

REQUEST FOR DECISION

TITLE:	Proposed Nacmine 4 th Street Road Closure Bylaw 03.24
DATE:	December 28, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 03.24; Schedule 1

SUMMARY:

As part of the Town's Flood Mitigation Project and provincial funding agreement, the Province is requiring the Town of Drumheller own the land that current or proposed berms will be placed, including those berms that currently or would 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 the entire right of way immediately adjacent to the Red Deer River between 3rd Street and 5th Street to facilitate berm placement. For clarity with the other road closures in Nacmine, Administration is calling this the 4th Street Road Closure as that street is the mid-point of the two ends of this defined boundary.

RECOMMENDATION:

That Council gives first reading to Nacmine 4th Street Road Closure Bylaw 03.24 and sets the Public Hearing date for Monday February 5, 2024.

DISCUSSION:

Under the funding agreement between the Town and Alberta Environment, the construction of any new berms shall be placed on land owned by the Town of Drumheller, including any road rights of way. This road closure bylaw will accomplish that task for the Nacmine Berm that runs parallel to the Red Deer River between 3rd Street and 5th Street at the west end of Nacmine. This land is located immediately north of 284 3rd Street, 281 4th Street, 360 4th Street, 435 3rd Avenue and 463rd 3 Avenue and this land has always been a public road right of way.

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 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, as in this case. 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 drawing.

These portions of road closures are necessary to wrap the berm around, and protect, properties in Nacmine that are below the Provincial 1:100 Flood Elevation.

The lands where the berm is being placed will be converted into Public Utility Lot to align with the other land in the valley that berms currently or will reside upon.

FINANCIAL IMPACT:

The costs to convert this land are 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 January 24 and 31.
- Letters to properties in the adjacent area will be mailed out by January 19
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION:

That Council give first reading to Bylaw 03.24 Nacmine 4th Street Road Closure and set the Public Hearing date for February 5, 2024.

SECONDED:

Prepared By:



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

Reviewed By:

Denise Lines

Denise Lines
Legislative Services

Approved By:



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

TOWN OF DRUMHELLER
BYLAW NUMBER 03.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Nacmine 4th St; Road Closure

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

SCHEDULE – 1 AREAS – ‘A’ and ‘B’

being portions of Unnamed Streets created by Plans 7935 E.M. and 4491 F.A.

all within the North West Quarter of Section 8 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 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; it has been found that construction of flood mitigation berms in the subject areas is impossible without encroaching upon and using parts of the undeveloped public streets, and

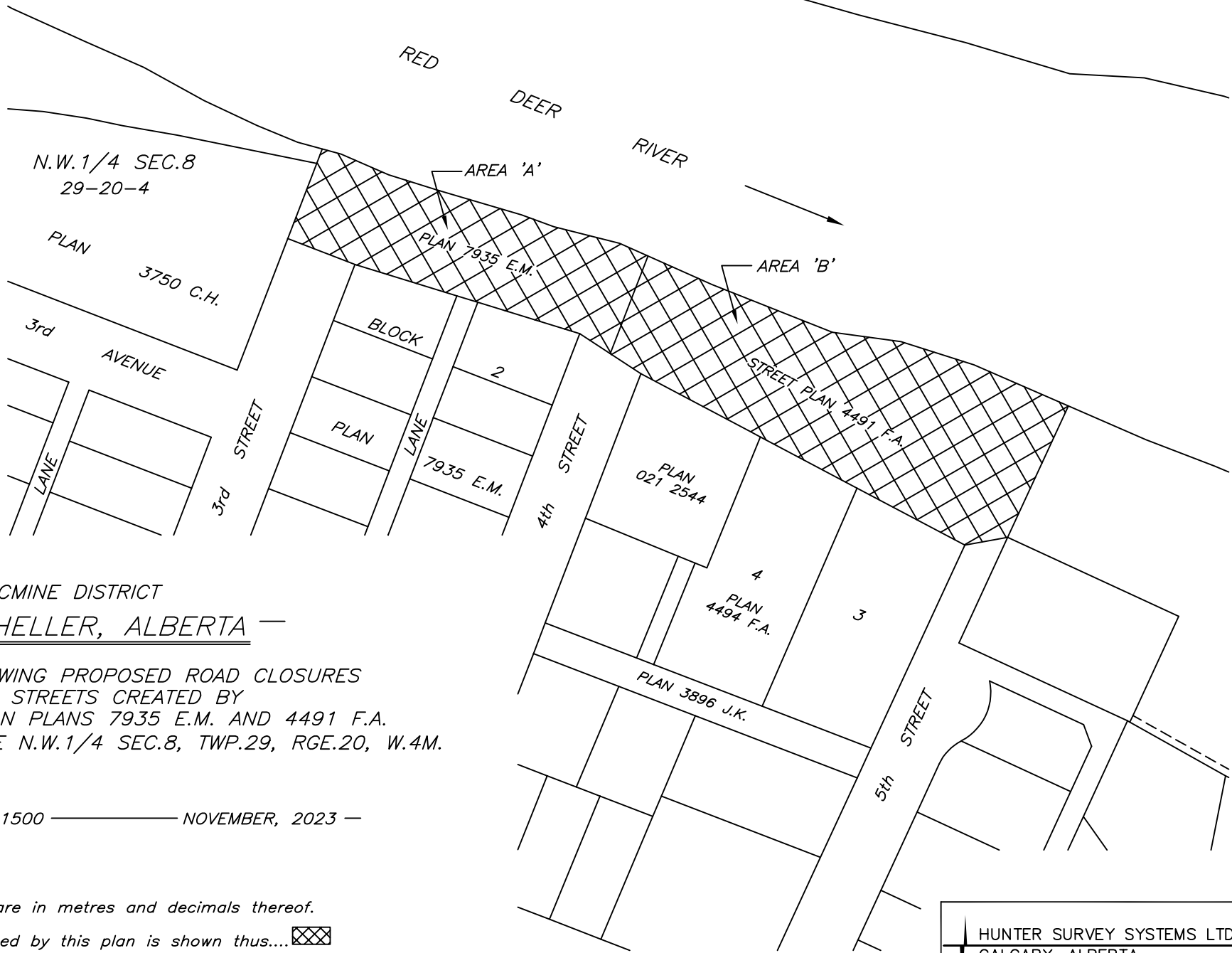
WHEREAS; the proposed new flood mitigation berms will continue to occupy the area depicted on Schedule 1, and

WHEREAS; the parties hereto have agreed that land used for berm 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 this Street closure 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 5th day of February 2024 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard;



NACMINE DISTRICT

DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING STREETS CREATED BY
SUBDIVISION PLANS 7935 E.M. AND 4491 F.A.
WITHIN THE N.W.1/4 SEC.8, TWP.29, RGE.20, W.4M.

—SCALE= 1:1500 — NOVEMBER, 2023 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035-NRC-2&3