

CLOSURE AND ACQUISITION OF PUBLIC ROAD

This information brochure outlines the basic steps required to close and sell roads, lanes and walkways (roads) not required for public purposes and surplus to the needs of the City of Prince George.

The closure and sale of roads proceed as follows [estimated time required]. *Please refer to the following pages and corresponding numbers for additional information*

- 1) Purchaser submits an application to the City and obtains neighbouring property Consents.
- 2) City determines the purchase price based on current market value [one week].
- 3) City completes internal and external circulation [three to four weeks].
- 4) Purchaser signs and submits the written offer to purchase, which is prepared by the City, accompanied by a non-refundable processing fee equal to 2% of purchase price (minimum of \$550 to maximum of \$2,000).
- 5) British Columbia Land Surveyor (BCLS) commissioned by the purchaser prepares Bylaw Reference Plan [four weeks or more].
- 6) City prepares and submits Bylaw to Council for their consideration and approval [six to eight weeks].
- 7) British Columbia Land Surveyor (BCLS) commissioned by the purchaser to prepare Plan of Subdivision/Consolidation and any required right-of-way plans [four weeks or more].
- 8) Purchaser obtains any required priority agreements in the prescribed form from any holder of encumbrances against the purchaser's land.
- 9) Purchaser provides a bank draft for the purchase price plus GST and any other outstanding amounts paid by the City on behalf of the purchaser.
- 10) Purchaser's lawyer prepares transfer documents, and registers these together with the Bylaw and Bylaw Reference Plan, the Subdivision/Consolidation Plan and any required right-of-ways, priority agreements or other documents (covenants) at the Land Title Office. If any documents are to be prepared by the City, a document preparation fee of \$250 per document applies. If any document precedents are requested from the City, a document administration fee of \$50 per document also applies [four to six weeks for final registration].

1) Application

The City accepts written applications only. The letter must include the name, address and telephone number of the applicant, legal description of the applicant's property, and the location of the proposed road closure. A current Title search together with copies of all relevant charges on title and a drawing identifying the applicant's property and the proposed road closure must accompany the application. The applicant is also required to obtain any affected neighbouring property owners' Consent to the road closure and sale.

2) Purchase Price

The City appraises the area to be closed and determines the purchase price.

3) Internal Circulation

This process solicits consents from City Hall departments to:

- a) determine if the road is surplus to the City's needs, and
- b) identify any City owned utilities that may be contained within the road.

If the road does contain utility lines, the City will require rerouting of the lines or the registration of a statutory right-of-way (requires a statutory right-of-way plan prepared by a BCLS and a statutory right-of-way agreement prepared by the City).

External Circulation

This process solicits consents from the Ministry of Transportation and all utility companies (Fortis BC, BC Hydro, Telus and Shaw Cable).

If the road does contain utility lines, utility companies will require rerouting of the lines or the registration of statutory rights-of-way (requires statutory right-of-way plan prepared by a BCLS and statutory right-of-way agreements prepared by the respective utility companies).

4) Offer to Purchase

The City supplies this Offer to Purchase form that sets out the agreed price and the terms and conditions of the sale. The sale is conditional upon passage of the road closure bylaw by Council and approval from the Ministry of Transportation (if required). A non-refundable processing fee equal to 2% of the purchase price (minimum of \$550 to maximum of \$2,000) must accompany the offer.

5) Bylaw Reference Plan, Plan of Subdivision/Consolidation & Plan of Right-of-Way

All plans must be prepared by a BCLS. The Bylaw Reference Plan shows the proposed road closure and is attached to Council's Bylaw, which will close the road upon registration in the Land Title Office. The plan of subdivision/consolidation combines the closed portion with the purchaser's existing parcel. The right-of-way plan shows the area over which a utility right-of-way will be registered. The purchaser commissions the plan of subdivision/consolidation and the right-of-way plan once Council has approved the Bylaw.

6) Bylaw

Council considers the road closure bylaw, which refers to the above reference plan. If 1st and 2nd reading are approved the City advertises the Bylaw for a Public Hearing. The Public Hearing and 3rd reading are scheduled for the same Council meeting and if approved, 4th and final reading is then scheduled for the next Council meeting. This is the meeting wherein the Bylaw is adopted. Once adopted, the City advertises the disposition of the road in the local paper (as required by the Community Charter).

7) see comments under (5)

8) Priority Agreements

If any mortgages or other liens encumber the purchaser's land, the purchaser must obtain a priority agreement for the City's right-of-way (forms supplied by the City) from the holder of the charge.

9) Payment of Purchase Price

Full payment in the form of a bank draft is required prior to registration of documentation at the Land Title Office. This requirement is conditional upon receiving a solicitor's undertaking to provide funds after registration. Please note that the purchaser is responsible for all costs including, but not limited to the purchase price, any applicable GST, Property Purchase Tax of 1%, Land Title and Agent processing fees, lawyer fees, and survey costs.

10) Registration of Bylaw, Rights-of-Way, Transfer Documents & Associated Plans

The City may, at its discretion, opt to register all right-of-way plans, the Bylaw & Plan, and transfer documentation at the Land Title Office, or it may require the purchaser to obtain their own solicitor for registration of such plans and documents.

Responsibilities of the Purchaser

Purchaser is responsible to:

- 1) submit application and obtain neighbourhood Consents;
- 2) submit the processing fee with an offer to purchase that is acceptable to the City using the requisite form (City will prepare the Offer);
- 3) commission a BCLS to:
 - a) survey the portion of the road being closed and prepare a bylaw reference plan,
 - b) prepare a plan of subdivision/consolidation that will effectively consolidate the closed road with the purchaser's land, and
 - c) if necessary, prepare a right-of-way plan that is acceptable to the City of Prince George and any utility company with utility lines in the road (the purchaser may reroute these lines as a second option);
- 4) submit subdivision application (if required);
- 5) obtain priority agreements in the prescribed form;
- 6) if necessary, arrange the preparation of right-of-way agreements with the utility companies that have utility lines in the road (purchaser is responsible for all costs to move any utility services, if required);
- 7) pay the purchase price plus GST;
- 8) pay all Land Title Office/LTO Agent costs, legal costs (if a lawyer is required), Property Purchase Tax, and survey costs; and,
- 9) obtain a lawyer to register all documents necessary to convey title to the closed road.

This brochure is provided by the City of Prince George for information purposes only. In the event of a discrepancy between current legislation and this brochure, legislation will prevail.



DEVELOPMENT SERVICES APPLICATION FORM

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9

p: 250.561.7600 | www.princegeorge.ca

CLOSURE AND ACQUISITION OF PUBLIC ROAD

Applicant

Name _____

Corporation (if applicable) _____

Phone 1 _____ Phone 2 _____

Email _____

Mailing Address _____ Postal Code _____

Public Road

Name _____

Legal Description of Applicant's Adjacent Property _____

Civic Address of Applicant's Adjacent Property _____

Description of Proposal

Declaration to City of Prince George

I/WE HEREBY declare that I/we:

1. Have read the attached documents, information and drawings and they are true and correct to the best of my knowledge and belief;
2. Agree to submit further documents, information and drawings to assist in the consideration of the application, as determined by the City of Prince George;
3. Understand that misrepresentation or failure to disclose, or failure to submit the appropriate application fee, may be deemed sufficient cause for the rejection by the City of Prince George of any application;
4. Understand that later discovery of an omission or misrepresentation made in the attached documents, information and drawings may be grounds for a determination of ineligibility or revocation of any future license, permit or approval that may be granted; and
5. Acknowledge that if the City of Prince George grants a license, permit or approval, it will be granted only to the person(s) named in the application, or to the private corporation containing the principal shareholders and executive officers named in the application, or to the public corporation or society containing the executive officers named in the application.

I understand that the personal information on this form is collected under the authority of the *Community Charter, Local Government Act* and the City of Prince George's bylaws for the purpose of processing this application and for administration and enforcement. Further, I/we hereby acknowledge that this application and all documents, information and drawings submitted with the application become part of the City of Prince George's records and are subject to the *Freedom of Information and Protection of Privacy Act*, and this application and associated documentation may become a public record and be published in Council's public Agenda.

Applicant Signature

Date Signed

Neighbourhood Consents

Prior to recommending approval of the proposed road closure, surrounding neighbours must consent to the closure. Any objection(s) to the closure must be satisfactorily resolved prior to seeking City Council approval to close the road. Please contact Real Estate Services at (250) 561-7611 for information about the Neighbourhood Consent Area required for any proposed road closure.

Application Fee(s)

Processing fee (non-refundable)2% of the Purchase Price (min. \$550 – max. \$2,000)

Application Checklist

- Application form
- Application fee
- Current Title Search + a copy of all relevant charges on file
- Site Profile Form
- Appointment of Agent (*if applicable*)
- Drawing identifying applicant’s property and the proposed road closure
- Neighbourhood Consents
- Maps, plans and documents in support of application (*if applicable*)

OFFICE USE ONLY	
Date Application Submitted:	File No.:
Date Complete Application Received:	Fee Collected:
Notes:	

