

AGENDA ADDENDUM

REGULAR MEETING OF COUNCIL

Monday, December 5, 2016

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



www.dnv.org

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REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, December 5, 2016
Council Chamber, Municipal Hall
355 West Queens Road, North Vancouver

AGENDA ADDENDUM

THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

9. REPORTS FROM COUNCIL OR STAFF

- 9.6. **Bylaw 8190: Harbour Ave., Dominion St., and Columbia St. Highway Closure
Bylaw 8190, 2016**
File No. 09.3900.20/000.000

Recommendation:


THAT "Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016" is ADOPTED.


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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>November 28, 2016</u>
<input type="checkbox"/> Other:	Date: _____

9.6


 Dept.
Manager


 GM/
Director


 CAO

The District of North Vancouver

REPORT TO COUNCIL

November 3, 2016
 File: 09.3900.20/000.000

AUTHOR: Linda Brick, Deputy Municipal Clerk

SUBJECT: Bylaw 8190: Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016

RECOMMENDATION:

THAT "Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016" is ADOPTED.

BACKGROUND:

Bylaw 8190 received First Reading on July 25, 2016. Notice was given under Section 94 of the *Community Charter* on September 4 and 11, 2016 that an opportunity for representations to Council would be provided on September 12, 2016; this special public input opportunity was followed by Second Reading as amended and Third Reading of the Bylaw.

When Council considers the permanent closure and removal of highway dedication Section 40 of the *Community Charter* requires that a notice of this intent be delivered to the operators of utilities whose transmission or distribution facilities or works may be affected by the closure; staff provided notice to Telus, Shaw Communications, BC Hydro and Fortis BC on August 3, 2016.

Pursuant to Section 52(3)(a) of the *Transportation Act*, Bylaw 8190 received approval from the Ministry of Transportation and Infrastructure on September 19, 2016.

Bylaw 8190 is now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaw;
2. Abandon the bylaw at Third Reading; or,
3. Rescind Third Reading and debate possible amendments to the bylaw.

SUBJECT: Bylaw 8190: Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016

September 22, 2016

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Respectfully submitted,



Linda Brick
Deputy Municipal Clerk

Attachments:

- Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016
- Staff Report – dated September 16, 2016
- Staff Report – dated August 30, 2016

			REVIEWED WITH:		
<input checked="" type="checkbox"/> Sustainable Community Dev.			<input type="checkbox"/> Clerk's Office	_____	External Agencies:
<input type="checkbox"/> Development Services	_____		<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	_____		<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	_____		<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	_____		<input type="checkbox"/> ITS	_____	<input type="checkbox"/> Recreation Com.
<input type="checkbox"/> Environment	_____		<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	_____		<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	_____				

The Corporation of the District of North Vancouver

Bylaw 8190

A bylaw to close and remove highway dedication.

WHEREAS under the *Community Charter* the Council may close to traffic and remove the dedication of a highway; and,

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016".

2. Bylaw to close and remove highway dedication

2.1 The portion of highway dedicated by Plan 1340 is closed to all types of traffic and the dedication as highway is removed.

2.2 The Mayor and Clerk are authorized to execute and delivered such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

READ a first time July 25th, 2016.

NOTICE given under Section 94 of the *Community Charter* on September 4th and September 11th, 2016.

OPPORTUNITY for representations to Council provided in accordance with Section 40 of the *Community Charter* on September 12th, 2016.

READ a second time as amended September 12th, 2016.

READ a third time September 12th, 2016.

Certified a true copy of "Bylaw 8190" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on September 19th, 2016.

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

PRELIMINARY REFERENCE PLAN TO ACCOMPANY BYLAW NO8190
DISTRICT OF NORTH VANCOUVER TO CLOSE PARTS OF ROAD
DEDICATED ON PLAN 1340, DISTRICT LOT 204, GROUP 1, NEW
WESTMINSTER DISTRICT

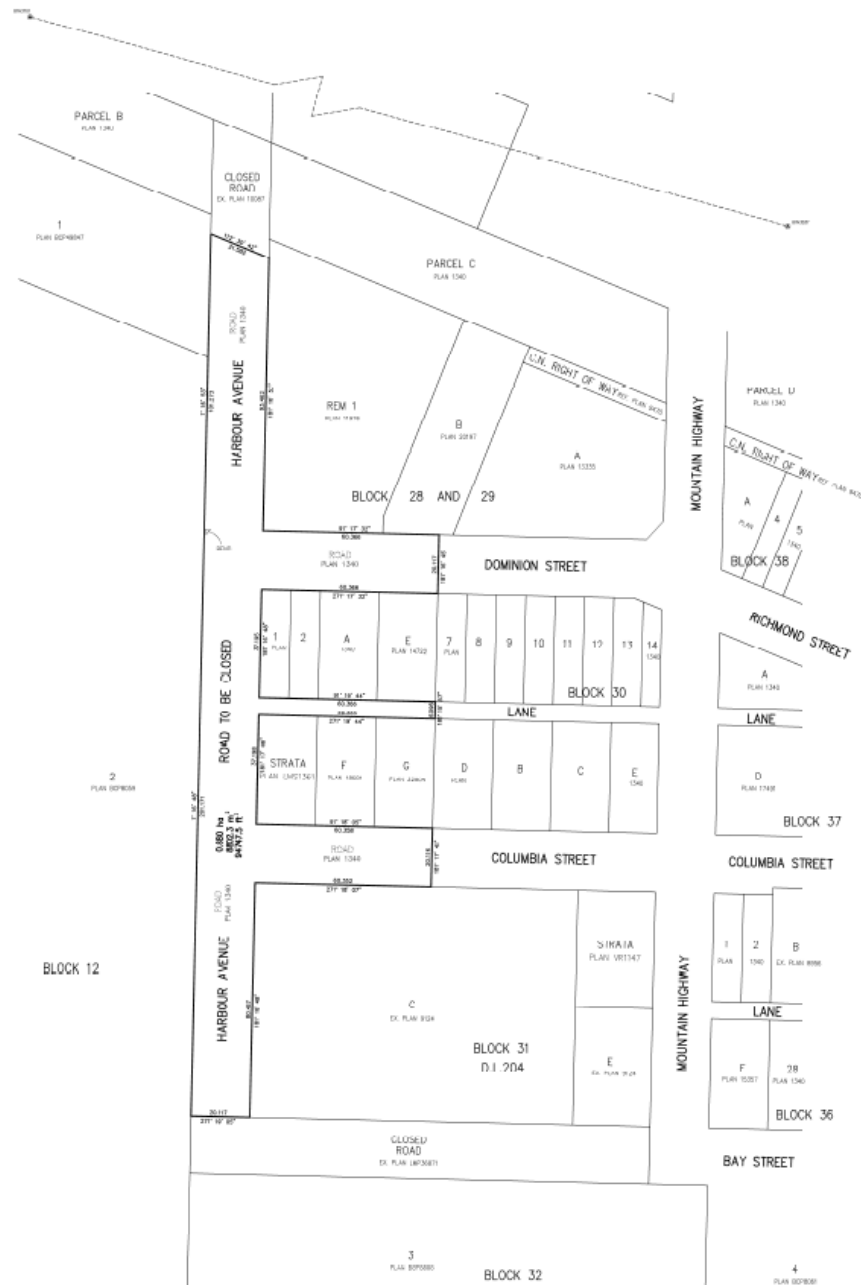
PURSUANT TO SECTION 130 OF THE LAND TITLE ACT AND
SECTION 40 OF THE COMMUNITY CHARTER
DOCC 002-331

SCALE 1:500
0 10 20 30
ALL DISTANCES ARE IN METERS
NO DISTANCE PLAT SHOWN OF THIS ROAD IN
PLAN IN RECORD OF 17/1/1968 IN METERS
(2/1968) WITH PLAT OF A SCALE OF 1:500

STUDIES TO SURVEY AREA NO. 14, DISTRICT OF NORTH CAROLINA
MAY 22 1990 4:40

THE FOLLOWING ARE ISSUED FROM SCIENTIFIC CONTROL MONITORING
STATION 1401-0101.

THIS PAGE CONTAINS INFORMATION, INCLUDING, BUT NOT LIMITED TO,
IDENTIFICATION, LOCATION, AND CONDITION OF THE MONITORING
STATION. THE INFORMATION IS FOR THE USE OF THE MONITORING
STATION AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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OMNE LAND SURVEYING LTD.
305-4340 CANADA WAY
PLEASANT R.C.
TEL: 604-620-1721
FAX: 604-620-6243
www.omneco.com

THIS PLAN LIES WITHIN THE
GREATER VANCOUVER REGIONAL DISTRICT

PRELIMINARY
FEB 15 - 0627 - 01

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>SEPT 19. 16</u>
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

September 16, 2016
File: 02.0930.20/493.000

AUTHOR: Ryan P. Malcolm – Manager, Real Estate & Properties

SUBJECT: Information Report - Neighbouring Tenant and Property Owner Concerns
- Lynnterm East Gate Expansion Project

RECOMMENDATION:

THAT the report of the Manager, Real Estate and Properties, dated for reference September 16, 2016, and entitled Information Report - Neighbouring Tenant and Property Owner Concerns - Lynnterm East Gate Expansion Project, be received for information.

REASON FOR REPORT:

During the Regular Meeting of Council held on Monday September 12, 2016, Council considered item 9.1 of the Agenda – “Harbour Avenue, Dominion Street and Columbia Street, Highway Closure Bylaw 8190, 2016”. At that meeting, Council directed staff to meet with the neighbouring tenants and property owners located along Dominion St. and Columbia St. as soon as possible to address several concerns about the proposed road closure bylaw.

Staff subsequently met with the neighbouring tenants and property owners Tuesday September 13, 2016 at the DNV Municipal Hall. Port Vancouver, Darwin/TWN and Western Stevedoring representatives also attended this meeting. This report is to inform and summarize for Council the results of the meeting.

SUMMARY:

During the Council discussion of Bylaw 8190 held Monday September 16, 2016, staff was instructed to meet with the neighbouring tenants and property owners to discuss the three main topics raised at the meeting:

1. General concern about the Port Vancouver East Gate Expansion Project.
2. Concerns related to access for the North Shore Off-Road business located at 1440 Columbia St.
3. The possible site contamination of the property where a paint company was once located.

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

Page 2

At the conclusion of the meeting the attendees stated that they were generally satisfied with the answers given to them during the meeting. Staff ensured the attendees that there would be opportunities for them to continue to be engaged in the process.

ANALYSIS:

The balance of this report is a summary of responses to the issues raised by neighbouring tenants and property owners:

1. **General Concern about the Road Closure and Port Vancouver Expansion Project**

A number of neighbouring tenants and property owners felt they had not been adequately advised about the Port Vancouver Lynnterm East Gate expansion project. Neighbouring tenants and property owners also expressed concerns about the potential for the future expropriation of their lands in the area.

The following information was provided by the representatives of the DNV, Port Vancouver, Western Stevedoring and Darwin/TWN to the neighbouring tenants and property owners:

- A high-level overview of the related sites and projects including the proposed G3 Grain Terminal and Port Vancouver Lynnterm East Gate expansion project to facilitate Western Stevedoring's consolidated operations. Meeting attendees were further advised that the existing East Gate lands are not large enough to accommodate Western Stevedoring's needs, therefore ten neighbouring properties were acquired and that the adjacent municipal roads are also need to facilitate expansion project.
- Confidentiality agreements between the various parties including Port Vancouver and Western Stevedoring, Darwin/TWN, and property owners has limited the amount of information that could be shared until the public road closure bylaw process. This was done to protect all parties' interests in the negotiation process prior to the finalization of the purchase and sale agreements.
- Port Vancouver will commence their public engagement process once they have acquired the subject lands.
- The Port Vancouver representative explained that the Port does not have any authority or ability to expropriate property. All 10 properties were purchased by Darwin/TWN and all dealings between Port Vancouver and Darwin/TWN are arm's length. Finally, no future expropriations are contemplated by the Port.

The neighbouring tenants and property owners stated that they were generally satisfied with the above explanations concerning the recent history of the project and identifying all of the stakeholders involvements in the projects. They expressed a desire to be kept informed of the project going forward.

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

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2. North Shore Off-road Letter – Access Concerns

The tenants of 1440 Columbia St., North Shore Off-Road, submitted a letter (dated for reference September 12, 2016), expressing the following concern, "The proposed road closing would result in our having no public road access to the Property."

The DNV and the owners of North Shore Off-Road have received assurances from both Darwin/TWN and Port Vancouver that access will not be hindered once the roads have been closed and sold. Please see **Attachment 1**.

3. Potential Site Contamination

A concern about possible contamination on one of the properties acquired by Darwin/TWN was raised by an adjacent land owner. In response to this concern, the Port of Vancouver has provided the following, "VFPA uses a combination of remediation and risk management approaches to address sites that have been contaminated through past activities. Depending on the condition and expected future use of the site, affected sites are treated with a variety of remedial techniques that may include on-site treatment, removal and disposal of contaminants at appropriate facilities, or containment on-site. Port tenants are required to appropriately maintain their sites to prevent contamination by employing best practices for their operations. Environmental testing at the beginning, end and at other times during a tenant's lease, when appropriate, ensures sites are monitored for contamination and that any contamination is addressed to meet regulatory and additional Port requirements."

Public Input:

This report will be shared with the neighbouring tenants and property owners who attended the September 13th meeting and provided in Council's public Agenda.

Conclusion:

This report responds to the concerns raised by neighbouring tenants and property owners. The neighbouring tenants and property owners attended a meeting on September 13, 2016, and were advised of the Lynnterm East Gate expansion project details, confidentiality constraints regarding past communications, and future public engagement opportunities. District staff have also obtained responses from Darwin/TWN regarding the continued access to 1440 Columbia St., and received a response from the Port of Vancouver regarding the contaminated site concern expressed to Council.



Ryan P. Malcolm
Manager – Real Estate & Properties

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

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REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies: _____
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

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ATTACHMENT 1

Darwin Letter to North Shore Off-road
Regarding Access Concerns

DARWIN PROPERTIES (CANADA) LTD.

September 15, 2016

North Shore Off-Road Centre Inc.
1440 Columbia Street
North Vancouver, BC V7J 1A2

Attention: Mr. Glen Schatroph

**RE: 1440 Columbia Street North Vancouver, B.C. (the "Property") and
Lease in your favour of the Property dated July 16, 2012, as amended (the
"Lease"), Proposed Partial Highway Closing and Dedication Removal Bylaw
8190**

Further to our recent discussions, we are writing regarding your concerns over access to the Property after our acquisition from the District of North Vancouver (the "DNV") of certain roads, including Columbia Street and the Lane directly behind the Property (collectively, the "**Roads**") behind the Property.


Pursuant to Article 6 of the Lease, the Landlord covenants to provide you, the Tenant, with quiet enjoyment of the Property. We acknowledge that such quiet enjoyment includes access to and from the Property from the Roads, during the Term of the Lease.

For greater certainty, such access will remain as it currently exists off the Roads, regardless of the closure of the Roads by the DNV.

We confirm that upon any disposition of the Property by us to any party, including any disposition to the Port Metro Vancouver/Western Stevedoring (the "PMV"), we represent that we will make it a condition of such disposition that the transferee(s) agrees to provide you with continued access to the Property from the Roads during the Term of the Lease.

We hope this addresses the concerns expressed in your letter dated September 12, 2016. Please do not hesitate to call me should you have any further questions relating to this matter.

Regards,



Oliver Webbe
President

Cc: Ryan Malcolm (District of North Vancouver) & Nathan Nottingham (Port Metro Vancouver)

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SEPT 12 - 2016



The District of North Vancouver REPORT TO COUNCIL

August 30, 2016

File: 09.3900.20/000.000

AUTHOR: Ryan P. Malcolm, Manager of Real Estate and Properties Dept.

SUBJECT: Bylaw 8190: Harbour Ave., Dominion St., and Columbia St., Highway Closure Bylaw 8190, 2016

RECOMMENDATION:

1. THAT the "Harbour Ave. Dominion St. and Columbia St. Highway Closure Bylaw 8190, 2016" is given SECOND reading as amended; and
2. THAT the "Harbour Ave. Dominion St. and Columbia St. Highway Closure Bylaw 8190, 2016" is given THIRD Reading.

REASON FOR REPORT:

The "Harbour Ave., Dominion St. and Columbia St. Highway Closure Bylaw 8190, 2016" (**Attachment 1**) will authorize the closure and the raising of title to approximately 8,802 square metres of municipal road allowance.

The purpose of the closure is to raise title to the dedicated roads for the purpose of the conditional purchase and sale agreement to Maplewood North (Darwin/TWN) who will then in turn exchange their consolidated lands to Port Vancouver for the purposes of the Lynnterm East Gate expansion project.

SUMMARY:

- Maplewood North (Darwin/TWN) is to pay the appraised market value of \$8,100,000.00 for the municipal road allowance.
- Port Vancouver will be fully responsible for constructing a new road easement to ensure the continued public access to Harbourview Park.
- "Harbour Ave., Dominion St., and Columbia St., Highway Closure Bylaw 8190, 2016" received First Reading on July 25, 2016.
- Notice has been sent to third-party utilities on August 3, 2016.
 - Telus, BC Hydro, Shaw and Terasan.
- As the subject road allowance is within 800 metres of an arterial highway, Ministry of Transportation and Infrastructure approval is required under Section 41 (3) of the *Community Charter* before adoption of the bylaw.

EXISTING POLICY:

Sections 26 and 40 of the *Community Charter*, governs road closures and dispositions of municipal land. A proposed road closure survey plan has been submitted by the applicant (see **Attachment 1**).

BACKGROUND:

DNV Staff have negotiated an exchange with Darwin/TWN for the purchase of the subject partial road closures of Harbour Ave, Dominion St. and Columbia St., in exchange for a new public road easement (in perpetuity) to Harbourview Park and for a balancing payment to the DNV for the total appraised market value of \$8.1M. Darwin/TWN will subsequently transfer these subject lands to Port Vancouver which will facilitate the forthcoming Port Vancouver expansion for Lynnterm East Gate and Western Stevedoring. The East Gate expansion is due to the imminent displacement of Western Stevedoring from West Gate due to the new G3 grain terminal project which is to be developed on that site. (for further detail see **Attachment 3**)

Prior to completing the transaction contemplated in the exchange, the District must close to traffic and remove the dedication of these portions of road as set out in the proposed Bylaw 8190 (see **Attachment 1**).

ANALYSIS:**Timing/Approval Process:**

In accordance with Section 40 and Section 94 of the *Community Charter* council must provide notice of its intention to close a portion of road allowance for the purpose of disposition. Council must then provide an opportunity for persons who consider they are affected by the bylaw to make representations at a subsequent Council meeting. The opportunity for this public input is scheduled for the Regular Meeting of Council on Monday, September 12, 2016.

Utility companies have been provided notice and the opportunity to provide submissions regarding the proposed road closure.

Notice has been published in the North Shore News on Sunday, September 4 and 11, 2016.

Concurrence:

Finance, Planning, Engineering and Transportation have been consulted with this process.

Financial Impacts:

The DNV will receive a balancing payment from Darwin/TWN for \$8.1M upon closure and transfer of title. The proceeds of the disposition of this Road Parcel will be placed into the Land Opportunity Fund as per the Land Opportunity Reserve Fund Policy 5-1840-8.

The Port Vancouver/Western Stevedoring will be responsible for all required capital costs for the construction of the new public access road easement to Harbourview Park. Once the new road easement is constructed it will continue to be the responsibility of the municipality for normal operating and maintenance.

Conclusion:

Staff recommends that Council give proposed Bylaw 8190 second and third reading.

OPTIONS:

1. Give the bylaw Second (as amended) and Third Readings; or,
2. Give no further Readings to the bylaw and abandon the bylaw at First Reading.



Ryan P. Malcolm
Manager - Real Estate and Properties Department

Attachments:

- Harbour Ave., Dominion St., and Columbia St., Highway Closure Bylaw 8190, 2016
- Road Closure Advertisement
- Staff Report – dated July 18, 2016

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

The Corporation of the District of North Vancouver

Bylaw 8190

A bylaw to close and remove highway dedication.

WHEREAS under the *Community Charter* the Council may close to traffic and remove the dedication of a highway; and,

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016".

2. Bylaw to close and remove highway dedication

2.1 The portion of highway dedicated by Plan 1340 is closed to all types of traffic and the dedication as highway is removed.

2.2 The Mayor and Clerk are authorized to execute and delivered such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

READ a first time July 25th, 2016.

NOTICE given under Section 94 of the *Community Charter* on September 4th and September 11th, 2016.

OPPORTUNITY for representations to Council provided in accordance with Section 40 of the *Community Charter* on

READ a second time as amended

READ a third time

Certified a true copy of "Bylaw 8190" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

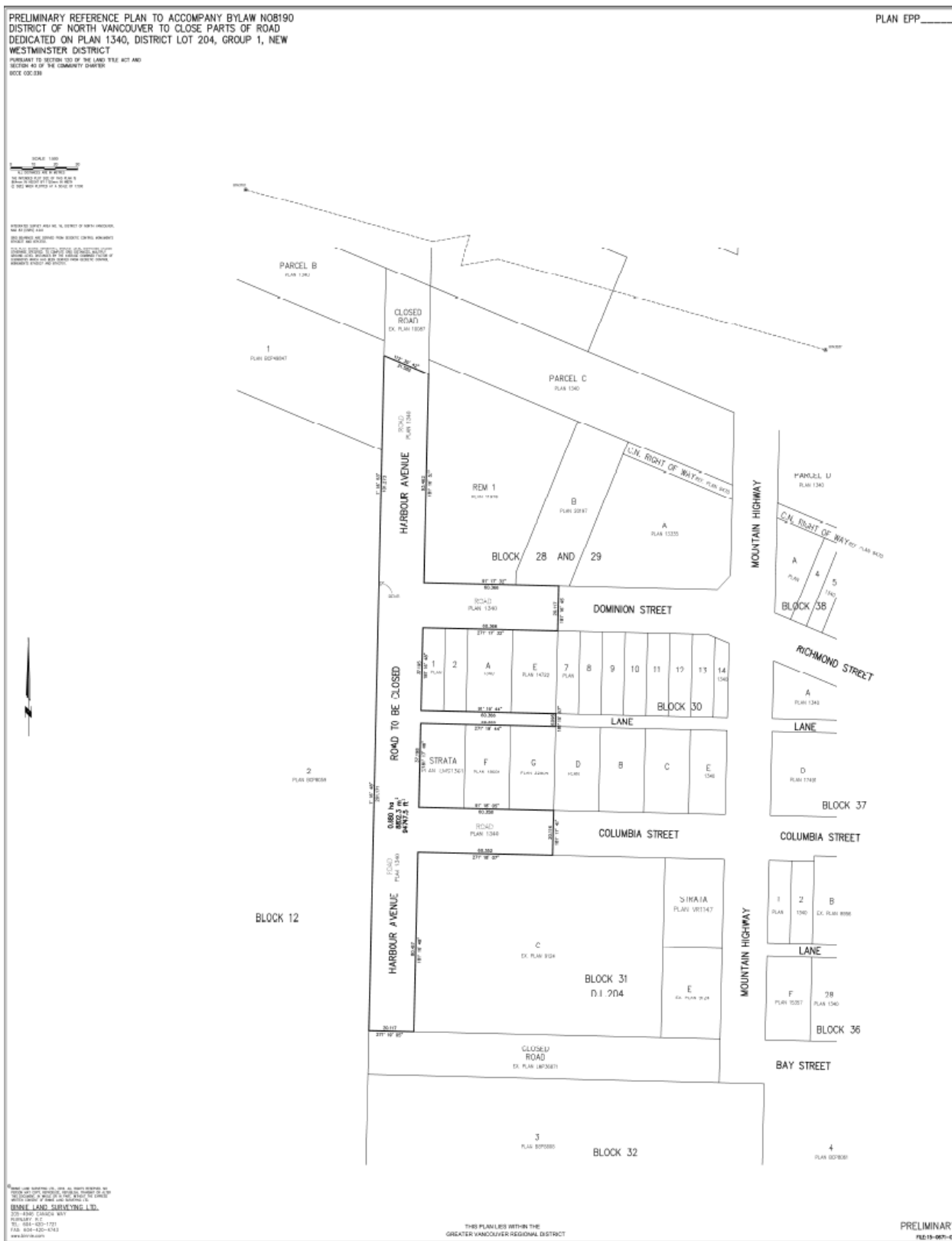
Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A

Road Closure Plan

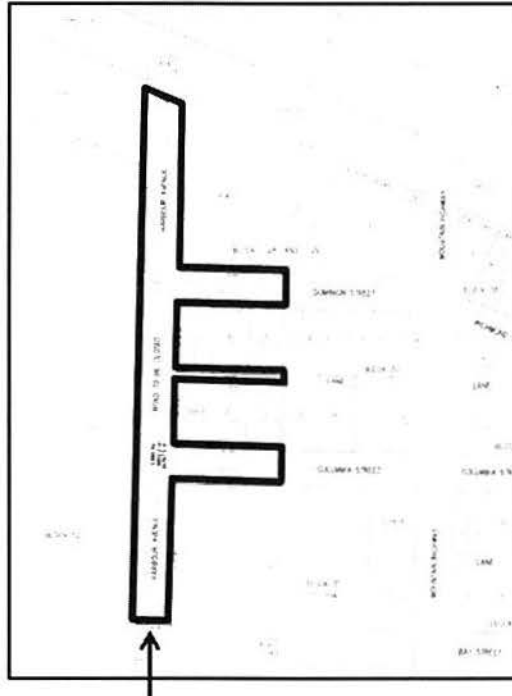


Notice of Partial Road Closures and Disposition Harbour Ave., Columbia St. and Dominion St.

What: Public input opportunity regarding the closure of approximately 8,802 square metres of municipal road allowance consisting of portions of Harbour Ave., Dominion St. and Columbia St.

When: 7 pm, Monday, September 12, 2016

Where: Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC



SUBJECT ROAD ALLOWANCE

What changes?

Bylaw 8190 proposes to close portions of dedicated municipal road allowance. If Bylaw 8190 is adopted, the District intends to dispose of the land to Maplewood North (Darwin/TWN) GP Ltd. for consolidation with their adjacent lots. In exchange the District will receive the appraised market value of \$8,100,000.00 and additionally all associated costs for a new road easement alignment for the ongoing public access to Harbourview Park and all necessary public utility infrastructure replacement.

When can I speak?

If you are affected by this proposed closure, please join us for the Regular Council Meeting to be held on Monday, September 12, 2016 at 7 pm at the North Vancouver District Hall.

Need more info?

The bylaw and staff reports are available for review online at www.dnv.org/road_closures or at the Municipal Clerks Office. Office hours are Monday to Friday 8:00 am to 4:30 pm.

Who can I speak to?

Ryan P. Malcolm, Manager, Real Estate and Properties at 604-990-2264 or malcolmr@dnv.org



AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: July 25, 2016
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

ATTACHMENT 3

July 18, 2016
File: 02.0930.20/493.000

AUTHOR: Ryan P. Malcolm - Manager, Real Estate & Properties

SUBJECT: Proposed Partial Highway Closings and Dedication Removal Bylaw 8190 - Harbour Ave., Dominion St. and Columbia St.

RECOMMENDATION:

THAT "Harbour Ave., Dominion St., and Columbia St. Highway Closure Bylaw 8190, 2016" be given **FIRST READING**.

REASON FOR REPORT:

To obtain the First Reading from Council to close the subject portions of Harbour Ave., Dominion St., and Columbia St. which authorizes staff to publish notification requesting public input at a future Open meeting of Council prior to a Second Reading as per the provisions of the Community Charter.

SUMMARY:

DNV Staff have negotiated an exchange with Darwin/TWN for the purchase of the subject partial road closures of Harbour Ave, Dominion St. and Columbia St., in exchange for a new public road easement (in perpetuity) to Harbourview Park (See **Attachment 1 & 2**) and for a balancing payment to the DNV for the total appraised market value of \$8.1M. Darwin/TWN will subsequently transfer these subject lands to Port Vancouver which will facilitate the forthcoming Port Vancouver expansion for Lynnterm East Gate and Western Stevedoring. The East Gate expansion is due to the imminent displacement of Western Stevedoring from West Gate due to the new G3 grain terminal project which is to be developed on that site.

Prior to completing the transaction contemplated in the exchange, the District must close to traffic and remove the dedication of these portions of road as set out in the proposed Bylaw 8190 (see **Attachment 3**).

EXISTING POLICY:

Sections 26 and 40 of the *Community Charter*, governs road closures and dispositions of municipal land. A proposed road closure survey plan has been submitted by the applicant (see **Attachment 1**).

**SUBJECT: Proposed Partial Highway Closings and Dedication Removal Bylaw 8190
- Harbour Ave., Dominion St. and Columbia St.**

July 18, 2016

Page 2

ANALYSIS:

Timing/Approval Process:

In accordance with Section 40 and Section 94 of the *Community Charter* council must provide a two week public notification period regarding its intention to close a portion of road allowance for the purpose of disposition. Council must then provide an opportunity for persons who consider they are affected by the proposed bylaw to make representations at a subsequent Council meeting.

Concurrence:

The proposed road closure has been reviewed and approved by the Planning, Finance and Transportation departments.

Financial Impacts:

The DNV will receive a balancing payment from Darwin/TWN for \$8.1M upon closure and transfer of title. The proceeds of the disposition of this Road Parcel will be placed into the Land Opportunity Fund as per the Land Opportunity Reserve Fund Policy 5-1840-8.

The Port Vancouver/Western Stevedoring will be responsible for all required capital costs for the construction of the new public access road easement to Harbourview Park. Once the new road easement is constructed it will continue to be the responsibility of the municipality for normal operating and maintenance.

Public Input:

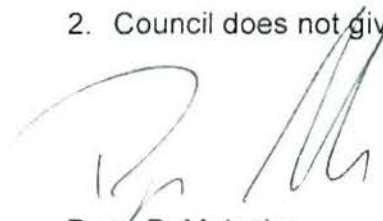
As per the provisions within the *Community Charter*, the public will have an opportunity to give input to Council during the road closure bylaw process. It is anticipated to be scheduled in mid to late September, 2016 prior to second and third readings of the bylaw.

Conclusion:

Staff recommends that Council give proposed Bylaw 8190 first reading and direct staff to publish notice of the road closure and disposition in accordance with the *Community Charter*.

Options:

1. Council to give proposed Bylaw 8111 first reading and direct staff to publish notice of road closure in accordance of the *Community Charter*.
2. Council does not give proposed Bylaw 8111 first reading.



Ryan P. Malcolm
Manager, Real Estate & Properties

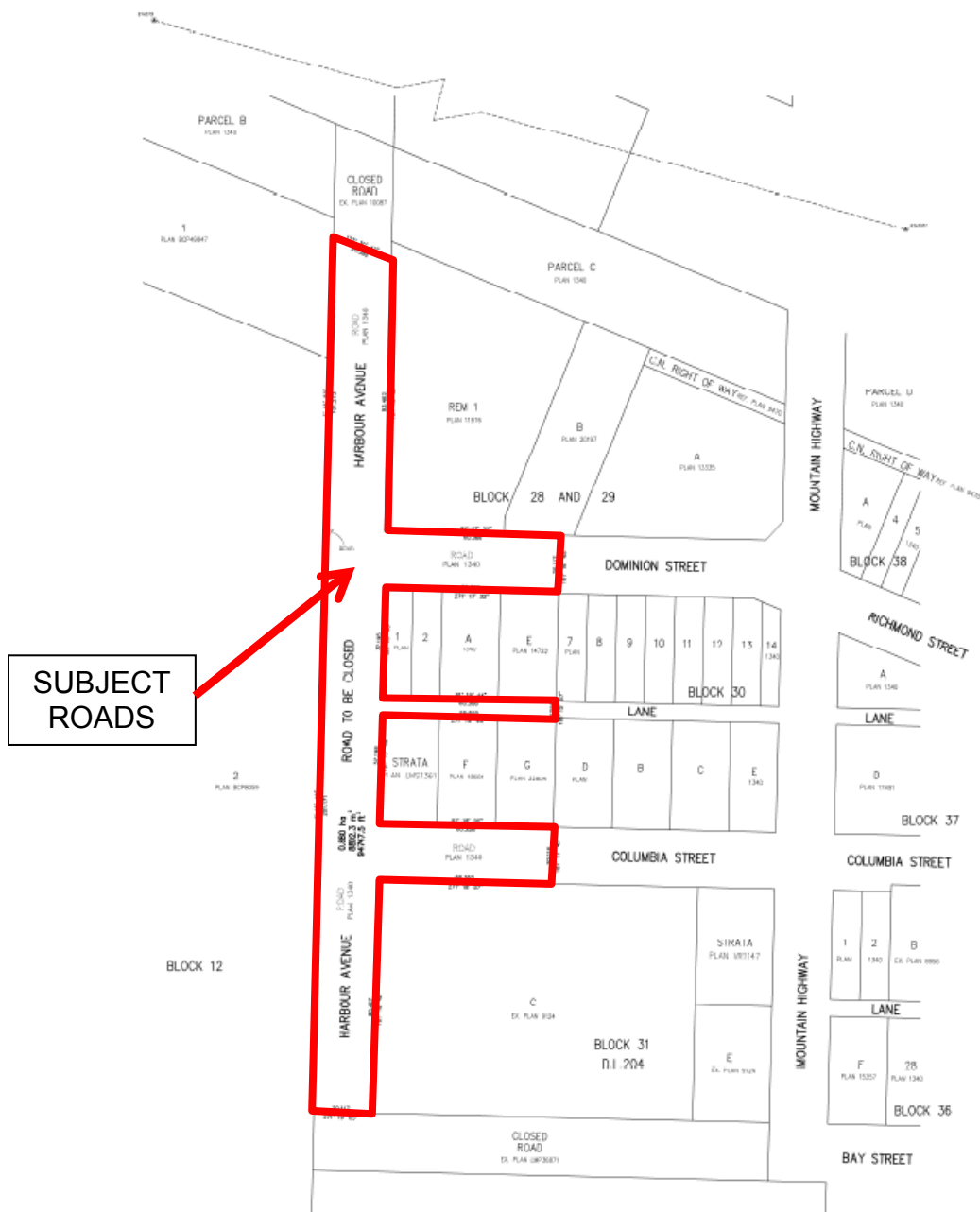
**SUBJECT: Proposed Partial Highway Closings and Dedication Removal Bylaw 8190
- Harbour Ave., Dominion St. and Columbia St.**

July 18, 2016

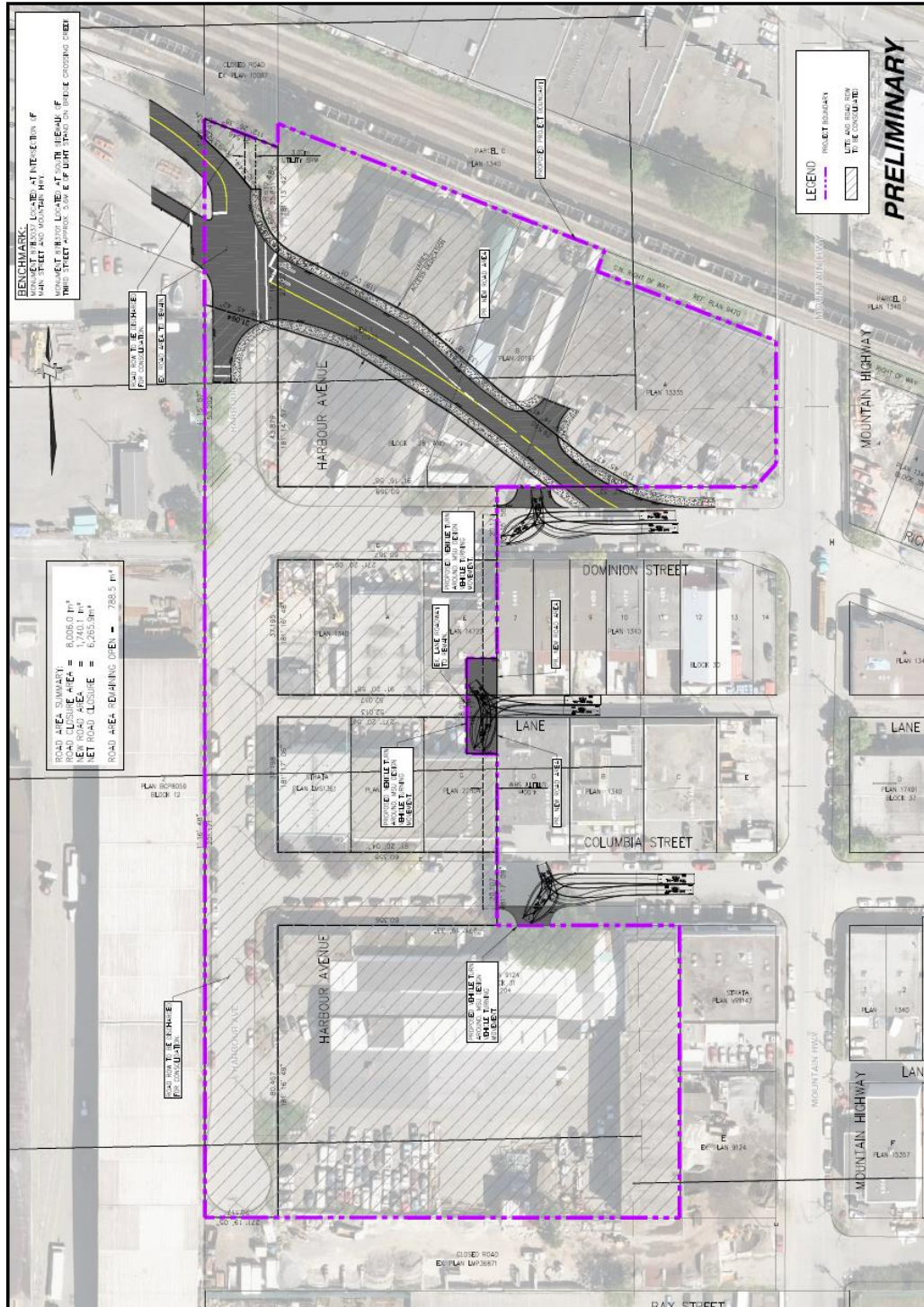
Page 3

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input checked="" type="checkbox"/> Finance  _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

ATTACHMENT 1
Survey of Roads to be Closed



ATTACHMENT 2 **Proposed New Road Easement** **Public Access to Harbourview Park**



ATTACHMENT 3

The Corporation of the District of North Vancouver

Bylaw 8190

A bylaw to close and remove highway dedication.

WHEREAS under the *Community Charter* the Council may close to traffic and remove the dedication of a highway; and,

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Harbour Ave., Dominion St., and Columbia St., Highway Closure Bylaw 8190, 2016".

2. Bylaw to close and remove highway dedication

2.1 The portion of highway dedicated by Plan 1340, are closed to all types of traffic and the dedication as highway of both is removed.

2.2 The Mayor and Clerk are authorized to execute and delivered such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

READ a first time

NOTICE given under Section 94 of the *Community Charter* on

OPPORTUNITY for representations to Council provided in accordance with Section 40 of the *Community Charter* on

READ a second time

READ a third time

Certified a true copy of "Bylaw 8190" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

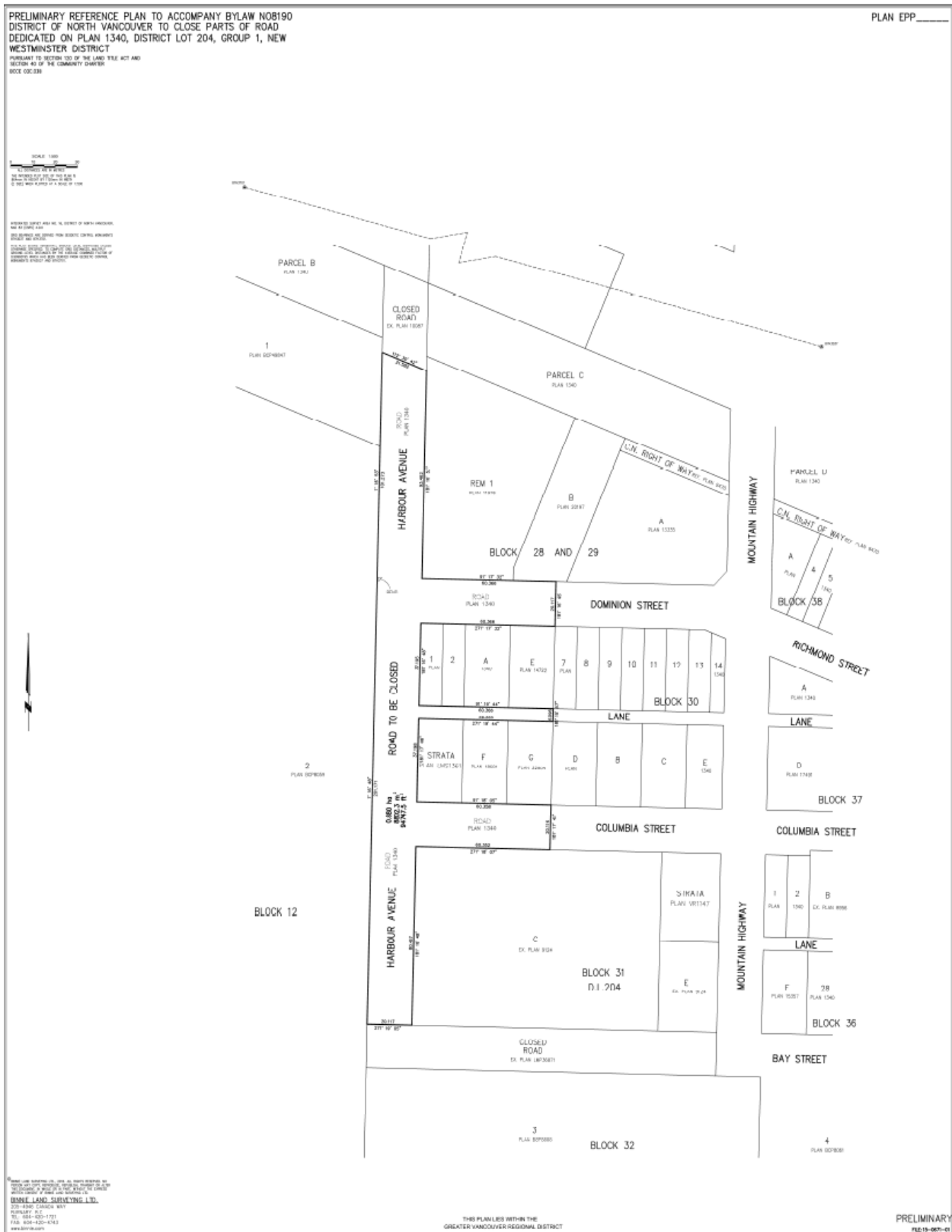
Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A

Road Closure Plan



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