

REQUEST FOR DECISION

| | |
|----------------------|--|
| TITLE: | Proposed West Newcastle Road Closure Bylaw 11.22 |
| DATE: | June 22, 2022 |
| PRESENTED BY: | Darryl Drohomerski, C.E.T., CAO |
| ATTACHMENT: | Bylaw 11.22; Schedule 1 |

SUMMARY:

As part of the Town’s Flood Mitigation Project and provincial funding agreement, the Province is transferring the ownership of several berms that currently sit on Public road rights-of-way. A portion of these rights-of-way need to be closed for the construction of the new berms. This Bylaw deals with closing a portion of the right of way along Riverside Avenue West in West Newcastle.

RECOMMENDATION:

That Council gives First Reading to Bylaw 11.22 West Newcastle Road Closure and sets the Public Hearing date for August 2, 2022.

DISCUSSION:

When the Province of Alberta constructed berms in Drumheller, the berms were largely built on their lands by way of road rights-of-way, especially if adjacent to an existing road. Under the funding agreement between the Town and Alberta Environment, the ownership of the berms is transferred to the Town and as such, the lands they sit on shall also be owned by the Town of Drumheller. This road closure bylaw will accomplish that task for the West Newcastle Berm.

There is a difference between a right of way and a road. A road is the surface that is contained within the right of way and is generally 7-9 meters wide. A right of way is a legal entity under the ownership of the Province and it varies from 6 meters (for an alley) to 20-40 meters for a street or avenue. Many rights of way, at least in Drumheller area, may not have a road contained within the boundary. In the case of rights of way adjacent to the Red Deer River, the right of way extends to the water’s edge as shown in the attached drawings.

The closures in this Bylaw are outlined as thus:

- Parcels ‘A’ and ‘B’ – This is surplus land from the closure that will be made available to the two property owners at fair market value. Parcel ‘B’ is smaller as they had previously acquired some of the right of way from the Town in 2018. Both properties have or had extended their fence line well into the right of way many years ago.
- Parcel ‘C’ – This berm is currently an alley behind two homes. Both homes have front drives, and it appears the garbage truck is the main user of the alley. It is the intent to remove this alley surface when closing the right of way.
- Parcel ‘D’ - There is no change to Riverside Avenue West as the right of way will be closed from the river edge to a line 2 meters from the existing retaining wall to allow for repairs of the wall in the future. There is no physical change to this roadway.

- Parcel 'E' – This right of way is behind four properties on Riverside Avenue West. Closing this legally allows the town to prevent public access to the berm unlike now where it exists as a public road right of way.
- Parcel 'F' – This is a right of way with drainage utilities located within the boundary including a gate structure for flood control.

The land where the berms are being placed or rights of way are being closed will be converted into Public Utility Lots to align with the other land in the valley that berms currently or will reside upon.

FINANCIAL IMPACT:

The costs to convert this land is included with the Flood Mitigation project and is a requirement of the provincial funding agreement.

STRATEGIC POLICY ALIGNMENT:

Flood Mitigation is the key strategic priority of this Council and Administration.

COMMUNICATION STRATEGY:

A notice of the proposed Road Closure and Public hearing will be provided via;

- Newspaper ads in the Drumheller Mail will run on July 20 and July 27
- Letters to properties in the adjacent area will be mailed out by July 6
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION:

That Council gives First Reading to West Newcastle Road Closure Bylaw 11.22 and sets the Public Hearing date for August 2, 2022.

SECONDED:

Prepared By:

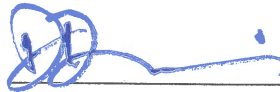
Darryl Drohomerski, C.E.T.
Chief Administrative Officer

Reviewed By:

Denise Lines

Denise Lines
SR. Administrative Assistant

Approved By:



Darryl Drohomerski, C.E.T.
Chief Administrative Officer

**TOWN OF DRUMHELLER
BYLAW NUMBER 11.22**

West Newcastle Road Closure

THIS IS A BYLAW of the TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of closing portions of underdeveloped Streets as depicted on:

SCHEDULE - 1 AREAS – ‘A’, ‘B’, ‘C’, ‘D’, ‘E’ and ‘F’

being “Riverside Avenue” created by Plan 2773 G.T. (now Riverside Avenue and 12th Street W.) and parts of “Avenue” (now Riverside Avenue W.) created by Plan 6561 C.O. and “14th Street W.” (now Riverside Avenue W.) created by Plan 229 L.K.

all within the West Half of Section 10 in Township 29, Range 20, West of the 4th Meridian

to public travel and acquiring title to these lands in the name of the TOWN OF DRUMHELLER pursuant to Sections 22 and 23 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended.

WHEREAS; the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation dikes along portions of the Red Deer River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and

WHEREAS; it has been found that construction of flood mitigation dikes in the subject areas is impossible without encroaching upon and using parts of the adjacent public streets, and

WHEREAS; the existing dikes already occupy portions of undeveloped streets, and the proposed new dikes and enhancement thereto will continue to occupy portions of undeveloped streets, and

WHEREAS; the parties hereto have agreed that land used for dike construction must be in the name of the Town of Drumheller, and

WHEREAS; the Council of the Town of Drumheller is satisfied that this activity is in the best public interest, and no one will be adversely affected by this road closure By-Law; and

WHEREAS; a notice of these Road closures was published in the Drumheller Mail once a week for two consecutive weeks; on _____ and again on _____ the last of such publications being at least five days before the day fixed for the passing of this Bylaw; and

WHEREAS; the Council of the Town of Drumheller held a public hearing on the _____ day of _____, 2022 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard;

NOW THEREFORE; be it resolved that the COUNCIL of the TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to close those portions of the undeveloped Streets shown depicted on the attached Schedule – 1 which are more particularly describe as:

PLAN

AREAS – ‘A’, ‘B’, ‘C’, ‘D’, ‘E’ and ‘F’
EXCEPTING THEREOUT ALL MINES AND MINERALS

TITLE

This Bylaw may be cited as West Newcastle Road Closure Bylaw 11.22

TRANSITIONAL

This Bylaw takes effect on the day of final passing thereof.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN DRUMHELLER.
this day of 2022.

MAYOR: HER WORSHIP; HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

APPROVED BY: ALBERTA INFRASTRUCTURE and TRANSPORTATION

Seal

MINISTER OFALBERTA INFRASTRUCTURE AND TRANSPORTATION
ROOM 425, LEGISLATIVE BUILDING,
10800 97TH. AVENUE, EDMONTON, ALBERTA. T5K 2B6

NEWCASTLE DISTRICT
— DRUMHELLER, ALBERTA —

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING RIVERSIDE AVENUE
CREATED BY PLAN 2773 G.T.
(NOW RIVERSIDE AVENUE AND 12th STREET W.)
AND PARTS OF
AVENUE CREATED BY PLAN 6561 C.O. AND
14th STREET W. CREATED BY PLAN 229 L.K.
(NOW RIVERSIDE AVENUE W.)
ALL WITHIN THE
W.1/2 SEC.10, TWP.29, RGE.20, W.4M.



— SCALE= 1:3000 — JUNE, 2022 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 