with the subject road that they have no objections to the applicant's purchase of the property;

Should the applicant be unable to obtain these consents, council will be advised of this fact and the reasons for the withholding of consents, and may determine that any of the withheld consents are unreasonable, or alternatively that the closure and sale are not in the best interests of the District;

- d) pay a non-refundable deposit of \$2000 or 10% of the purchase price (whichever is greater) payable within 14 days of Council's adoption of a resolution to proceed with the road closure and subsequent sale of the property. The deposit is deducted off of

- the purchase price if the transaction is completed within 4 months of a Council resolution. If the transaction is not completed within this 4 month period, the deposit is forfeit;
- e) the value of the closed portion of road will be based on a per m² assessed value of the property to which the closed portion of the road is to be consolidated;
 - f) provide legal plans showing the portion of road to be closed, as well as legal plans showing the closed portion of road consolidated with the applicant's property;
 - g) provide legal plans showing consolidation of the closed portion of road with the applicant's existing property; and
 - h) pay all costs associated with advertising; and
 - i) complete all legal documents and to register at the Land Titles Office.
4. The process to complete the closure, un-dedication and sale of the road must be completed within 4 months of council initially approving the sale. Failure to complete the process within this time frame will result in the process and the transaction being terminated; and
 5. Upon approval of the road closure and sale by Council, the Director of Corporate Administration will advertise the closure and sale in two consecutive editions of the local newspaper. The advertising will include:
 - (a) description of the road to be closed;
 - (b) name of the purchaser;
 - (c) the sale price; and
 - (d) invite public comments regarding the closure and sale.
 6. Any comments received will be forwarded to Council, for its review. Council will consider any comments received, and determine whether to move forward on the closure and sale.
 7. If Council directs that the road closure should proceed, the Director of Corporate Administration will forward a bylaw for adoption by Council to close and un-dedicate the subject portion of road.
 8. Upon adoption of the bylaw, the applicant will be instructed to proceed with the filing of the legal plans and consolidation, and payment to the District of the value determined in accordance with section 3(e) of the land, less the \$2000 deposit in compliance with section 3 (d).