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City of Kelowna

**MEMORANDUM**

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**DATE:** March 23, 2004

**FILES:** 0914-20-001  
0550-01

**TO:** City Manager

**FROM:** Manager Community Development & Real Estate

**SUBJECT: ROAD EXCHANGE BYLAW PROCESS**

**REPORT PREPARED BY: D.L. SHIPCLARK, MANAGER COMMUNITY DEVELOPMENT &  
REAL ESTATE**

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**RECOMMENDATION:**

**THAT** Council Policy No. 127 be amended by adding the following new section "(i)":

Standard Land Registry Document	Approving Position
(i) The sale of road rights-of-way that have been declared excess to the City's transportation needs, where the closure is an exchange for an equal or greater area of land to be dedicated as road on a plan of subdivision and the acquisition cost of any excess area of road being dedicated does not exceed Council policy.	Land Agent

**BACKGROUND & COMMENTS:**

The Community Charter, which came into force on January 1, 2004, no longer contains the provision for local government to raise title to closed roads by the process of road exchange bylaw.

Title to all roads within the City of Kelowna, except the provincial highways, was granted to the City under the Community Charter. The Charter allows City Council to close roads to vehicle traffic and remove the designation of highway to the area of closed road by bylaw. That area can then be used as titled land for City purposes or sold.

Where appropriate, road rights-of-way, that are no longer required for the City's transportation needs, should be closed to vehicle traffic and either incorporated into adjacent lands for private development or utilized as land for any other identified public need.

The new process required by the Charter has changed the road exchange process into two (2) separate agreements; one being a purchase of land to be dedicated as road, and the second being the creation of title from a closed City road and the sale of that City land. This policy will allow the Land Agent to approve the road exchange process where the area of land being dedicated as road is greater than the area of City land being sold (closed road) and the purchase price of the excess land being dedicated is within Council's policy.

Council will still have to process a road closure and a road dedication removal in an open Council meeting.

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D.L. Shipclark



R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Community & Corporate Planning

cc: Director of Financial Services  
cc: City Clerk