

REQUEST FOR DECISION

TITLE:	Proposed East Newcastle Road Closure Bylaw 12.22
DATE:	June 22, 2022
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 12.22; Schedule 2

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 10th Street West and 2nd Avenue West in East Newcastle. This Bylaw also deals with some 'housekeeping' of road rights of way that exist in Newcastle Park as shown on Schedule 2.

RECOMMENDATION:

That Council gives First Reading to Bylaw 12.22 East 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 East 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 is 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 'G' – The existing and proposed berms are on the existing 10th St W right of way. The road actually extends on lots R-16 and R-17 (both Town owned) so closing a portion of this right of way will not affect the travelled road surface.
- Parcel 'H' and 'K' – This portion of 2nd Avenue West has the existing and proposed berm bisecting the right of way. This road will be closed to vehicular traffic because of the height of the new berm. The remainder of 'K' will be closed to clean up the land parcels within the park.
- Parcel 'J' – This is an alley right of way that contains utility services but no road and has a portion of the berm bisecting the right of way. There is no change to the water and sewer servicing from these pipes, nor change in access to this area.

- Parcel 'L' – This right of way is being closed as housekeeping only. This large parcel includes some utility lines and is a large natural area. There will be no changes to this area once converted to a utility lot

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 East Newcastle Road Closure Bylaw 12.22 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 12.22**

East 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 - 2 ... AREAS – ‘G’, ‘H’, ‘J’, ‘K’ and ‘L’

being the “Lane” in Block 51, created by Plan 2193 C.C. and parts of 10th Street West created by Plans 2193 C.C. and 8267 J.K., “Road” created by Plan 2290 B.M. (now 2nd Avenue W.) and “Riverside Avenue” created by Plan 2193 C.C. all within the S.E.1/4 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 Bylaw; 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 – 2 which are more particularly describe as:

PLAN
AREAS – ‘G’, ‘H’, ‘J’, ‘K’, and ‘L’
EXCEPTING THEREOUT ALL MINES AND MINERALS

NEWCASTLE DISTRICT
DRUMHELLER, ALBERTA

— PLAN SHOWING PROPOSED ROAD CLOSURE
AFFECTING THE LANE IN BLOCK 51, PLAN 2193 C.C.
AND PARTS OF
10th STREET W. ON PLANS 2193 C.C. & 8267 J.K.,
ROAD ON PLAN 2290 B.M. (NOW 2nd AVENUE W.),
AND RIVERSIDE AVENUE ON PLAN 2193 C.C.
ALL WITHIN THE
S.E.1/4 SEC.10, TWP.29, RGE.20, W.4M.

—SCALE= 1:2000 ————— JUNE, 2022 —

LEGEND:

Distances are in metres and decimals thereof.

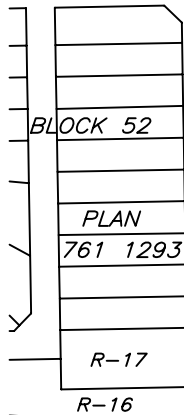
Area affected by this plan is shown thus....



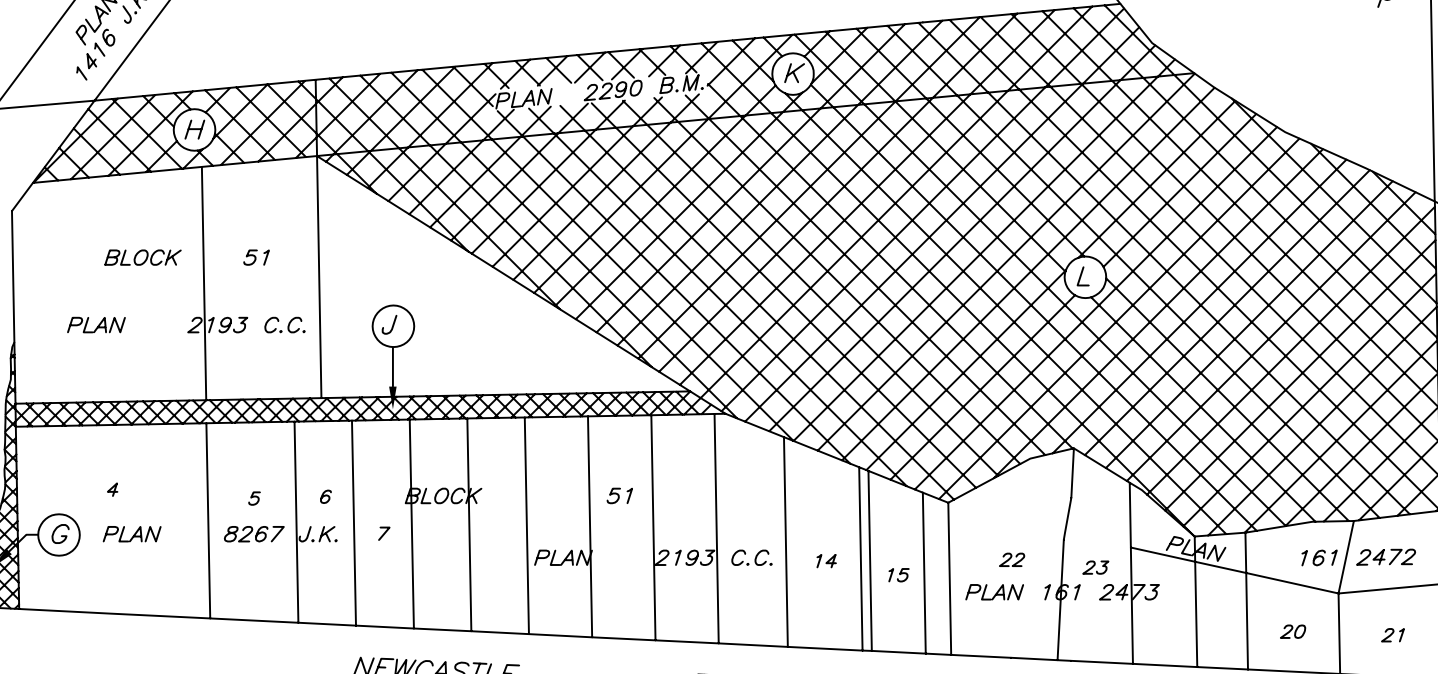
BLOCK 1
PLAN 1020 L.K.

PLAN
1416 J.K.

2nd AVENUE W.



10th STREET W.



RED
DEER
RIVER

9th STREET N.W. (ORIGINAL ROAD ALLOWANCE)
UNDEVELOPED

NEWCASTLE TRAIL

CANADIAN NATIONAL RAILWAY

2nd AVENUE W.

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035-48B