

REQUEST FOR DECISION

TITLE:	Bylaw 10.23 Berm 'C' – Removal of Municipal Reserve Status
DATE:	October 13, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 10.23 and Schedule 'A'

SUMMARY:

The Town of Drumheller, through the Flood Mitigation project, needs to correct errors in land boundaries, including ownership of lands, where the berms have been or are being constructed. Most of these corrections are on lands that the Province constructed berms on in the 1980's and 1990's, where berms were constructed on lands controlled by various departments of the Province, however some of the lands also involve private parties.

Bylaw 10.23, Berm 'C' is one of the private lands that requires correction. The parcels in question include an existing berm which was raised in 2023, a drainage channel that drains a portion of North Drumheller, and private parking lot. What is different about this parcel is that the lands are designated as a Municipal Reserve which means it can only be altered by bylaw per Section 675 of the Municipal Government Act.

RECOMMENDATION:

That Council gives First Reading of Bylaw 10.23 and sets a Public Hearing for November 20, 2023

DISCUSSION:

The land that the berm and drainage channel occupy in the area bounded by the Red Deer River, Grove Place, and Highway 9/56 has many unique features. The berm sits on land owned by the Town of Drumheller, Alberta Environment, Alberta Lands, and Canalta. The Drainage channel has land that is owned by Canalta and the Town of Drumheller. With the new Berm Construction requiring more land than the previous berm, it was agreed by the various owners that the property boundaries should be cleaned up and resolved now that the construction is completed.

As a precursor to correcting the boundaries and ownership, two of the parcels, Lot R3 and R4, need to have the Municipal Reserve status removed by Bylaw, as MR lands can only be changed by Council motion. Once all the boundaries are adjusted, the lands where the berm and drainage channel are located will be converted to Public Utility Lots to be consistent with other berm construction in the valley. This request will be brought to Council upon passing of this Bylaw.

FINANCIAL IMPACT:

The lands are being swapped with payment from Canalta to the Town for the net amount of land being transferred to Canalta.

STRATEGIC POLICY ALIGNMENT:

Good Governance which will align ownership of lands currently under the control of the Town to the Town of Drumheller

COMMUNICATION STRATEGY:

Public notice for the public hearing will be advertised in the Drumheller Mail as well as the Town website over the next few weeks to notify people of the Public Hearing scheduled for November 20, 2023.

MOTION:

That Council gives First Reading of Bylaw 10.23 and sets a Public Hearing for November 20, 2023

SECONDED:

Prepared By:

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

Approved By:



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 10.23**

DEPARTMENT: DEVELOPMENT / FLOOD MITIGATION

*N. Drumheller Berm 'C' – Grove Plaza
Removal of Municipal Reserve Status*

THIS IS A BYLAW OF THE TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of removing the designation of public Municipal Reserve from certain lands hereinafter described pursuant to Section 675 of the Municipal Government Act, Chapter M-26, of the Revised Statutes of Alberta 2000 as amended and concurrently replacing it partly with the designation of Public Utility Lot and exchanging the remaining portion with the adjacent owner to satisfy a land exchange agreement made to acquire lands and easement rights for a flood mitigation project.

WHEREAS: the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation berms 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: one of the terms of the aforementioned agreement requires that land acquired for this flood mitigation project be dedicated as Environmental Reserves, Public Utility Lots or other designation satisfactory to the Province, and

WHEREAS: an agreement was reached with the adjacent owner to acquire and exchange lands of equal value to accommodate the flood mitigation project, and

WHEREAS: a notice of remove the Public Municipal Reserve designation from these lands were published in the Drumheller Mail once a week for two consecutive weeks; on XX and again on XX 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 XX day of XX, 2023 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard, and

WHEREAS: the Council of the Town of Drumheller after taking into consideration the representation made at the aforesaid public hearing is satisfied that this redesignation is necessary for the completion of the flood mitigation project and no one is adversely affected by this redesignation and the concurrent Public Utility Lot designation,

NOW THEREFORE: be it resolved that THE COUNCIL of THE TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to remove the designation of public Municipal Reserve land on the land depicted on Schedule – ‘A’ attached hereto and more particularly described as:

PLAN 771 0096
BLOCKS R3 and R4

and hereby directs our Chief Administrative Officer to notify the Registrar of the South Alberta Land Titles Office that all the provisions of the Municipal Government Act have been complied with and to remove the designation of Municipal Reserve from the subject lands.

SHORT TITLE

This Bylaw may be cited as N. Drumheller Berm ‘C’ Grove Plaza – MR Removal

TRANSITIONAL

This Bylaw takes effect on the day of the third and final reading.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS __ DAY OF __, 2023.

MAYOR: HEATHER COLBERG

Seal

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

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS __ DAY OF __, 2023.

MAYOR: HEATHER COLBERG

Seal

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

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS __ DAY OF __ , 2023.

MAYOR: HEATHER COLBERG

Seal

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

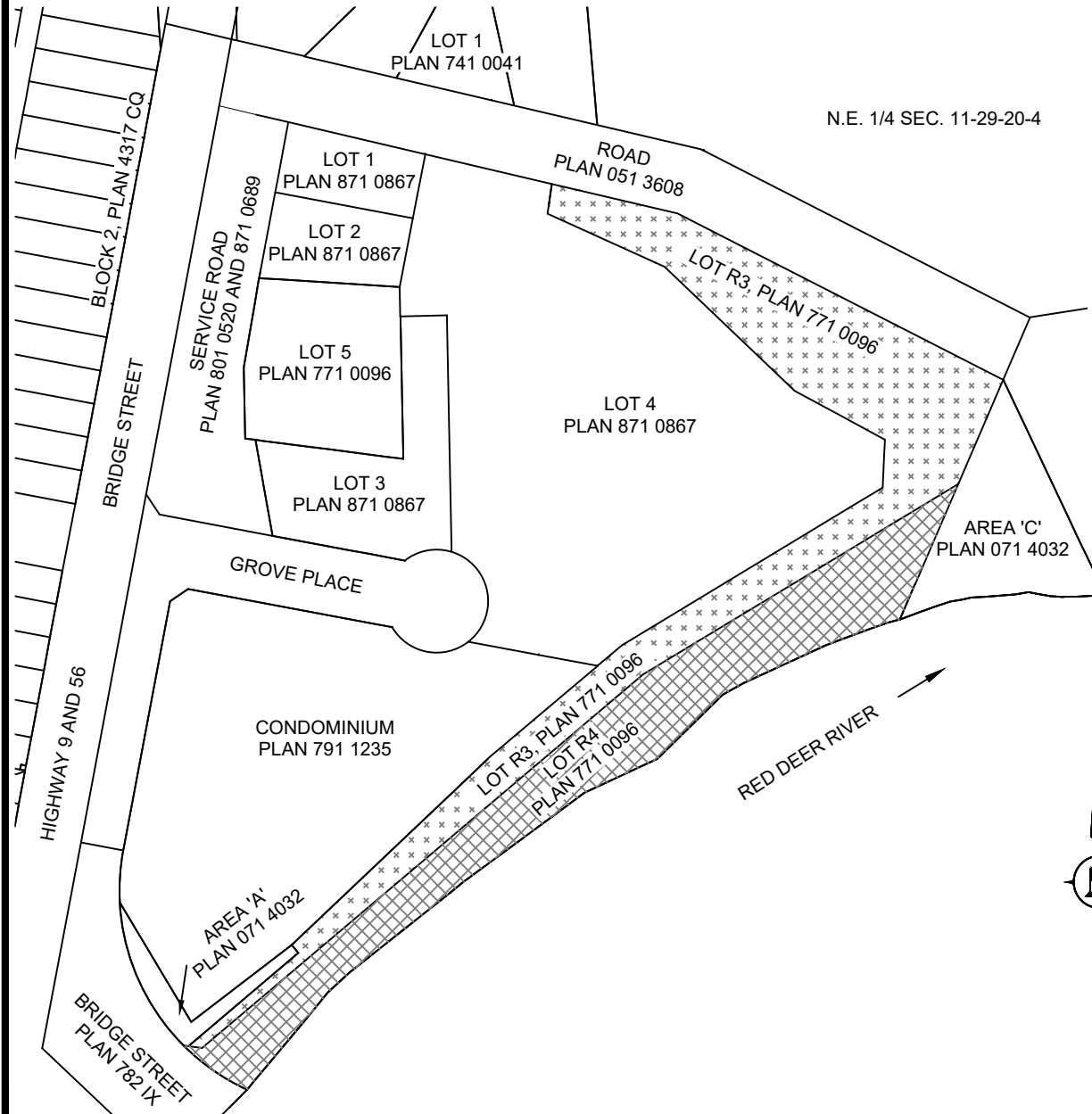
draft-proposed bylaw - 1st reading



NORTH DRUMHELLER DISTRICT
DRUMHELLER, ALBERTA

DRUMHELLER FLOOD MITIGATION PROJECT
PLAN SHOWING AREAS TO HAVE
MUNICIPAL RESERVE STATUS REMOVED AND
REPLACED BY IN PART BY PUBLIC UTILITY LOT
DESIGNATION AND IN PART WITH A LAND
EXCHANGE WITH ADJACENT OWNER TO
ACCOMMODATE FLOOD MITIGATION WORKS
AFFECTING LOTS R3 AND R4, PLAN 771 0096

WITHIN THE
W. 1/2 SEC. 11, TWP. 29, RGE. 20, W4M

SCALE: = 1:2000 -2023- Wm. R. HUNTER, A.L.S.



LEGEND
 AREAS TO HAVE MUNICIPAL RESERVE STATUS
 REMOVED
 SHOWN THUS  AND THUS 

SCALE 1:2000

