



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday November 20, 2023

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel

1. CALL TO ORDER
2. OPENING COMMENTS
3. ADDITIONS TO THE AGENDA
4. ADOPTION OF AGENDA

4.1 Agenda for November 20, 2023 Regular Meeting

Proposed Motion: That Council adopt the agenda for the November 20, 2023 Regular Council meeting as presented.

5. MEETING MINUTES

5.1 Minutes for November 6, 2023 Regular Council as presented.

[Regular Council Meeting – November 6, 2023 - Minutes](#)

Proposed Motion: Move that Council approve the minutes for the November 6, 2023, Regular Council meeting as presented.

COUNCIL BOARDS AND COMMITTEES

DELEGATION

6. PUBLIC HEARINGS TO COMMENCE AT 5:30 PM

6.1 Proposed Removal of Municipal Reserve Bylaw 10.23

[Link to RFD + Proposed Municipal Reserve Bylaw](#)

1. Mayor Opens the Public Hearing and Introduces the Matter - Proposed Removal of Municipal Reserve Bylaw 10.23
2. Presentation of Information – Chief Administrative Officer
3. Rules of Conduct for Public Participation
All the material related to Public Hearing will be documented and taken into consideration.
4. Public Participation - Registered to Present Remotely
5. Public Participation – Pre - Registered to Present In Person
6. Public Participation - Written Submissions
7. Final Comments
8. Mayor to Call for Public Hearing to Close.

7. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Chief Administrative Officer

7.1.1 Request for Decision: Relief of Municipal Property Tax on Destroyed Improvements
1100 2nd Ave W – Council Policy C-02-19

[Request for Decision, Letter](#)
[Link to Website Policy C-02-19](#)

Proposed Motion:

Move that Council waive the municipal portion of property taxes for the destroyed improvements at 1100 2nd Avenue West for the period September 1, 2023 to December 31, 2023 in accordance with Council Policy C-02-19.

7.2 Flood Resiliency Project Director

7.2.1 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 6 to 8 Inclusive, Block 5, Plan 8168FS (222 4 Street West, Lehigh)

[Request for Decision, Certificate of Approval and Resolution](#)

Proposed Motion:

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 6 to 8 Inclusive, Block 5, Plan 8168FS; Title Number 961 099 949.

7.2.2 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 2, Block 2, Plan 8810626 (224 2 Avenue West, Lehigh)

[Request for Decision, Certificate of Approval and Resolution](#)

Proposed Motion:

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 2, Block 2, Plan 8810626; Title Number 201 181 865.

7.2.3 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 9 to 11 Inclusive, Block 5, Plan 8168FS (228 4 Street West, Lehigh)

[Request for Decision, Certificate of Approval and Resolution](#)

Proposed Motion:

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 9 to 11 Inclusive, Block 5, Plan 8168FS; Title Number 921 181 898.

- 7.2.4 Request for Decision:
Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 1, Block 1, Plan 8810626
(244 3 Street West, Lehigh)

[Request for Decision, Certificate of Approval and Resolution](#)

Proposed Motion:

moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 1, Block 1, Plan 8810626; Title Number 141 206 331.

- 7.2.5 Request for Decision:
Certificate of Approval and Resolution for Expropriation of Two Parcels for Floodway Buyout affecting Lots 12 and 13, Block 5, Plan 8168FS and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS
(245 3 Street West, Lehigh)

[Request for Decision, Certificate of Approval and Resolution](#)

Proposed Motion:

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcels of land described as Lots 12 and 13, Block 5, Plan 8168FS; Title Number 921 125 157, and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS; Title Number 921 125 157 +1.8810626; Title Number 141 206 331.

- 7.3 Manager of Economic Development

- 7.3.1 Request for Decision:
Non-Residential Development Incentive Program Bylaw 19.19 – Roll Number 1030816

[Request for Decision](#)
[Link to Website Bylaw 19.19](#)

Proposed Motion:

Moves that Council approve the abatement of the \$531.87 in municipal taxes for Roll 1030816 in accordance with the Non Residential Development Incentive Program Bylaw 19.19.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

8. CLOSED SESSION

- 8.1 Land Development and Planning
FOIP 27 – Privileged information
FOIP 24 – Advice from Officials

Proposed Motion:

That Council close the meeting to the public to discuss land development and planning as per FOIP 27 – Privileged information and FOIP 24 – Advice from Officials

Proposed Motion:

That Council open the meeting to the public.

- 8.2 Strategic Development and Planning
FOIP 23 – Local public body confidences
FOIP 24 – Advice from Officials
FOIP 25 – Disclosure harmful to economic and other interests of a public body

Proposed Motion:

That Council close the meeting to the public to discuss Strategic Development and Planning as per FOIP 23 – Local public body confidences, FOIP 24 – Advice from Officials and FOIP 25 – Disclosure harmful to economic and other interests of a public body.

9. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM – Monday, November 6, 2023

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel -

<https://www.youtube.com/live/PMTMiESNu9w?feature=shared>

IN ATTENDANCE

Mayor Heather Colberg (Regrets)
Councillor Patrick Kolafa
Councillor Stephanie Price
Councillor Tony Lacher (Regrets)
Councillor Crystal Sereda
Councillor Lisa Hansen-Zacharuk
Councillor Tom Zariski

Chief Administrative Officer: Darryl Drohomerski (Remote)
Director of Corporate and Community Services: Victoria Chan
Acting Director of Infrastructure: Kelcie Wilson
Dir. of Emergency & Protective Services: Greg Peters (Regrets)
Flood Mitigation Project Manager: Deighen Blakely
Communication Officer: Bret Crowle
Legislative Services: Denise Lines
Reality Bytes IT: David Vidal
Recording Secretary: Mitchell Visser

1. CALL TO ORDER

The Mayor called the meeting to order at 4:30 PM

2. OPENING COMMENTS

Swearing in of Deputy Mayor Stephanie Price for the months of November and December, 2023.

The Town of Drumheller Remembrance Day Ceremony, put on by the Drumheller Canadian Legion, will be at the Badlands Community Facility (BCF) at 10:45 AM, Saturday November 11, 2023.

Congratulations to the Bantam Titans for winning silver in their league last Saturday. Senior Titans are starting provincial play-offs and will be hosting the southern Semi-Final versus Willow Creek this Saturday, November 11, 2023.

The Town will be renaming the DVSS Football Field the Don Robertson Football Field in honour of Don Robertson.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for November 6, 2023 Regular Meeting

M2023.279 Moved by Councillor Sereda, Councillor Kolafa
that Council adopt the agenda for the November 6, 2023 Regular Council meeting as
presented.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

5.1 Minutes for October 16, 2023 Regular Council Meeting.

Agenda attachment: Regular Council Meeting – October 16, 2023 – Minutes

M2023.280 Moved by Councillor Price, Councillor Hansen-Zacharuk
That Council approve the minutes for the October 16, 2023 Regular Council
meeting as presented.

CARRIED UNANIMOUSLY

5.2 Minutes for October 16, 2023 Organizational Meeting

Agenda attachment: Organizational Meeting – October 16, 2023 - Minutes

M2023.281 Moved by Councillor Kolafa, Councillor Price
That Council approve the minutes for the October 16, 2023 Organizational Meeting
as presented.

CARRIED UNANIMOUSLY

6. DELEGATION

6.1 Badlands Amphitheatre – Master Site Plan Presentation
Presented by Doug Leighton, edgplanning (Environmental Design Group)
Project Manager, Kor Colyn
Agenda Attachment: Presentation

7. COUNCIL BOARDS AND COMMITTEES

7.1 Request for Decision: Drumheller Municipal Airport Appointment

Agenda Attachment: Request for Decision; Board Member Applications

M2023.282 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk
Move that Council appoint Bob Sheddy and Patrick Bonneville to the Drumheller
Municipal Airport Commission for three-year terms ending November 6, 2026.

CARRIED UNANIMOUSLY

7.1 Request for Decision: Drumheller Public Library Appointment

Agenda Attachment: Request for Decision; Board Member Application

M2023.283 Moved by Councillor Price, Councillor Kolafa
Move that Council appoint James Foster to the Drumheller Public Library Board for a
three-year term ending November 19, 2026.

CARRIED UNANIMOUSLY

8. REPORTS FROM ADMINISTRATION

Time Stamp: [35:14](#)

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

8.1 Flood Mitigation Project Director

8.1.1 Request for Decision – Resolution for Expropriation of a Partial Parcel for Berm
Construction affecting Plan 9611859 that portion of Block 14 which lies north of Public
Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715
containing 1.011 hectares (2.50 acres) more or less
(75 Beech Street, Drumheller)

Agenda Attachments: Request for Decision; Certificate of Approval; Survey; Resolution

M2023.284 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk
Moves that Council approve the Certificate of Approval and
Resolution for Expropriation pertaining to a portion of the parcel of land described as
Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood
Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011
hectares (2.50 acres) more or less, Title 061 083 429

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

Time Stamp: [38:23](#)

- 8.2 Chief Administrative Officer
Chief Financial Officer
Finance Manager
Acting Director of Infrastructure & Utilities Manager

8.2.1 Request for Decision: Proposed 2024 Utility Budget

Agenda Attachments: Request for Decision; Appendix 1 – Water; Appendix 2 – Water 3-year plan; Appendix 3 – Wastewater; Appendix 4 – Wastewater 3-year plan; Appendix 5 – Solid Waste; Appendix 6 – Solid Waste 3-year plan.

- M2023.285 Moved by Councillor Price, Councillor Hansen-Zacharuk
Moves that Council adopt the 2024 Utility Operating Budget and 3-Year Operating Financial Plan as presented.

CARRIED UNANIMOUSLY

8.2.1a Briefing Note: Utilities Budget - Additional Utilities Staffing

Agenda Attachment: Briefing Note

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

9. CLOSED SESSION

9.1 Land and Development Discussion

FOIP 16(1) – Disclosure harmful to business interests of a third party
FOIP 23(1)(a) – Local public body confidences
FOIP 24(1) – Advice from official

- M2023.286 Moved by Councillor Sereda, Councillor Price
That Council close the meeting to the public to discuss Land and Development and Personnel Evaluation as per FOIP 16(1) – Disclosure harmful to business interests of a third party, FOIP 23(1)(a) – Local public body confidences
FOIP 24(1) – Advice from official

CARRIED UNANIMOUSLY

Council closed the meeting to the public at 5:37 PM.

M2023.287 Moved by Councillor Hansen-Zacharuk, Councillor Kolafa
That Council open the meeting to the public

CARRIED UNANIMOUSLY

Council opened the meeting to the public at 6:12 PM.

10. ADJOURNMENT

M2023.288 Moved by Councillor Sereda, Councillor Price
That Council adjourn the meeting.

CARRIED UNANIMOUSLY

Council adjourned the meeting at 6:12 PM

MAYOR

CHIEF ADMINISTRATIVE OFFICER

REQUEST FOR DECISION

TITLE:	1100 2 nd Avenue West – Tax Relief for Destroyed Improvements
DATE:	November 16, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Request from Property Owner of 1100 2 nd Avenue West Policy C-02-19

SUMMARY:

On August 26, 2023, a house fire destroyed part of the structure located at 1100 2nd Avenue West, in the neighbourhood of Newcastle. The fire has forced the owners out of their home until late 2024, and as a result, the property owner has requested that Council waive the property taxes for the destroyed improvements from September 1, 2023, until December 31, 2023.

RECOMMENDATION:

That Council waive the municipal portion of property taxes for the destroyed improvements for the period September 1, 2023, to December 31, 2023. This recommendation is consistent with Council Policy C-02-19

DISCUSSION:

Tax Assessment in Drumheller is comprised of two items: land and improvements. Improvements include all buildings or items of value that are considered permanent. There are also three components of municipal tax bills which are the Municipal Tax, Seniors Foundation requisition and Public-School Tax. Council Policy C-02-19 allows for the waiving of the Municipal Tax portion only.

The Improvement portion of the primary structure (the house) of 1100 2nd Avenue West is \$208,000 and the Land and detached garage portion is \$106,000. Waiving of the Municipal Tax portion for the period of September 1, 2023, to December 31, 2023, is worth approximately \$604.92. The property owner is responsible for approximately \$3,121.83 of the total 2023 Tax Notice.

FINANCIAL IMPACT:

The cost to the municipality for waiving the Municipal Portion of taxes for destroyed improvements can be absorbed in the current operating budget for 2023.

STRATEGIC POLICY ALIGNMENT:

Fiscal Responsibility and Good Governance

COMMUNICATION STRATEGY:


If the Tax Forgiveness is passed by Council, the applicant will be informed the next business day.

MOTION:

That Council waive the municipal portion of property taxes for the destroyed improvements at 1100 2nd Avenue West for the period September 1, 2023, to December 31, 2023 in accordance with Council Policy C-01-19.

SECONDED:

Prepared By:




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

Reviewed By:

Denise Lines

Denise Lines
Manager of Legislative Services

Approved By:



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

October 1, 2023

Town of Drumheller

Attention: Town Council

Re: Recent house fire at 1100 2nd Avenue West Drumheller, Ab

John and I recently experienced a house fire on August 26, 2023 and now we will be out of our house for up to a year. We are inquiring to see if a portion of the taxes would be forgiven or if we still have to pay in full.

We appreciate your time and look forward to your response.

Sincerely

D. Baird
[Redacted]
10/1/23
[Redacted]

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 6 to 8 Inclusive, Block 5, Plan 8168FS 222 4 Street West, Lehigh
DATE:	November 20 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is working to protect the people and property in Drumheller from loss due to flooding. The community of Lehigh has flooded twice in the past two decades, and the Town needs to keep people and property safe from larger floods anticipated in the future. A study completed in early 2022 concluded that berm construction is not viable in Lehigh and the only feasible alternative is floodway buyouts. To proceed with the floodway buyouts, full acquisition of this parcel is required. The impacted landowners were notified in January 2022, and our land agent has been working to negotiate purchase of this property for the past several months.

A Resolution approving Expropriation was passed by Council on August 14, 2023. The Notice of Intention to Expropriate has been served on the registered property owners and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

RECOMMENDATION:

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 222 4 Street West (8168FS;5;6-8), as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owners for the floodway buyouts on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is "*through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage*". Completing the expropriation is required to obtain the property necessary for the floodway buyouts.

COMMUNICATION STRATEGY:

Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owners, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

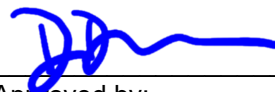
MOTION:

Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 6 to 8 Inclusive, Block 5, Plan 8168FS; Title Number 961 099 949.

SECONDED:



Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director



Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

**Form 4
Expropriation Act
(Section 18)**

CERTIFICATE OF APPROVAL

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

**PLAN 8168FS
BLOCK 5
LOTS 6 TO 8 INCLUSIVE
EXCEPTING THEREOUT ALL MINES AND MINERALS**

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is: floodway buyout
3. The expropriating authority is the: **Town of Drumheller**
224 Centre Street
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of Patrick John James and Patricia Dawn Smith in Certificate of Title Number 961 099 949.

Dated this ____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
Darryl Drohomerski, C.E.T.
Chief Administrative Officer


LEHIGH DISTRICT
DRUMHELLER, ALBERTA

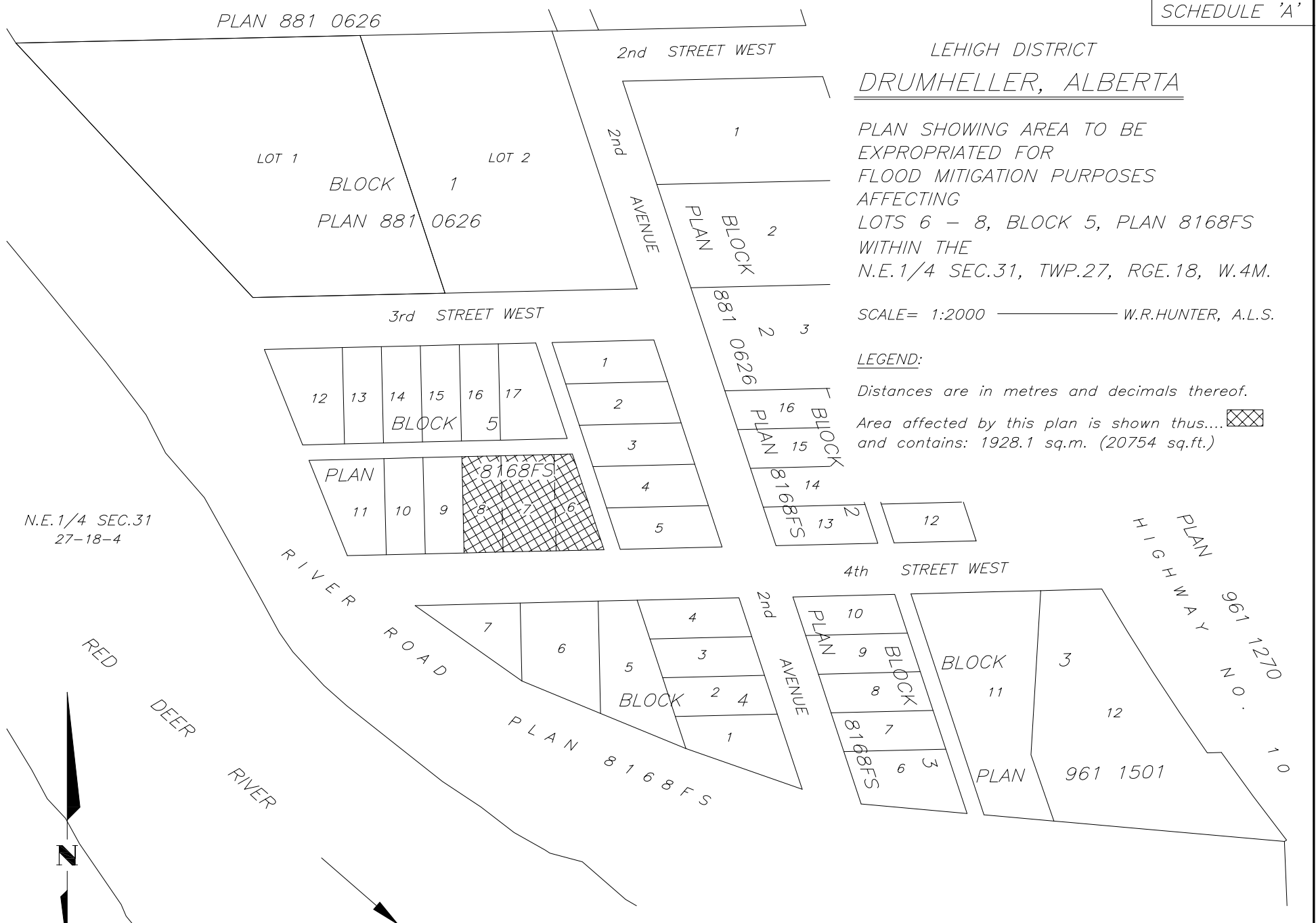
PLAN SHOWING AREA TO BE
 EXPROPRIATED FOR
 FLOOD MITIGATION PURPOSES
 AFFECTING
 LOTS 6 - 8, BLOCK 5, PLAN 8168FS
 WITHIN THE
 N.E.1/4 SEC.31, TWP.27, RGE.18, W.4M.

SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

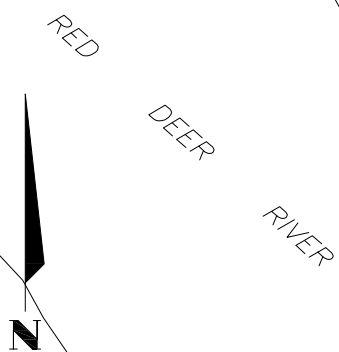
LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 
 and contains: 1928.1 sq.m. (20754 sq.ft.)



N.E.1/4 SEC.31
 27-18-4



NO.	DATE	DETAIL
1	3 AUGUST, 2023	ISSUED
2	9 AUGUST, 2023	REVISED. NEW PLAN ISSUED.

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035 Page 17 of 41

RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on September 28, 2023, on the Landowners and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowners or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowners or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated November 20, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

Dated this _____ day of _____, 2023

Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 2, Block 2, Plan 8810626 224 2 Avenue West, Lehigh
DATE:	November 20 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is working to protect the people and property in Drumheller from loss due to flooding. The community of Lehigh has flooded twice in the past two decades, and the Town needs to keep people and property safe from larger floods anticipated in the future. A study completed in early 2022 concluded that berm construction is not viable in Lehigh and the only feasible alternative is floodway buyouts. To proceed with the floodway buyouts, full acquisition of this parcel is required. The impacted landowner was notified in January 2022, and our land agent has been working to negotiate purchase of this property for the past several months.

A Resolution approving Expropriation was passed by Council on August 14, 2023. The Notice of Intention to Expropriate has been served on the registered property owner and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

RECOMMENDATION:

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 224 2 Avenue West (8810626;2;2), as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owner for the floodway buyouts on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is *"through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage"*. Completing the expropriation is required to obtain the property necessary for the floodway buyouts.

COMMUNICATION STRATEGY:

Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owner, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

MOTION:

Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 2, Block 2, Plan 8810626; Title Number 201 181 865.

SECONDED:



Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director



Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

**Form 4
Expropriation Act
(Section 18)**

CERTIFICATE OF APPROVAL

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

**PLAN 8810626
BLOCK 2
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.319 HECTARES (0.79 ACRES) MORE OR LESS**

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is: floodway buyout
3. The expropriating authority is the: **Town of Drumheller**
224 Centre Street
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of Sienna Lori Kaczmar in Certificate of Title Number 201 181 865.

Dated this ____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
Darryl Drohomerski, C.E.T.
Chief Administrative Officer

LEHIGH DISTRICT
DRUMHELLER, ALBERTA

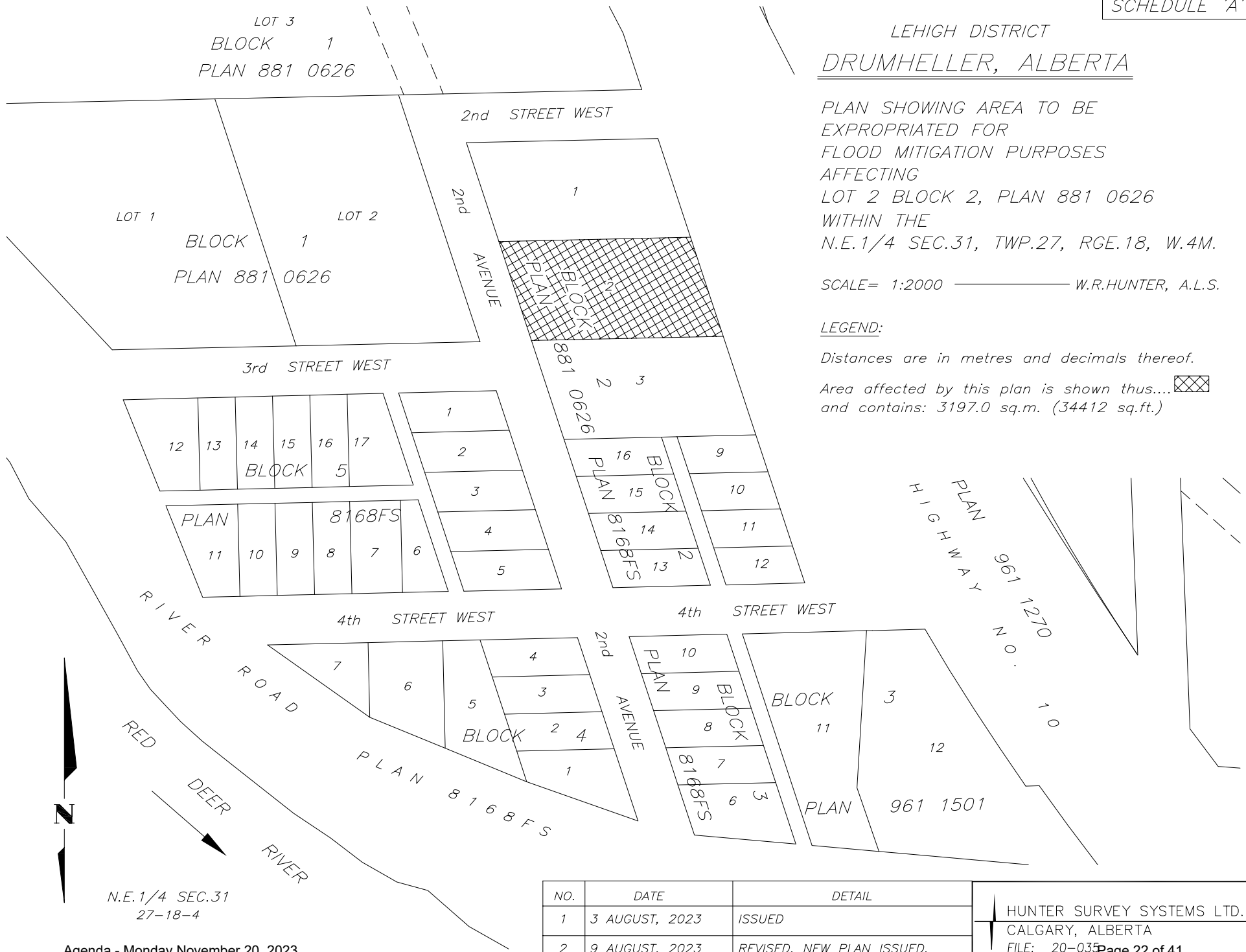
PLAN SHOWING AREA TO BE
 EXPROPRIATED FOR
 FLOOD MITIGATION PURPOSES
 AFFECTING
 LOT 2 BLOCK 2, PLAN 881 0626
 WITHIN THE
 N.E.1/4 SEC.31, TWP.27, RGE.18, W.4M.

SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus...
 and contains: 3197.0 sq.m. (34412 sq.ft.)



N.E.1/4 SEC.31
 27-18-4

Agenda - Monday November 20, 2023

NO.	DATE	DETAIL
1	3 AUGUST, 2023	ISSUED
2	9 AUGUST, 2023	REVISED. NEW PLAN ISSUED.

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035 Page 22 of 41

RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on October 24, 2023, on the Landowner and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowner or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowner or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated November 20, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

Dated this _____ day of _____, 2023

Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 9 to 11 Inclusive, Block 5, Plan 8168FS 228 4 Street West, Lehigh
DATE:	November 20 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is working to protect the people and property in Drumheller from loss due to flooding. The community of Lehigh has flooded twice in the past two decades, and the Town needs to keep people and property safe from larger floods anticipated in the future. A study completed in early 2022 concluded that berm construction is not viable in Lehigh and the only feasible alternative is floodway buyouts. To proceed with the floodway buyouts, full acquisition of this parcel is required. The impacted landowner was notified in January 2022, and our land agent has been working to negotiate purchase of this property for the past several months.

A Resolution approving Expropriation was passed by Council on August 14, 2023. The Notice of Intention to Expropriate has been served on the registered property owner and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

RECOMMENDATION:

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 228 4 Street West (8168FS;5;9-11), as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owner for the floodway buyouts on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is "*through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage*". Completing the expropriation is required to obtain the property necessary for the floodway buyouts.


COMMUNICATION STRATEGY:


Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owner, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

MOTION:

Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 9 to 11 Inclusive, Block 5, Plan 8168FS; Title Number 921 181 898.

SECONDED:


Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director


Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

**Form 4
Expropriation Act
(Section 18)**

CERTIFICATE OF APPROVAL

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

**PLAN 8168FS
BLOCK 5
LOTS 9 TO 11 INCLUSIVE
EXCEPTING THEREOUT ALL MINES AND MINERALS**

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is: floodway buyout
3. The expropriating authority is the: **Town of Drumheller**
224 Centre Street
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of James Murray Justinick in Certificate of Title Number 921 181 898.

Dated this _____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
Darryl Drohomerski, C.E.T.
Chief Administrative Officer


LEHIGH DISTRICT
DRUMHELLER, ALBERTA

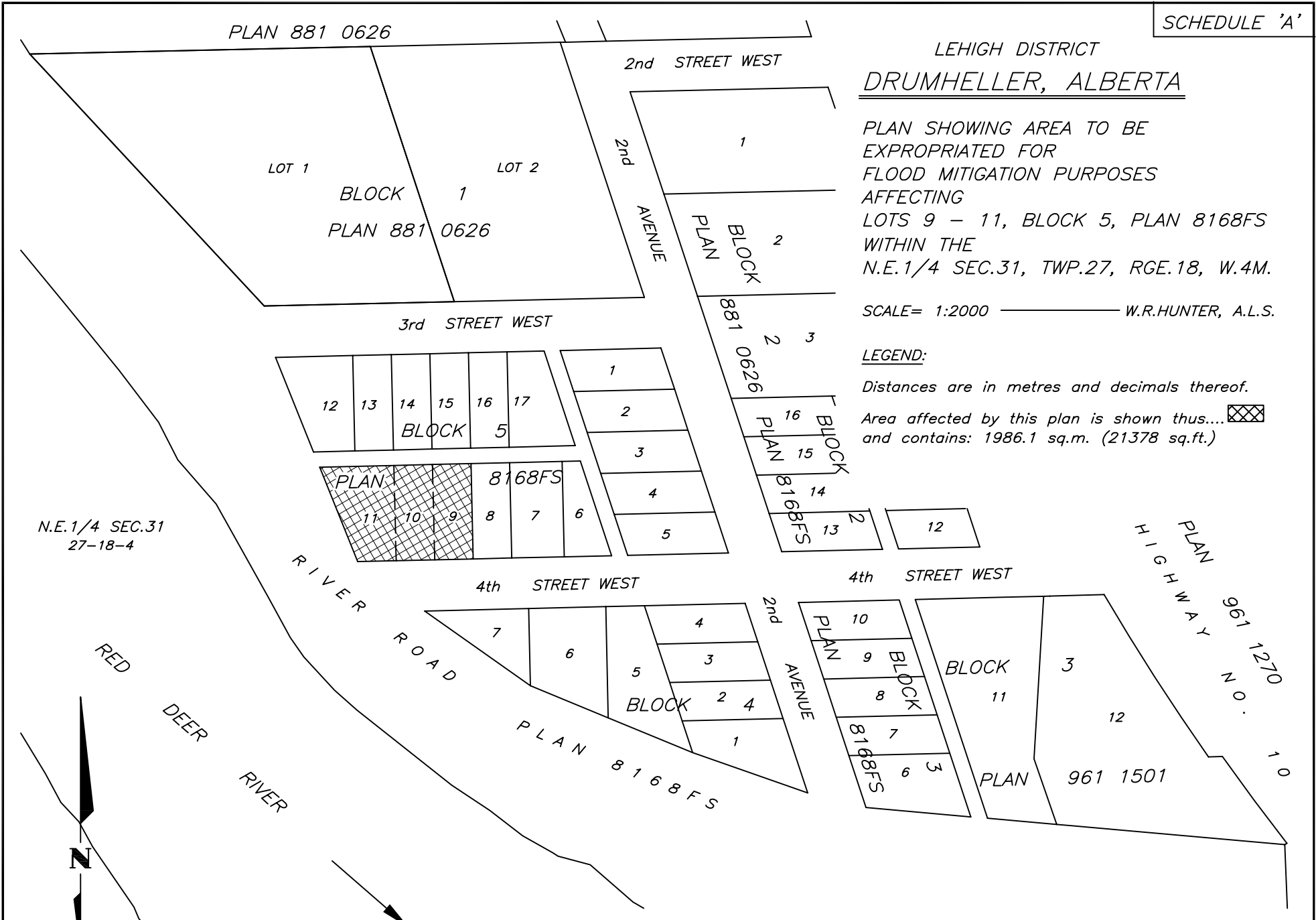
PLAN SHOWING AREA TO BE
 EXPROPRIATED FOR
 FLOOD MITIGATION PURPOSES
 AFFECTING
 LOTS 9 - 11, BLOCK 5, PLAN 8168FS
 WITHIN THE
 N.E.1/4 SEC.31, TWP.27, RGE.18, W.4M.

SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

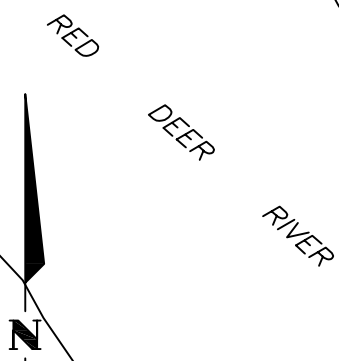
LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus...  and contains: 1986.1 sq.m. (21378 sq.ft.)



N.E.1/4 SEC.31
 27-18-4



NO.	DATE	DETAIL
1	3 AUGUST, 2023	ISSUED
2	9 AUGUST, 2023	REVISED. NEW PLAN ISSUED.

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035 Page 27 of 41

RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on October 17, 2023, on the Landowner and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowner or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowner or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated November 20, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

Dated this _____ day of _____, 2023

Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 1, Block 1, Plan 8810626 244 3 Street West, Lehigh
DATE:	November 20 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is working to protect the people and property in Drumheller from loss due to flooding. The community of Lehigh has flooded twice in the past two decades, and the Town needs to keep people and property safe from larger floods anticipated in the future. A study completed in early 2022 concluded that berm construction is not viable in Lehigh and the only feasible alternative is floodway buyouts. To proceed with the floodway buyouts, full acquisition of this parcel is required. The impacted landowners were notified in January 2022, and our land agent has been working to negotiate purchase of this property for the past several months. The subject full acquisition property owners have refused access to their property to complete an appraisal; therefore, we have been unable to determine Fair Market Value to prepare an offer.

A Resolution approving Expropriation was passed by Council on August 14, 2023. The Notice of Intention to Expropriate has been served on the registered property owners and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

RECOMMENDATION:

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 244 3 Street West (8810626;1;1), as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. The impacted property owners have refused access to their property to complete an appraisal; therefore, we have been unable to determine the Fair Market Value and to prepare an offer. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of

Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is *"through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage"*. Completing the expropriation is required to obtain the property necessary for the floodway buyouts.

COMMUNICATION STRATEGY:

Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owners, and all parties with a registered interest in the subject lands, will be completed as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

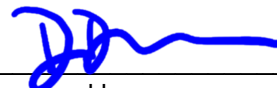
MOTION:

Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 1, Block 1, Plan 8810626; Title Number 141 206 331.

SECONDED:



Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director



Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

**Form 4
Expropriation Act
(Section 18)**

CERTIFICATE OF APPROVAL

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

**PLAN 8810626
BLOCK 1
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.06 HECTARES (2.62 ACRES) MORE OR LESS**

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is: floodway buyout
3. The expropriating authority is the: **Town of Drumheller**
224 Centre Street
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of Shawn Douglas Lumsden and Angela June Lumsden in Certificate of Title Number 141 206 331.

Dated this ____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
Darryl Drohomerski, C.E.T.
Chief Administrative Officer

PLAN 881 0626


LEHIGH DISTRICT
DRUMHELLER, ALBERTA

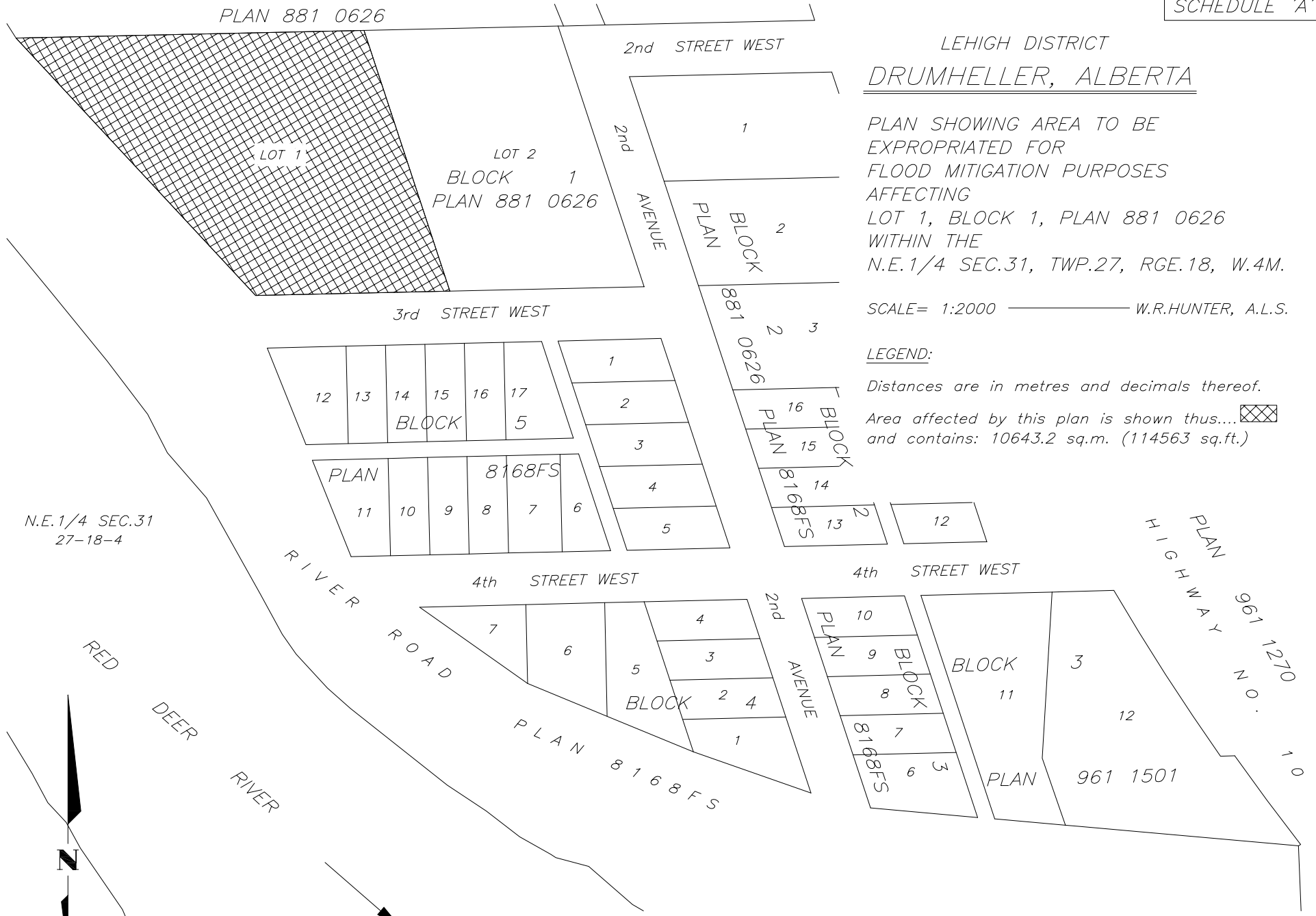
PLAN SHOWING AREA TO BE
 EXPROPRIATED FOR
 FLOOD MITIGATION PURPOSES
 AFFECTING
 LOT 1, BLOCK 1, PLAN 881 0626
 WITHIN THE
 N.E.1/4 SEC.31, TWP.27, RGE.18, W.4M.

SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 
 and contains: 10643.2 sq.m. (114563 sq.ft.)



N.E.1/4 SEC.31
 27-18-4

PLAN
 HIGHWAY
 961
 1270
 N.O.
 10

NO.	DATE	DETAIL
1	3 AUGUST, 2023	ISSUED
2	9 AUGUST, 2023	REVISED. NEW PLAN ISSUED.

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035 Page 32 of 41

RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on October 11, 2023, on the Landowners and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowners or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowners or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated November 20, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

Dated this _____ day of _____, 2023

Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of Two Parcels for Floodway Buyout affecting Lots 12 and 13, Block 5, Plan 8168FS and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS 245 3 Street West, Lehigh
DATE:	November 20 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval with Parcel Map – Schedule ‘A’ Resolution to Proceed with Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is working to protect the people and property in Drumheller from loss due to flooding. The community of Lehigh has flooded twice in the past two decades, and the Town needs to keep people and property safe from larger floods anticipated in the future. A study completed in early 2022 concluded that berm construction is not viable in Lehigh and the only feasible alternative is floodway buyouts. To proceed with the floodway buyouts, full acquisition of these parcels is required. The impacted landowner was notified in January 2022, and our land agent has been working to negotiate purchase of this property for the past several months. The subject full acquisition property owner has refused access to the property to complete an appraisal; therefore, we have been unable to determine Fair Market Value to prepare an offer.

A Resolution approving Expropriation was passed by Council on August 14, 2023. The Notice of Intention to Expropriate has been served on the registered property owner and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

RECOMMENDATION:

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to 245 3 Street West (8168FS;5;12,13 and 8168FS;5;14-17), as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, parcel acquisitions can be made at the higher of the appraised or assessed value. The impacted property owner has refused access to the property to complete an appraisal; therefore, we have been unable to determine the Fair Market Value and to prepare an offer. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of

Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after expropriation is effected (by registration of Certificate of Approval at Land Titles Office).

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment and Protected Areas has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is *"through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage"*. Completing the expropriation is required to obtain the property necessary for the floodway buyouts.


COMMUNICATION STRATEGY:

Direct Notice of the Expropriation (completed by registering the Certificate of Approval and Resolution with Land Titles), and serving the Notice of Expropriation, Notice of Possession, and Notice of Proposed Payment on the affected property owner, and all parties with a registered interest in the subject lands, will be completed via legal representatives as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

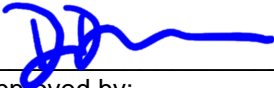
MOTION:

Councillor _____ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcels of land described as Lots 12 and 13, Block 5, Plan 8168FS; Title Number 921 125 157, and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS; Title Number 921 125 157 +1.

SECONDED:



Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director



Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

**Form 4
Expropriation Act
(Section 18)**

CERTIFICATE OF APPROVAL

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted as Area 'A' and Area 'B', respectively, on the attached Schedule 'A' and more particularly described as:

**PLAN 8168FS
BLOCK 5
LOTS 12 AND 13
EXCEPTING THEREOUT ALL MINES AND MINERALS**

AND

**PLAN 8168FS
BLOCK 5
LOTS 14 TO 17 INCLUSIVE
EXCEPTING THEREOUT ALL MINES AND MINERALS**

1. The nature of the interest in the lands expropriated is: fee simple
2. The work or purpose for which the interest in the lands is expropriated is: floodway buyout
3. The expropriating authority is the: **Town of Drumheller**
224 Centre Street
Drumheller, Alberta, T0J 0Y4
4. The land stands in the Register of the South Alberta Land Registration District in the name of Elwood Donald McDonald in Certificate of Title Numbers 921 125 157 and 921 125 157 +1, respectively.

Dated this _____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
Darryl Drohomerski, C.E.T.
Chief Administrative Officer


LEHIGH DISTRICT
DRUMHELLER, ALBERTA


PLAN SHOWING AREA TO BE
 EXPROPRIATED FOR
 FLOOD MITIGATION PURPOSES
 AFFECTING
 LOTS 12 & 13, AND LOTS 14 - 17 INCL.,
 BLOCK 5, PLAN 8168FS
 WITHIN THE
 N.E.1/4 SEC.31, TWP.27, RGE.18, W.4M.

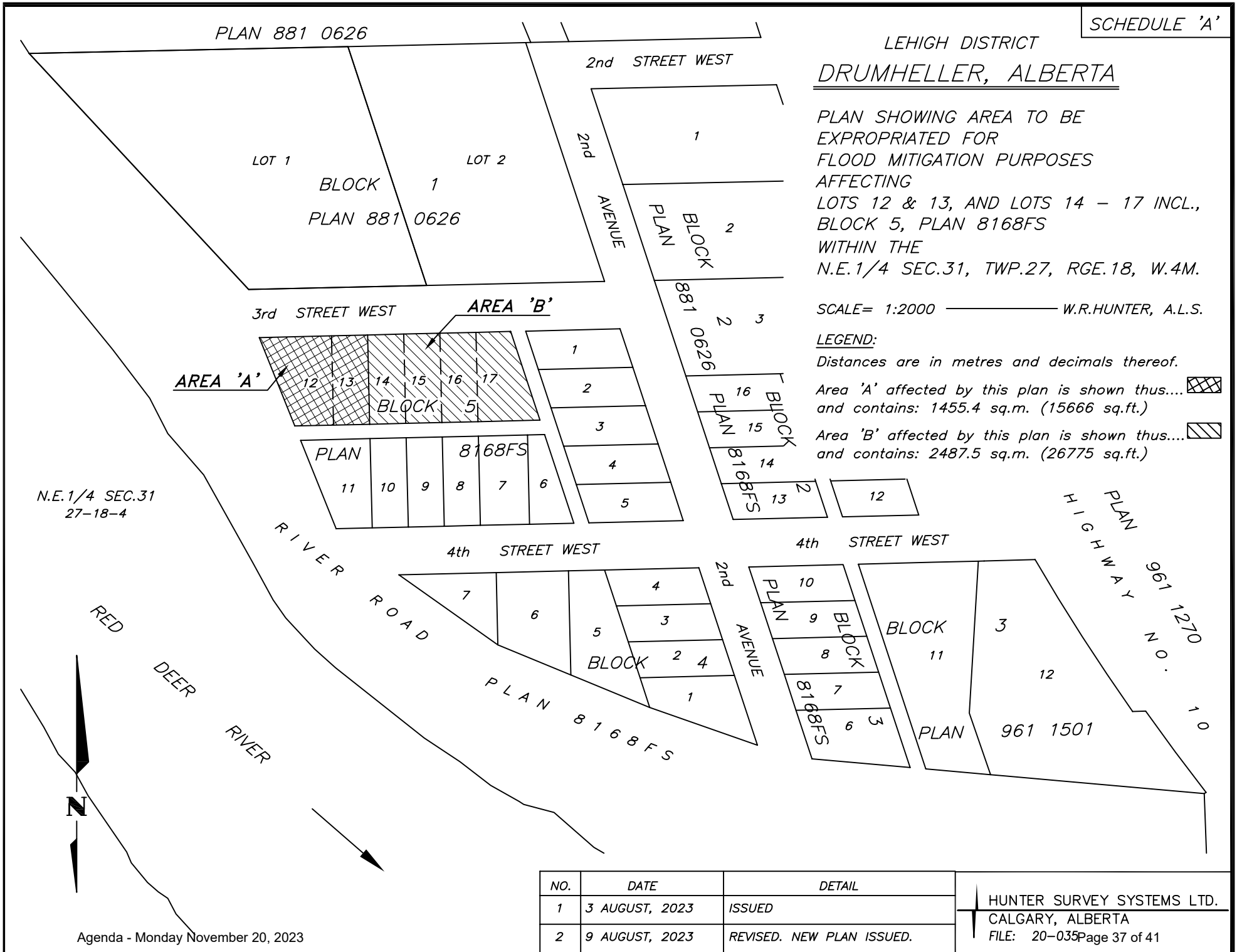
SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.

Area 'A' affected by this plan is shown thus...  and contains: 1455.4 sq.m. (15666 sq.ft.)

Area 'B' affected by this plan is shown thus...  and contains: 2487.5 sq.m. (26775 sq.ft.)



NO.	DATE	DETAIL
1	3 AUGUST, 2023	ISSUED
2	9 AUGUST, 2023	REVISED. NEW PLAN ISSUED.

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035Page 37 of 41

RESOLUTION OF COUNCIL OF THE TOWN OF DRUMHELLER

WHEREAS a Notice of Intention to Expropriate was served by the Town of Drumheller on September 28, 2023, on the Landowner and all parties with a registered interest in the subject lands and duly published, in accordance with the *Expropriation Act*;

AND WHEREAS no Notice of Objection has been received from the Landowner or any party with a registered interest in the subject lands;

AND WHEREAS the period during which an Objection can be issued by the Landowner or any party with a registered interest in the subject lands has expired;

AND UPON consideration of the Request for a Decision dated November 20, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation is fair, sound, and reasonably necessary, and in the public interest and good, to achieve the objectives of the Town;

NOW THEREFORE BE IT RESOLVED:

1. THAT pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*; the Town of Drumheller, as approving authority, hereby approves the expropriation of the lands and interests being depicted on the attached Certificate of Approval (Attachment #1), without modification;
2. THAT the officers, servants or agents of the Town of Drumheller and the solicitors for the Town of Drumheller be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

Dated this _____ day of _____, 2023

Motion Carried

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, CAO

REQUEST FOR DECISION

TITLE:	Non - Residential Development Incentive Programs – 382 Centre St.
DATE:	November 17, 2023
PRESENTED BY:	Reg Johnston, Manager of Economic Development
ATTACHMENTS:	Bylaw #19.19 Non - Residential Development Incentive Program Application

SUMMARY:

On January 6th, 2020 the Town of Drumheller passed Bylaw #19.19, which establishes development incentive programs for non-residential businesses.

On October 31, 2023, The Town of Drumheller received an application from the business Prahan Physiotherapy Inc for the Vacant Business Incentive. The building at 382 Centre Street was occupied by the owners of Prahan Physiotherapy Inc on October 1, 2021 and was opened to the public December 7, 2021

Currently they are employing one (1) employee at twenty (20) hours per week. Between 2021-2022 they also employed a contract physio working 1-2 days per week in addition to the current employee.

As the tax roll for the current property was created through a subdivision in 2021, There were no taxes applied to the property in 2021. According to the bylaw, 50% of the first year's municipal taxes are abated by 50% (pro-rated from the business opening), and the following year's municipal taxes are abated by 25%. This can be seen in the table below.

Roll #	Muni Tax 2021	Muni Tax 2022	2021 Abatement (50%)	2022 Abatement (25%)
1030816	\$0	\$2127.47	\$0	\$531.87

Total Abatement: \$531.87

Section 4 of Bylaw #19.19 states that council reserves the right to accept or refuse an incentive application or to limit the amount of the incentive provided to the applicant.

RECOMMENDATION:

Administration recommends Council approve the attached application for the Non - Residential Development Incentive Program.

FINANCIAL IMPACT:

Estimated loss of tax revenue of \$531.87 that will be applied as a credit in the 2024 tax year.

STRATEGIC POLICY ALIGNMENT:

The incentive aligns with the Drumheller Downtown Area Revitalization Plan (DARP)

COMMUNICATION STRATEGY:

Applicants will be notified upon approval by Council.

MOTION: Councillor: _____

Moves that Council approve the abatement of the \$531.87 in municipal taxes for roll 1030816, in accordance with the Non-Residential Development Incentive Program Bylaw 19.19.

Seconder: _____



Prepared by:
Mitchell Visser
Sr. Administrative
Assistant



Reviewed by:
Reg Johnston
Manager of Economic
Development.



Approved by:
Darryl E. Drohomerski,
C.E.T, Chief
Administrative Officer



TAX INCENTIVE PROGRAM APPLICATION

Date: 31 - Oct - 2023

Name of Property Owner (as per tax roll) [REDACTED]			
Contact Name: [REDACTED]			
Mailing Address: 1019, 1st Street SW	City/Town/Village: Drumheller	Province: AB	Postal Code: T0J 0Y6
Telephone Number (Main): [REDACTED]		Telephone Number (Alternate): [REDACTED]	
Email Address: [REDACTED]			

Legal Description of Lands for Tax Exemption: Commercial - Lot 43: Block 18: Plan 2110673		
Details of the Proposed Development: Replacement of broken storefront window	Estimated Assessed Value of the New Building/Improvement: 190,000	Number of Full-Time Employees: 2

I/we, the undersigned, understand the conditions of eligibility and further terms set out in Bylaw #19.19, and acknowledge I/we have authority to request taxation exemption on the above-mentioned property.

[REDACTED]

Full Name

[REDACTED]

Full Name

[REDACTED]

Signature

[REDACTED]

Signature

Office Use Only:

Roll Number:	Development Permit #:	Development Permit Issue Date:	Development Completion Date:
Previous Assessment:	Current Assessment:	Approved By:	