



Policy No. 2.2

Adopted: August 25, 2008

Road Closure and Sale Policy

Policy Statement:

A well-designed, appropriately sized and dense (short blocks and lots of connections) road network is important for efficient movement of car, pedestrians and cyclists. Through land development and the subdivision and rezoning process the District of Sooke has the opportunity to acquire land for roads and paths. The District of Sooke will consider closing and selling land originally acquired as road right-of-way only when it can clearly be identified that the District of Sooke has no future use for the land.

Purpose:

The purpose of this policy is to establish criteria and a process for road closures and sale or exchanges within the District of Sooke pursuant to Section 40 of the *Community Charter* and Sections 107 and 120 of the *Land Title Act*.

CRITERIA

1. Council may consider closing and selling or exchanging portions of roads, based on the following criteria:
 - a. The need for the road to accommodate future road construction (including the location of sidewalks and separated multi-use trails) based on the expected future design.
 - b. The need for the road to accommodate other potential uses including park facilities, bus stops, parking, siting of utility infrastructure, rainwater management, mail boxes, signage or other public needs.
 - c. The need to ensure congruency with neighbouring lot lines.

APPLICATION

2. District of Sooke will accept an application with applicable fee for the closure and sale of a portion of a road.

3. Staff will evaluate the application and
 - a. schedule a Public Input meeting to obtain public comments; and,
 - b. make preliminary recommendations to Council based on the criteria set out in section 1.
4. Upon Council resolution to proceed, the applicant must at their own cost:
 - a) obtain an independent appraisal of the closed portion of road property;
 - b) enter into a Purchase/Sale agreement with the District of Sooke for the road closure and subsequent sale or exchange of property;
 - c) provide a \$1000 non-refundable deposit upon execution of the agreement set out in section 4(b), such deposit to be deducted off the purchase price if the transaction is completed within 12 months of a Council resolution;
 - d) if the applicant's property is adjacent to and contiguous with the portion of road to be closed, agree to consolidate the closed portion of road with the applicant's existing property;
 - e) provide legal plans showing the portion of road to be closed and, if applicable, legal plans showing the closed portion of road consolidated with the applicant's property;
 - f) prepare and complete all legal documents required and agree to register same at the Land Titles Office upon Council adoption of road closure and sale bylaw.
5. Upon Council resolution to proceed, Staff will:
 - a) send referrals to all utilities in accordance with the *Community Charter*;
 - b) send referral to the Ministry of Transportation if the road is within 800 metres of Highway 14 in accordance with the *Community Charter*;
 - c) notify adjacent property owners of the proposed portion of road closure and sale.

6. When Staff determines all documents and referrals are in place, the Corporate Officer will prepare a bylaw for adoption by Council to close and/or undedicate the subject portion of road. Staff will report to Council for consideration of the road closure and sale or exchange bylaw, including the Purchase/Sale agreement.
7. Upon first and second reading of the bylaw and approval of the Purchase/Sale agreement, the Corporate Officer will advertise the closure and sale in two consecutive editions of the local newspaper, inviting comments regarding the closure and sale. Any public comments received will be forwarded to Council, for Council consideration.
8. Another public information meeting must be held prior to adoption of the bylaw (section 40.3(b) of the *Community Charter*).
9. 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 Sooke in accordance with the Purchase/Sale Agreement, less the \$1,000 deposit in compliance with section 4 (c).

DISTRICT OF SOOKE TO CLOSE AND SELL ROAD

10. As to a proposed closure and sale of a portion of Road within the District of Sooke, Staff may:
 - a. schedule a Public Input meeting to obtain public comments; and,
 - b. make preliminary recommendations to Council based on the criteria set out in section 1.
11. Upon Council resolution to proceed, Staff will:
 - a) prepare legal plans showing the portion of road to be closed;
 - b) send referrals to all utilities in accordance with the *Community Charter*;
 - c) send referral to the Ministry of Transportation if the road is within 800 metres of Highway 14 in accordance with the *Community Charter*;
 - d) notify adjacent property owners of the proposed portion of road closure and possible sale;
 - e) if required, obtain an independent appraisal of the closed portion of road property.

12. When Staff determines all documents and referrals are in place, the Corporate Officer will prepare a bylaw for adoption by Council to close and/or undedicated the subject portion of road. Staff will report to Council for consideration of the portion of road closure and sale or exchange.
13. Upon first and second reading of the bylaw, the Corporate Officer will advertise the closure in two consecutive editions of the local newspaper, inviting comments regarding the closure. Any public comments received will be forwarded to Council, for its review.
14. Another public information meeting must be held prior to adoption of the bylaw (section 40.3(b) of the *Community Charter*).
15. Upon adoption of the bylaw, Staff will proceed with the filing of the legal plans and offer for sale the closed portion of road property in accordance with the *Community Charter*.

GENERAL

16. Upon adoption of the bylaw to close and undedicated the road, The District of Sooke will at its own cost amend Bylaw No. 270, *Sooke Zoning Bylaw, 2006* to apply a zone to the closed portion of road.
-