



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

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Approval Date: 2008-FEB-12

SECTION: ENGINEERING/PUBLIC WORKS
SUBJECT: ROAD CLOSURE POLICY

Policy Statement:

It is Council's policy that all applications for permanent road closures from applicants wishing to take title to the property in question shall be accompanied by a deposit of \$2,500.00. All costs relative to the road closure and payment of fair market value for any property transferred will be at the sole cost of the purchaser. The District will establish the market value price for the property.

Purpose:

To have funds on hand for the recovery of costs for expenses involved in a permanent road closure and ensure that the District does not incur any costs relative to another party's request for road closure.

Policy Procedure:

1. \$2,500.00 deposit and a fair market value appraisal, agreed to by the applicant, will be required prior to the District taking any action to initiate road closure.
2. Should the Applicant decide not to proceed with the road closure, at any time during the process, the deposit will be refunded to the applicant, less any related costs incurred by the District. Should the District decide not to proceed with the Road Closure, at any time during the process, the deposit will be refunded to the Applicant.
3. Where the costs of the road closure exceeds the amount of the deposit, the applicant will be required to pay such excess costs, as calculated by the District and will include all legal, survey, appraisal, advertising and land title fees.
4. Where the total final costs of the road closure are less than the deposited amount, the overpayment will be refunded to the applicant.
5. As a condition of the road closure, the closed portion of road must either be consolidated with the adjoining property, or another road must be constructed to replace the closed road.
6. The process for the road closure must follow the Provincial Government regulations.

DISTRICT OF WEST KELOWNA

APPLICATION FOR PERMISSION TO DISCONTINUE, CLOSE AND ACQUIRE THE LAND IN A PUBLIC HIGHWAY

I (We), being the registered owner[s] of the property herein described, make application to discontinue, close and acquire the land in a public highway as follows:

Name of Public Highway:

Legal Description of Property:

Location (Street Address):

Current certificates of title[s] and a sketch of all parcels adjoining the road or that portion of road applied to be closed are attached. Subject to the District of West Kelowna declaring the land surplus to its needs, we accept and agree to the following conditions and statements:

- a) There is a minimum \$2,500 fee for the market value of the land payable as an application fee. This fee is payable by the applicant[s] prior to the District of West Kelowna completing an appraisal report to estimate the market value of the land and negotiation to procure a purchase/sale agreement.
- b) Payment for the area of road to be closed is based on fair market value of the land, having regard to the contribution in value to the adjoining lands and its highest and best use.
- c) The costs of legal survey, Property Transfer Tax, Land Title and documentation fees, legal and conveyancing fees and related expenses are payable by the applicant[s].
- d) Utilities existing within the road right-of-way must receive freely granted statutory right-of-way and all Land Title Act requirements must be met.
- e) Where the road or part intended to be discontinued and closed is in actual use by a person as a highway, public notice of the District's intent to discontinue and close the highway will be published once a week for two consecutive weeks in a newspaper and circulated in the District of West Kelowna. All cost of publication will be the responsibility of the applicant[s] and objections received must be satisfactorily resolved prior to the road being formerly closed and discontinued by bylaw.
- f) The closed road area must initially be joined to, and become part of, the adjoining parcels.

Prior to recommending approval of the proposed road closure, a Contamination Report may be required and the District may require additional condition to be met during the review and processing of the application. The procedure for road closure, purchase and sale is time consuming and may involve the general public, affected property owners, utility companies, regional district and other provincial agencies. Final approval can only be granted when the public interest in the road has been thoroughly considered.

Upon determination that the road may be closed as surplus to the District's needs, the appropriate District Department will be responsible for negotiating the sale price of the land on behalf of the District for consolidation with the adjoining land parcel. If the road is capable of being marketed as an independent parcel with safe and secure access, the matter will be deferred to the _____ Department.

I [We] am/are in agreement with the foregoing statements and financial obligations and I [we] agree to comply with the stated requirements and acknowledge agreement with our signature[s] below.

_____	_____	_____
Name (please print)	Signature	Date

Mailing Address

_____	_____	_____
Name (please print)	Signature	Date

Mailing Address

Previous Revision/s: none
