



REQUEST FOR DECISION

TITLE:	Proposed Rosedale Pinter Drive - Road Closure Bylaw 07.24
DATE:	February 5, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 07.24; Schedule 'A'

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 a portion of the right of way of Pinter Drive north of Lot 1, Block 11, Plan 171 2180 and the Red Deer River to allow the berm to be constructed parallel to the river. A portion of this Road Closure Bylaw is proposing to close the right of way north of the Red Deer River to the edge of the Undeveloped Road Allowance and crosses lands recently acquired by the Town of Drumheller for the Star Mine Suspension Bridge repairs.

RECOMMENDATION:

That Council gives first reading to Rosedale Pinter Drive - Road Closure Bylaw 07.24 and sets the Public Hearing date for Monday March 4, 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 Rosedale Berm across the right of way for Pinter Drive.

This Bylaw aims to close two sections of the same right of way, on either side of the Red Deer River. Area A and B are required for the Rosedale Berm construction and will be discussed in further detail below. Area C is proposed to be closed to allow for consolidation of the lands recently acquired for the Star Mine Suspension Bridge repairs. The lands adjacent to the Town lands, on either side of this undeveloped right of way belong to the Province, under the title of Alberta Environment and would be granted to them for consolidation as they see fit.

Areas A and B are unique as they are shown as two separate areas of land in this Bylaw. The reason for this is that the original subdivision survey in 1927 shows the Red Deer River traversing through the now "Dry Abandoned Channel" and an island was in existence and surveyed at that time. When the channel dried up and the island became connected to the lands south of the river, ownership of these lands is determined to be the center point of the old river channel according to Alberta Lands and each parcel receives the land from half the riverbed as determined from top of bank to the center of the original channel. Even though this is a public right of way, because of the existence of the old channel, it is shown as two distinct areas to be closed.

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.

These portions of road closures are necessary to wrap the berm around, and protect, properties in Rosedale 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 February 14 and 21.
- Letters to properties in the adjacent area will be mailed out.
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION: Councillor Price, Councillor Colberg, M2024.47, Feb 05, 2024

That Council give first reading to Rosedale Pinter Drive - Road Closure Bylaw 07.24 and set the Public Hearing date for March 4, 2024.

SECONDED:

Prepared By:

Darryl Drohomerski

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

Reviewed By:

Denise Lines

Denise Lines
Legislative Services

Approved By:

Darryl Drohomerski

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

TOWN OF DRUMHELLER
BYLAW NUMBER 07.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Rosedale Pinter Dr, Road Closure

THIS IS A BYLAW of the TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of closing portions of an undeveloped original road allowance depicted as Areas 'A', 'B' and 'C' on the attached Schedule – 'A' and more particularly described as:

PLAN
AREAS 'A', 'B' and 'C'
EXCEPTING THEREOUT ALL MINES AND MNERALS

that lies between the S.E.1/4 Sec. 28 and the N.E.1/4 Sec. 21 in Township 28. Range 19, West 4th Meridian to public travel and acquiring title to these lands in the name of the TOWN OF DRUMHELLER pursuant to Section 22 of the Municipal Government Act, being Chapter M-26 of the 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 and Rosebud River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and

WHEREAS; the Town of Drumheller requires portions of the aforementioned undeveloped road allowance to provide adequate room for berm construction and related matter and is satisfied the said undeveloped road allowance is not required for access to other lands nor will it be required for public road purposes in the foreseeable future, 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 original road closure, and

WHEREAS; a notice 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 notified adjacent land owners that would likely be affected by this road allowance closure to the public, and

WHEREAS: the Council of the Town of Drumheller held a public hearing on the _____ day of _____, 2024. 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 was not petitioned for an opportunity to be heard by any person prejudicially affected by this Bylaw;

NOW THEREFORE; be it resolved that THE COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta does hereby enact to close Areas 'A', 'B' and 'C' shown on the attached Schedule – 'A' and more particularly described as:

PLAN
AREAS 'A', 'B' and 'C'

EXCEPTING THEREOUT ALL MINES AND MNERALS

to public travel and acquiring titles to these lands in the name of the TOWN OF DRUMHELLER with a mailing address of; 224 Centre Street, DRUMHELLER, ALBERTA, T0J 0Y4 pursuant to Section 22 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, as amended.

SHORT TITLE

This Bylaw may be cited as Rosedale Pinter Dr, Road Closure

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 2024.

MAYOR: HEATHER COLBERG

Seal

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

APPROVED BY: ALBERTA TRANSPORTATION and ECONOMIC CORRIDORS

Seal

MINISTER OF TRANSPORTATION and ECONOMIC CORRIDORS

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER

this day of 2024.

MAYOR: HEATHER COLBERG

Seal

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

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER

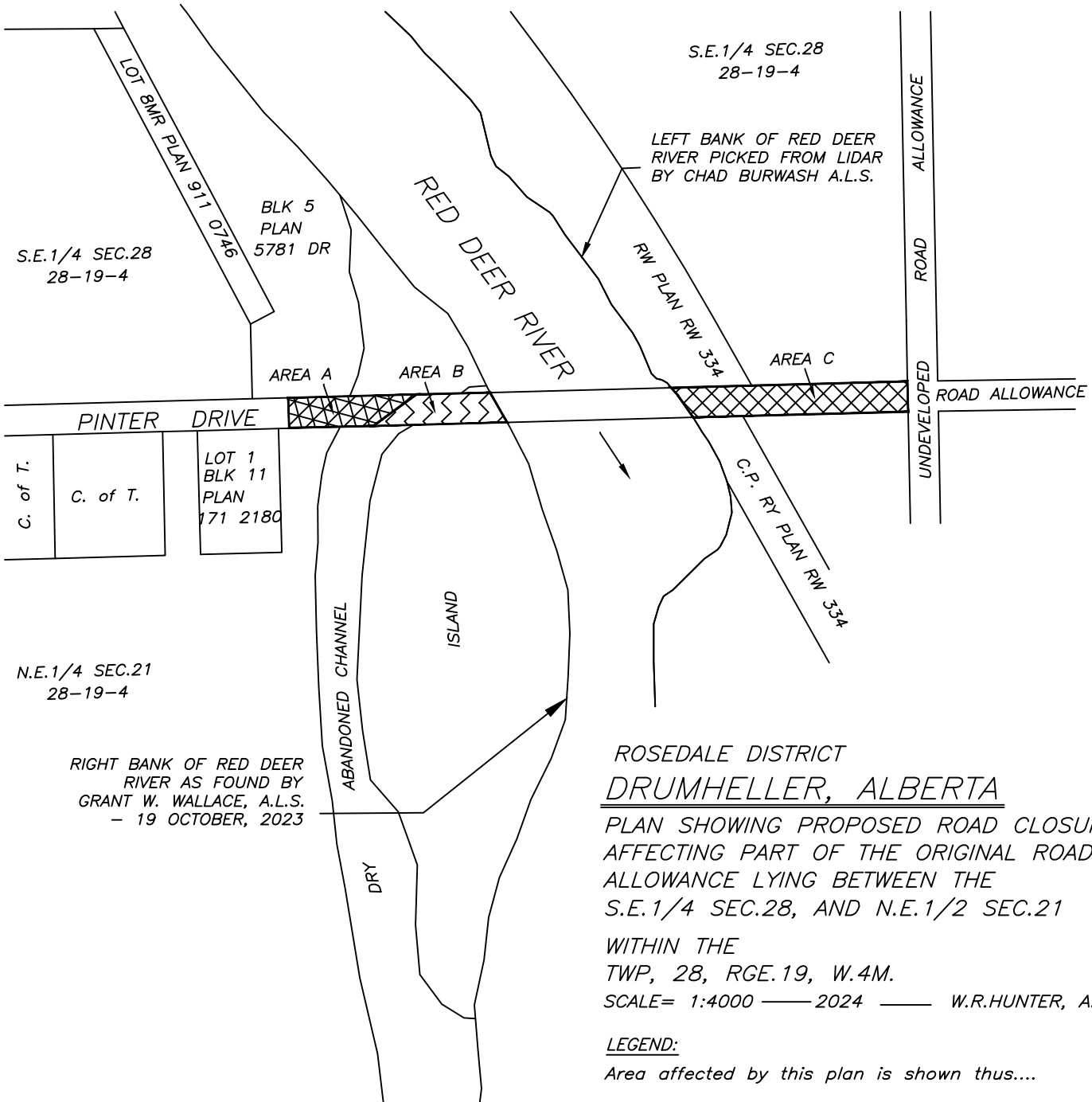
this day of 2024.

MAYOR: HEATHER COLBERG

Seal




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

draft - first reading - 2024Feb2



ROSEDALE DISTRICT
DRUMHELLER, ALBERTA
 PLAN SHOWING PROPOSED ROAD CLOSURE
 AFFECTING PART OF THE ORIGINAL ROAD
 ALLOWANCE LYING BETWEEN THE
 S.E.1/4 SEC.28, AND N.E.1/2 SEC.21
 WITHIN THE
 TWP, 28, RGE.19, W.4M.
 SCALE= 1:4000 — 2024 — W.R.HUNTER, A.L.S.

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

- Area A... 
- Area B... 
- Area C... 

REVISION TABLE		
1	FEB. 1, 2024	RIVER NAME CORRECTED
0	JAN. 9, 2024	ISSUED

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 23-260-ROAD-C ROSEDALE