

# Memo



**Date:** November 17, 2010

**File:** 1110-61-002, 1110-61-004, 1110-61-005

**To:** City Manager

**From:** Manager, Real Estate Services

**Subject:** Road Closures - West of 4753 Gordon Drive, South of 889 Bernard Avenue, Cedar Avenue (South of 3080 Abbott Street)

Report Prepared by: Graham Hood, Property Officer

---

## **Recommendation:**

THAT Council support City staff bringing forward road closure bylaws to close a portion of road west of 4753 Gordon Drive, south of 889 Bernard Avenue and Cedar Avenue (south of 3080 Abbott Street) for park use;

AND THAT all costs, including legal, associated with the road closures, estimated to total \$21,000 be charged to the 2010 Parkland Acquisition Budget Project No. 2031001;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete these transactions;

## **Purpose:**

The City wishes to raise title to 3 parcels and rezone the properties to "Park" in order to protect the lands from unsanctioned use through permitting and bylaw enforcement.

## **Background:**

The subject road closure areas currently act as park or will soon be developed as Park consistent with the Official Community Plan. These lands are not currently subject to Parks Bylaws or to City of Kelowna development permit requirements due to their road status. In their current state, utility companies are able to locate their works anywhere in the area by applying for a road usage permit, limiting Park use and development. By raising title to the lands, the City can control the use of the lands and ensure Parks Bylaws are enforceable on the lands. In addition, all utilities constructed on site will be required to obtain a Statutory Right of Way document and register a legal survey on title.

A handwritten signature in black ink, appearing to be the name of the author, Graham Hood.

**Gordon Road:**

The road closure area west of 4753 Gordon Road is an entrance point and link in the future Bellevue Creek Linear Trail (Schedule 'A'). By closing this area, the City of Kelowna can limit future utility facilities and control the use of the land.

**Knowles Heritage Park:**

The road closure area is a laneway between various City owned lots on Bernard Avenue and Lawrence Avenue. The area is currently in use as a park. The road closure is to be accompanied by a lot consolidation of the surrounding park lots (Schedule 'B') and road dedication for the required parking and turnaround in the laneway.

**Cedar Avenue:**

The road closure area forms an integral part of the park to be developed on the waterfront between Cedar Avenue and West Avenue (Schedule 'C'). The road closure area will allow for the establishment of an important entry point to the waterfront park from the Pandosy neighbourhood. Through road closure, the City can control traffic flow surrounding the park and ensure future land use is consistent with the future zoning.

**Internal Circulation:**

Infrastructure Planning Department  
Financial Services Department

**Financial/Budgetary Considerations:**

The road closures will require multiple survey plans and registration costs as outlined below:

Gordon Road Surveys	\$5,000
Gordon Road Registration/Legal Fees	\$2,000
Knowles Park Surveys	\$5,000
Knowles Park Registration/Legal Fees	\$2,000
Cedar Avenue Surveys	\$5,000
Cedar Avenue Registration/Legal Fees	\$2,000
Total	<u>\$21,000</u>

**Considerations not applicable to this report:**

Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:  
Existing Policy:  
Personnel Implications:  
External Agency/Public Comments:  
Community & Media Relations Comments:  
Alternate Recommendation:

In light of the above, the Real Estate & Building Services department request Council's support for the submission of these road closure bylaws.

Submitted by:



J. Hettinga, Manager  
Real Estate Services

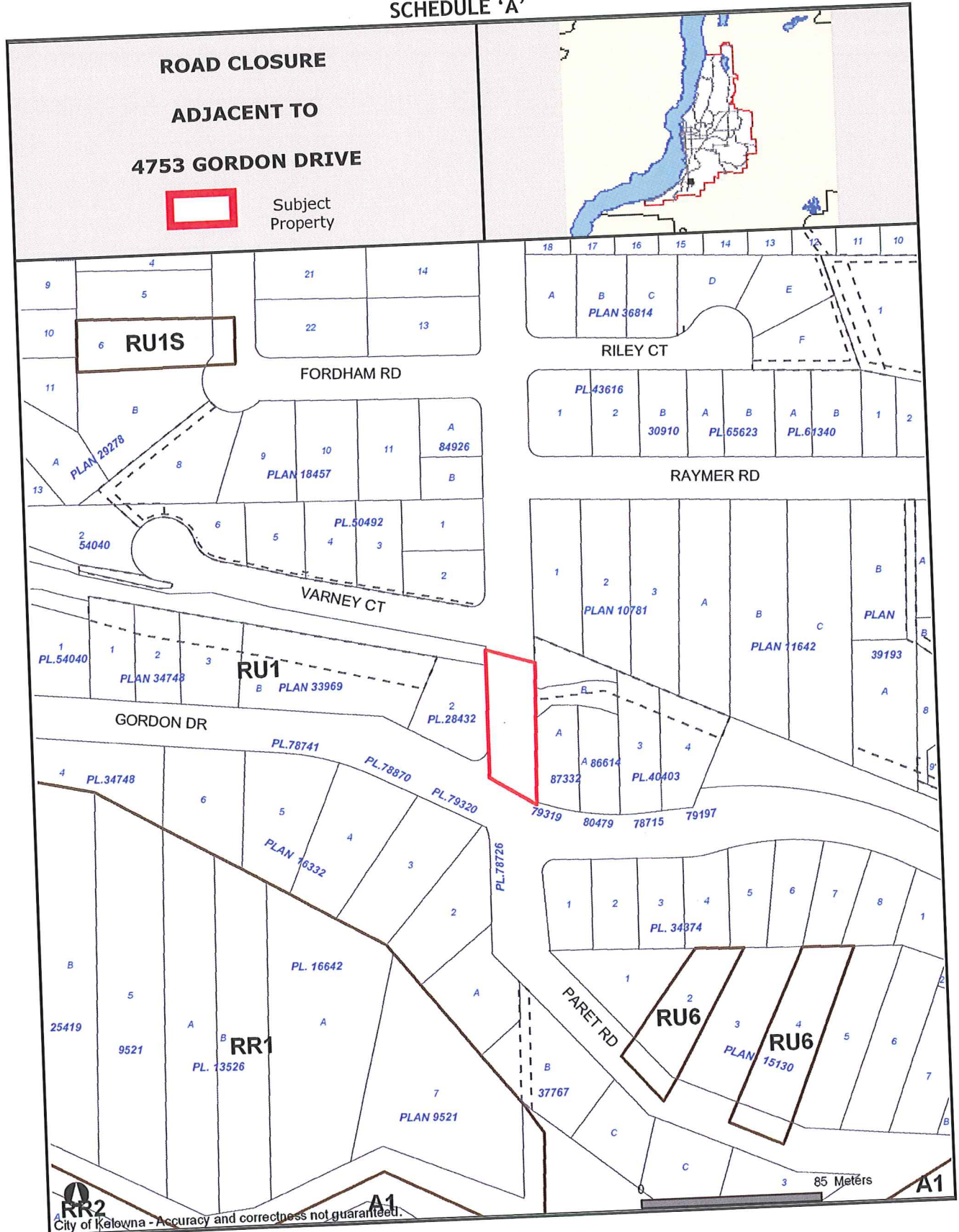
Approved for inclusion:



D. Gilchrist, Director, Real Estate & Building Services

cc: T. Barton, Manager, Parks & Public Places  
D. Edstrom, Manager, Strategic Land Development  
K. Grayson, Director, Financial Services

**SCHEDULE 'A'**





SCHEDULE 'B'

