



TOWN OF DRUMHELLER
SPECIAL COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Thursday, November 21, 2024

LOCATION: Council Chambers, 224 Centre St and via Teams Platform and
[Live Stream on Drumheller Valley YouTube Channel](#)

1. CALL TO ORDER

2. ADOPTION OF AGENDA

2.1 **Agenda for the November 21, 2024, Special Meeting of Council**

Proposed Motion: That Council adopt the agenda for the November 21, 2024, Special Meeting of Council as presented.

3. REPORTS FROM ADMINISTRATION

3.1 **Chief Administrative Officer**

3.1.1 **Proposed Nacmine 8th Street Road Closure Revised Bylaw 04.24 (2nd Reading)**

[Request-for-Decision](#)

[Proposed Nacmine 8th Street Road Closure Bylaw 04.24 \(2nd Reading\)](#)

Proposed Motion:

That Council give Second Reading to Revised Bylaw #04.24 – Nacmine 8th Street Road Closure, as presented.

Proposed Motion:

That Council give Third and Final Reading to Revised Bylaw #04.24 – Nacmine 8th Street Road Closure, as presented.

3.1.2 **Proposed Nacmine Hunter Drive Road Closure Bylaw #05.24 (2nd Reading)**

[Request-for-Decision](#)

[Proposed Nacmine Hunter Drive Road Closure Bylaw 05.24 \(2nd Reading\)](#)

Proposed Motion:

That Council give Second Reading to Bylaw #05.24 – Nacmine Hunter Drive Road Closure, as presented.

Proposed Motion:

That Council give Third and Final Reading to Bylaw #05.24 – Nacmine Hunter Drive Road Closure, as presented.

3.1.3 **Bylaw #39.24 – Revision of Bylaw #21.24**

[Request-for-Decision](#)

[Bylaw #39.24 – Amending Bylaw for Bylaw #21.24](#)

[Bylaw #21.24 – Midland ER 2](#)

[Bylaw #21.24 – Midland ER 2 \(Amended\)](#)

Proposed Motion:

That Council gives first reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

Proposed Motion:

That Council gives second reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

Proposed Motion:

That Council give unanimous consent for third reading of Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

Proposed Motion:

That Council gives third and final reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

3.2 **Flood Resiliency Project Director**

3.2.1 **Urban Tree Planting Study**

[Briefing Note](#)

[Presentation – Urban Forest Report Summary](#)

3.2.2 **Drumheller Resiliency and Flood Mitigation Program – Property Tax Write-off**

[Request-for-Decision](#)

[Maps of properties subject to tax write-off](#)

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$212.00 for Tax Roll No. 15007800.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$98.97 for Tax Roll No. 15008006.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$678.38 for Tax Roll No. 15008204.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$98.97 for Tax Roll No. 15008402.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$127.17 for Tax Roll No. 15008600.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$1413.24 for Tax Roll No. 14003206.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$1455.7 for Tax Roll No. 15007404.

Proposed Motion:

That Council approve the write-off of outstanding property taxes in the amount of \$3024.91 for Tax Roll No. 17045619.

3.2.3 **DRFM - Resolution for Support for Grant Funding of Adaptive Berm Construction**

[Request-for-Decision](#)

Proposed Motion:

Moved that Council approve the request for financial contribution of an additional \$134,000 through borrowing; should the Flood Office's DFPP funding application for adaptive flood protection measures be successful.

3.2.4 **DRFM – Changes to Nacmine Berm**

[Request-for-Decision](#)

[Nacmine Berm Alignment Change Slides](#)

Proposed Motion:

That Council direct Administration to take the necessary steps to adjust the alignment of the Nacmine Berm to tie the upstream end of the berm to high ground at the intersection of 1 Street and 3 Avenue.

3.2.5 **Expropriation Abandonment – 287 1 Street, Nacmine**

[Request-for-Decision](#)

[Original RFD and Expropriation Documents](#)

[Form 5 Notice of Abandonment of Expropriation](#)

Proposed Motion:

That Council directs Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 12th day of August 2024 pertaining to a portion of the parcel of land legally described as:

Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less; Title Number 001 142 256. and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.

3.2.6 Expropriation Abandonment – 44 2 Avenue, Nacmine

[Request-for-Decision](#)

[Original RFD and Expropriation Documents](#)

[Form 5 Notice of Abandonment of Expropriation](#)

Proposed Motion:

Council direct Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 12th day of August 2024 pertaining to a portion of the parcel

of land legally described as:

Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block; Title Number 061 102 801.

and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.

REQUEST FOR DECISION

TITLE:	Proposed Nacmine 8 th Street Road Closure Revised Bylaw 04.24 (2 nd Reading)
DATE:	November 20, 2024.
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Proposed Nacmine 8 th Street Road Closure Bylaw 04.24 (2 nd Reading)

SUMMARY:

As part of the Town's Flood Mitigation Project and provincial funding agreement, a road closure bylaw is required to close a portion of the right of way to facilitate the construction of a berm. This Bylaw deals with closing the right of way of 8th Street between the Red Deer River and 2nd Avenue to facilitate berm placement at the north end of the right of way.

Council gave first reading to Bylaw #04.24 on January 8th, 2024 (M2024.05) and held a public hearing on February 5th, 2024. After submission to Alberta Transportation, it was determined that there was a typographical error made in Bylaw #04.24, whereby the **"North East Quarter** of Section 8 in Township 29, Range 20, West of the 4th Meridian" was incorrectly written as the **"North West Quarter."** On October 7th, 2024, Council passed Revising Bylaw #32.24 to correct this error. The Revised Bylaw #04.24 has since been reviewed and approved by Alberta Transportation. Now that the signed package has been returned, second and third readings are required to close the roadway.

RECOMMENDATION:

That Council gives second and third reading to Revised Bylaw #04.24 and proceed with the closure of the public right of way.

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 perpendicular to 8th Street. This land is located adjacent to 215 8th Street and 810 2nd Avenue.

The landowners at these two addresses have several items, including structures, that encroach on the public right of way. Instead of requiring their removal, part of this road closure will attempt to clean up these encroachments by selling the land to the property owners that is not needed for the berm construction. Discussions have commenced between the town and landowners but are stalled pending the outcome of expropriations of portions of the two properties.

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.

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 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:

Once the Bylaw has been passed by Council, the Road Closure will be registered with Land Titles.

MOTION:

That Council give Second Reading to Bylaw #04.24 – Nacmine 8th Street Road Closure, as presented.

MOTION:

That Council give Third and Final reading to Bylaw #04.24 – Nacmine 8th Street Road Closure, as presented.



Prepared by:
Mitchell Visser
Manager of Legislative Services



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

TOWN OF DRUMHELLER
REVISED BYLAW NUMBER 04.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Nacmine 8th St; 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 Public Street as depicted on:

SCHEDULE – 1 AREA – ‘A’

being portions of Roadway (now 8th. Street) created by Plans 1622 F.B. and 865 F.G.

all within the North East 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 part 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 Wednesday January 17th and again on Wednesday January 24th, 2024 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;

NOW THEREFORE; be it resolved that the COUNCIL of the TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to close a portion of the undeveloped Roadway (now 8th Street) shown depicted on the attached Schedule – 1, which is more particularly described as:

PLAN

AREA – 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS

SHORT TITLE

This Bylaw may be cited as Nacmine 8th Street; 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 DRUMHELLER
this 8th day of JANUARY, 2024.


MAYOR: HER WORSHIP; HEATHER COLBERG

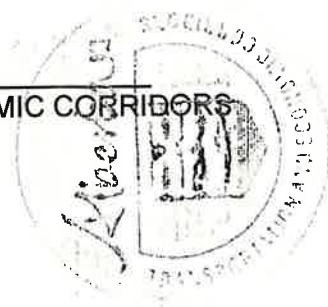


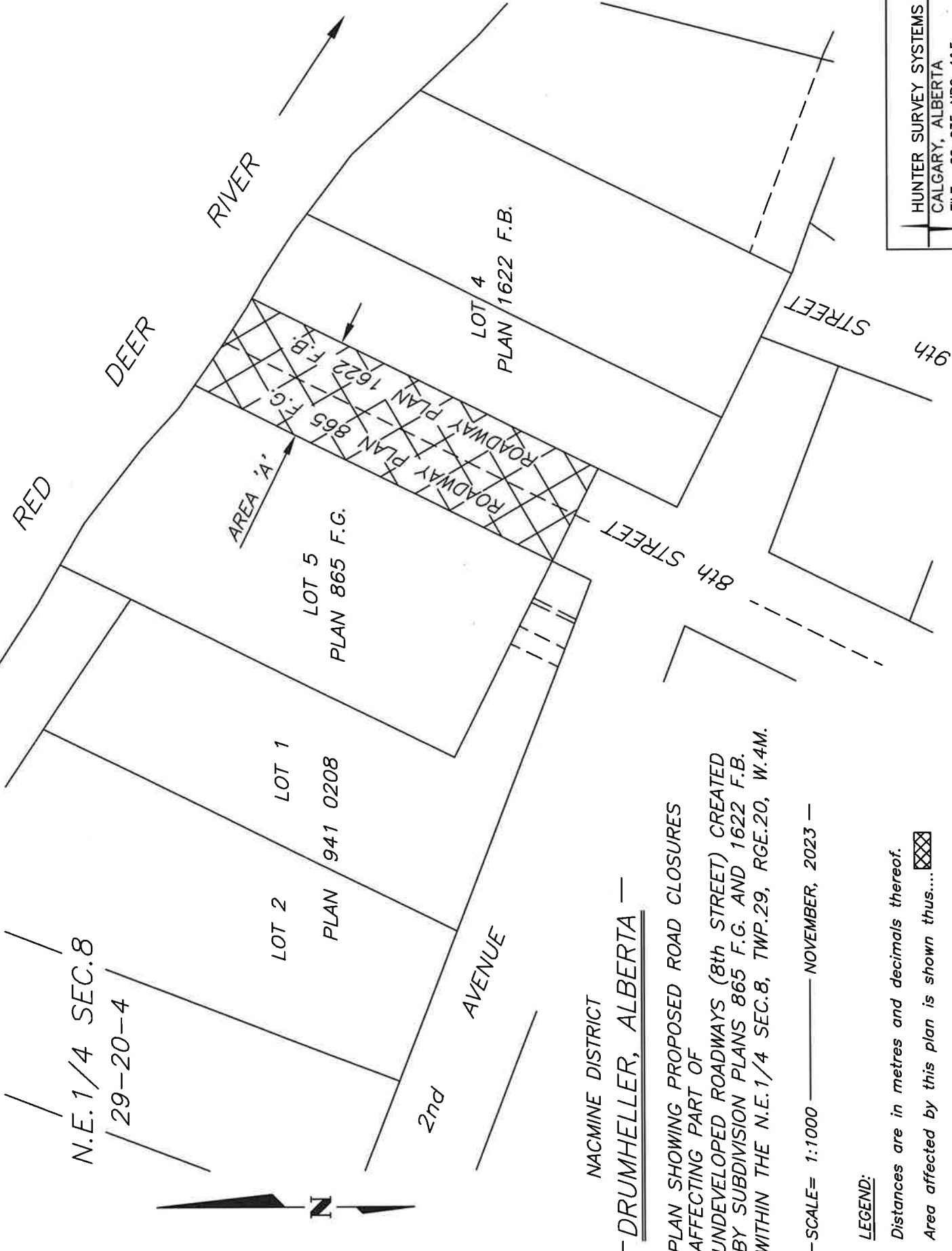

Seal
DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

APPROVED BY: ^{✓ TRANSPORTATION ✓} ALBERTA INFRASTRUCTURE and ECONOMIC CORRIDORS


Seal

MINISTER OF ALBERTA INFRASTRUCTURE AND ECONOMIC CORRIDORS
^{TRANSPORTATION}
ROOM 425, LEGISLATIVE BUILDING,
10800 97TH. AVENUE, EDMONTON, ALBERTA. T5K 2B6





N.E.1/4 SEC.8
29-20-4

LOT 1
PLAN 941 0208

LOT 5
PLAN 865 F.G.

LOT 4
PLAN 1622 F.B.

AREA 'A'

ROADWAY PLAN 865 F.G.

ROADWAY PLAN 1622 F.B.

ROADWAY PLAN 1622 F.B.

2nd AVENUE

8th STREET

9th STREET




NACMINE DISTRICT
— DRUMHELLER, ALBERTA —

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING PART OF
UNDEVELOPED ROADWAYS (8th STREET) CREATED
BY SUBDIVISION PLANS 865 F.G. AND 1622 F.B.
WITHIN THE N.E.1/4 SEC.8, TWP.29, RGE.20, W.4M.

— SCALE= 1:1000 — NOVEMBER, 2023 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 

REQUEST FOR DECISION

TITLE:	Proposed Nacmine Hunter Drive Road Closure Bylaw 05.24 (2 nd Reading)
DATE:	November 20, 2024.
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Proposed Nacmine Hunter Drive Road Closure Bylaw 05.24 (2 nd Reading)

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. This Bylaw deals with closing the right of way of Hunter Drive east of 958 Hunter Drive (Nacmine sanitary lift station) to facilitate berm placement across the right of way that will tie into Highway 575 to protect the properties at the east end of Nacmine.

Council gave first reading to Bylaw #05.24 on January 8th, 2024 (M2024.06) and held a public hearing on February 5th, 2024. Following the advertising and consultation with third-party interests, Bylaw #05.24 was submitted to Alberta Transportation for review. Due to clerical errors in the provided utility right-of-way agreements, submission to Alberta Transportation was delayed. Now that the signed package has been approved by Alberta Transportation and returned, second and third readings are required to close the roadway.

RECOMMENDATION:

That Council gives second and third reading to Bylaw #05.24 and proceed with the closure of the public right of way.

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 across Hunter Drive to protect the east end of Nacmine.

A new cul-de-sac right of way and road will be created adjacent to 958 Hunter Drive to allow vehicles travelling east bound from 9th Street to turn around and return west bound. The remaining right of way including pavement and the eastern-most access to Hunter Drive will be removed and the area will be landscaped including the restoration of the active transportation trail that currently exists along this portion of Hunter Drive.

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 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. The remaining lands will also be changed to a Public Utility Lot as there are underground utilities that traverse this area.

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:

Once the Bylaw has been passed by Council, the Road Closure will be registered with Land Titles.

MOTION:

That Council give Second Reading to Bylaw #05.24 – Nacmine Hunter Drive Road Closure, as presented.

MOTION:

That Council give Third and Final Reading to Bylaw #05.24 – Nacmine Hunter Drive Road Closure, as presented.

Prepared by:
Mitchell Visser
Manager of Legislative Services

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

TOWN OF DRUMHELLER
BYLAW NUMBER 05.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Nacmine Hunter Dr; Road Closure

THIS IS A BYLAW of the **TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing portions of a developed road and road allowance including an existing approach onto the adjacent South Dinosaur Trail as depicted on:

SCHEDULE – 1 AREA – ‘A’

being portions of Hunter Drive created by Road Plan 453 B.M. and Original Road Allowance created by the Original Township Plan all within the South East Quarter of Section 8 and the South West Quarter of Section 9 and the intervening road allowance 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 has acquired lands adjacent to the lands depicted on Schedule – ‘A’ as part of a flood mitigation project and thus eliminating the need for public street access to the lands adjacent, and

WHEREAS; the Town of Drumheller finds the six properties east of 9th. Street can be adequately served from the existing 9th. Street approach onto the South Dinosaur Trail with a new cul-de-sac to be constructed at the east end of Hunter Drive, and

WHEREAS; the Town of Drumheller takes this opportunity to eliminate a rather dangerous approach to the adjacent South Dinosaur Trail, 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 Wednesday January 17th and again on Wednesday January 24th, 2024 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;

NOW THEREFORE; be it resolved that the COUNCIL of the TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to close portions of Hunter Drive created by Road Plan 453 B.M. and Original Road Allowance created by the Original Township Plan as shown depicted on the attached Schedule – 1, which is more particularly described as:

PLAN

AREA – ‘A’

EXCEPTING THEREOUT ALL MINES AND MINERALS

SHORT TITLE

This Bylaw may be cited as Nacmine Hunter Drive; 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 DRUMHELLER.
this 8th day of JANUARY, 2024.

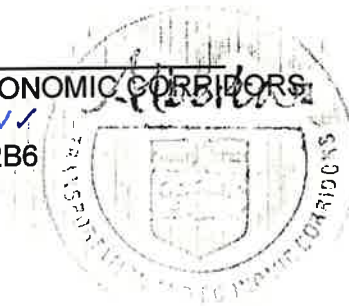

MAYOR: HER WORSHIP, HEATHER COLBERG

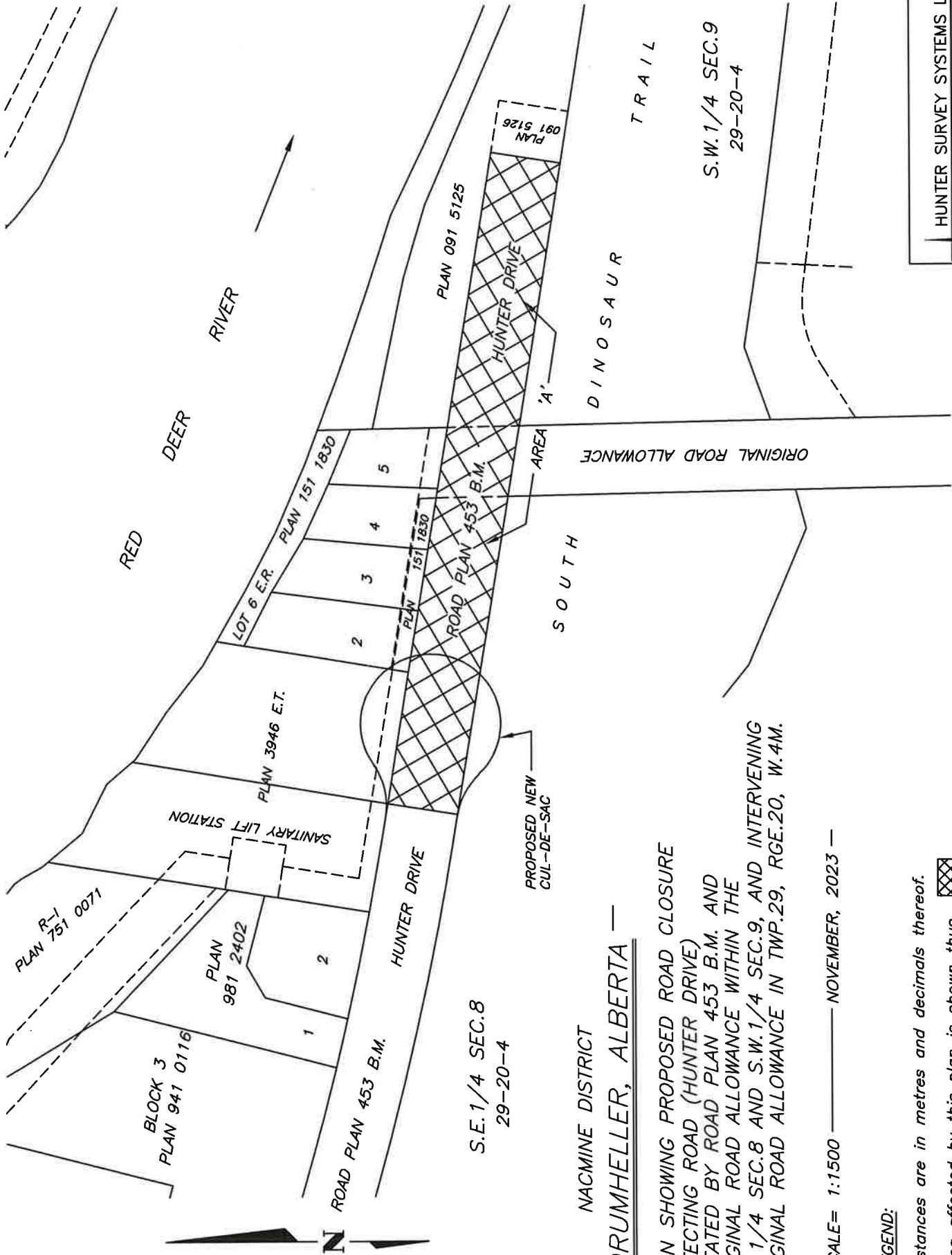



Seal
DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

APPROVED BY: ^{✓ TRANSPORTATION ✓} ALBERTA ~~INFRASTRUCTURE~~ and ECONOMIC CORRIDORS

for 
Seal
MINISTER OF ALBERTA INFRASTRUCTURE AND ECONOMIC CORRIDORS,
ROOM 425, LEGISLATIVE BUILDING, ^{TRANSPORTATION ✓}
10800 97TH. AVENUE, EDMONTON, ALBERTA. T5K 2B6





R-1
PLAN 751 0071

BLOCK 3
PLAN 941 0116

PLAN
981 2402

PLAN 3946 E.T.

SANITARY LIFT STATION

ROAD PLAN 453 B.M.

HUNTER DRIVE

LOT 6 E.R. PLAN 151 1830

2 3 4 5

ROAD PLAN 453 B.M.

PLAN 091 5125

S.E. 1/4 SEC. 8
29-20-4

PROPOSED NEW
CUL-DE-SAC

SOUTH

NACMINE DISTRICT

DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURE
AFFECTING ROAD (HUNTER DRIVE)
CREATED BY ROAD PLAN 453 B.M. AND
ORIGINAL ROAD ALLOWANCE WITHIN THE
S.E. 1/4 SEC. 8 AND S.W. 1/4 SEC. 9, AND INTERVENING
ORIGINAL ROAD ALLOWANCE IN TWP. 29, RGE. 20, W. 4M.

S.W. 1/4 SEC. 9
29-20-4

ORIGINAL ROAD ALLOWANCE

DINOSAUR
TRAIL

—SCALE= 1:1500 — NOVEMBER, 2023 —

LEGEND:

Distances are in metres and decimals thereof.

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

REQUEST FOR DECISION

TITLE:	Bylaw #39.24 – Revision of Bylaw #21.24
DATE:	November 20, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	Bylaw #39.24 – Amending Bylaw for Bylaw #21.24 Bylaw #21.24 – Midland ER 2 Bylaw #21.24 – Midland ER 2 (Amended)

SUMMARY:

Bylaw #21.24 passed third and final reading on July 8th, 2024 (M2024.231). Bylaw #21.24 converted three (3) lots owned by the Town into a single Environmental Reserve (ER) Lot. As part of the funding agreement with the Province of Alberta and the Government of Canada, land acquired for the flood mitigation project must be dedicated as either Environmental Reserves (ERs), Public Utility Lots (PULs) or another designation satisfactory to the Province.

Since passing Bylaw #21.24, it was determined that this ER should be expanded to include additional land that was acquired for the construction of the berm, including:

- a) a portion of land from a Gas Regulator Site, now occupied by the berm; and,
- b) a portion of land from a neighbouring property owner, since purchased by the Town.

Amending Bylaw #39.24 is intended to amend Bylaw #21.24 to replace the attached Schedule “A” with an updated Schedule “A” that reflects the addition of the aforementioned parcels.

Once the amendments to Bylaw #21.24 are passed, the amended Bylaw #21.24 will be registered with land titles.

RECOMMENDATION:

That Council pass all three readings of Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

DISCUSSION:

N/A

FINANCIAL IMPACT:

Administrative costs with amending Bylaw #21.24

STRATEGIC POLICY ALIGNMENT:

N/A

COMMUNICATION STRATEGY:

Once passed, the Town will register Bylaw #21.24 with Land Titles. As this is an Administrative Bylaw, notice will not be provided to the general public.

MOTION:

Moves that Council gives first reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

MOTION:

Moves that Council gives second reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

MOTION:

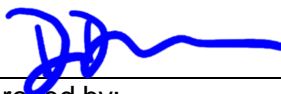
Moves that Council give unanimous consent for third reading of Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.

MOTION:

Moves that Council gives third and final reading to Bylaw #39.24 – Amending Bylaw for Bylaw #21.24.



Prepared by:
Mitchell Visser
Manager of Legislative Services



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 39.24
DEPARTMENT: FLOOD MITIGATION**

Amending Bylaw for Bylaw #21.24

A BYLAW IN THE TOWN OF DRUMHELLER TO PROVIDE FOR THE AMENDMENT OF
BYLAW #21.24, A BYLAW TO CREATE AN ENVIRONMENTAL RESERVE LOT

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;

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; the Council of the Town of Drumheller enacted Bylaw #21.24 to create an Environmental Reserve Lot, in accordance with the aforementioned agreement;

AND WHEREAS; The Town deems it desirable to amend Bylaw #21.24 in accordance with section 191 of the *Municipal Government Act*, in order to increase the size of the Environmental Reserve Lot;

NOW THEREFORE, the Town of Drumheller, in the Province of Alberta, hereby enacts as follows:

1. SHORT NAME

This Bylaw shall be cited as “Amending Bylaw for Bylaw #21.24.”

2. AMENDMENTS

2.1 The following changes shall be applied to Bylaw #21.24:

- a) Schedule “A” of Bylaw #21.24 is hereby replaced with the attached Schedule A, which forms part of this amending bylaw.

3. TRANSITIONAL

3.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

READ A FIRST TIME THIS 21st DAY OF NOVEMBER, 2024

READ A SECOND TIME THIS 21st DAY OF NOVEMBER, 2024

READ A THIRD AND FINAL TIME THIS 21st DAY OF NOVEMBER, 2024

HEATHER COLBERG, MAYOR

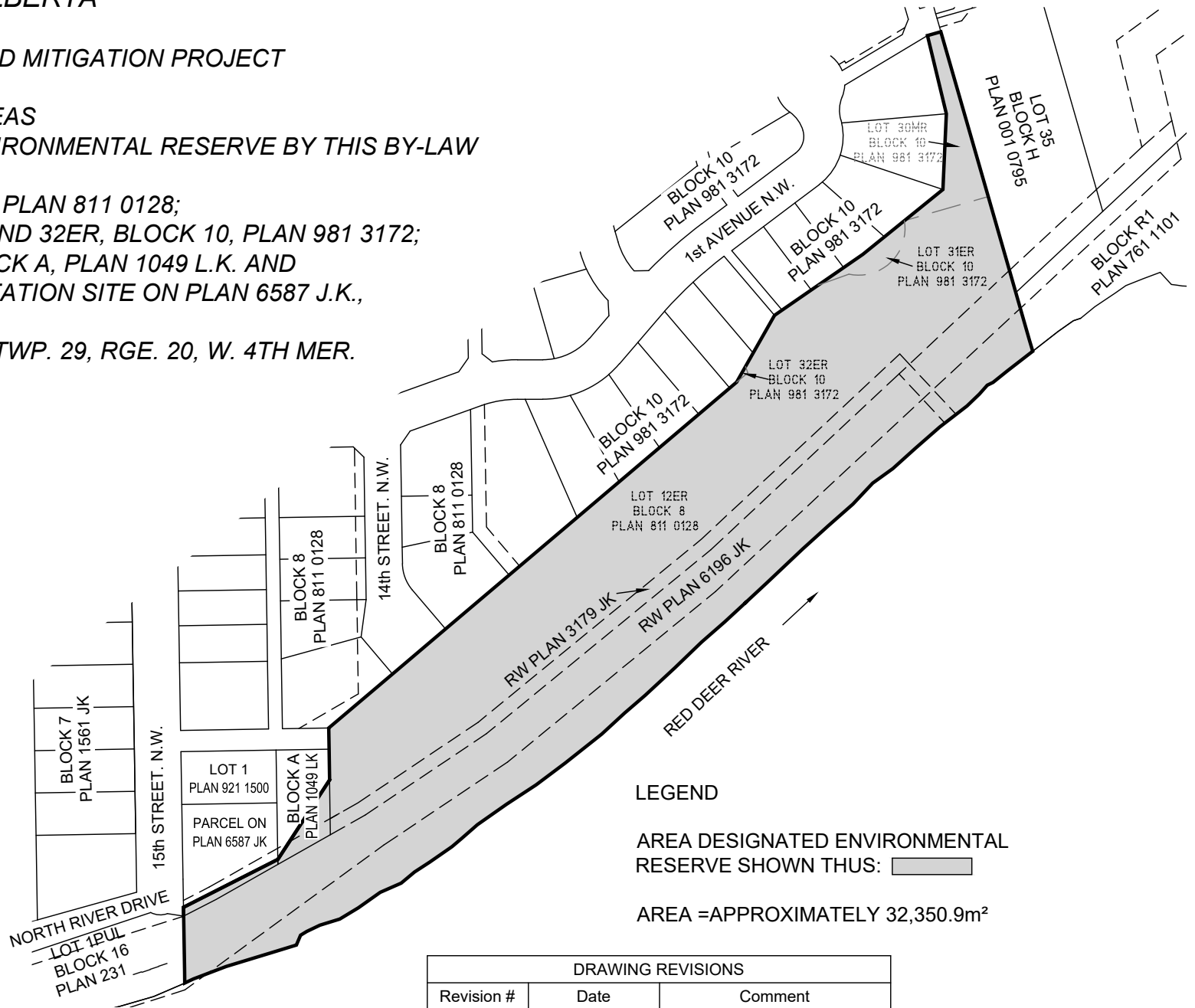
DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

MIDLAND DISTRICT
 DRUMHELLER, ALBERTA

SCHEDULE 'A'

DRUMHELLER FLOOD MITIGATION PROJECT

PLAN SHOWING AREAS
 DEDICATED AS ENVIRONMENTAL RESERVE BY THIS BY-LAW
 AFFECTING ALL OF
 LOT 12ER, BLOCK 8, PLAN 811 0128;
 LOTS 30MR, 31ER, AND 32ER, BLOCK 10, PLAN 981 3172;
 AND PARTS OF BLOCK A, PLAN 1049 L.K. AND
 THE REGULATOR STATION SITE ON PLAN 6587 J.K.,
 WITHIN
 THE W. 1/2 SEC. 10, TWP. 29, RGE. 20, W. 4TH MER.

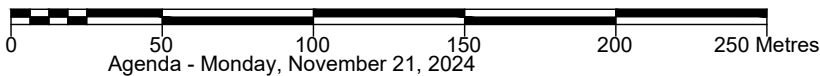


LEGEND

AREA DESIGNATED ENVIRONMENTAL RESERVE SHOWN THUS:

AREA = APPROXIMATELY 32,350.9m²

SCALE 1:2500



Agenda - Monday, November 21, 2024

DRAWING REVISIONS

Revision #	Date	Comment
0	2023-12-11	Original Issue
1	2024-11-07	Additional Area Added

HUNTER SURVEYS SYSTEM LTD.
 CALGARY, ALBERTA
 FILE: 20-035 (MIDLAND DISTRICT)

TOWN OF DRUMHELLER
BYLAW NUMBER 21.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Midland E.R 2

THIS IS A BYLAW OF THE TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of creating ~~an~~ ^{an} Environmental Reserve Lot to provide for the operation and maintenance of a flood mitigation berm and appurtenances thereto and holding title to same in the name of the TOWN OF DRUMHELLER pursuant to Section 665 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: 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;

NOW THEREFORE; be it resolved that THE COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta does hereby enact to create an Environmental Reserve Lot depicted on the attached Schedule – ‘A’ and more particularly described as:

PLAN
BLOCK 16
LOT 2 E.R. (ENVIRONMENTAL RESERVE LOT)

EXCEPTING THEREOUT ALL MINES AND MINERALS

and obtain and hold title to same in the name of the TOWN OF DRUMHELLER a Municipal Body Corporate with a mailing address of: 224 Centre Street, Drumheller, Alberta T0J 0Y4

SHORT TITLE

This Bylaw may be cited as “Midland ER 2”

TRANSITIONAL

This Bylaw takes effect on the day it is registered in the Land Titles Office.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS 8th DAY OF July, 2024.


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 8th DAY OF July, 2024.


MAYOR: HEATHER COLBERG


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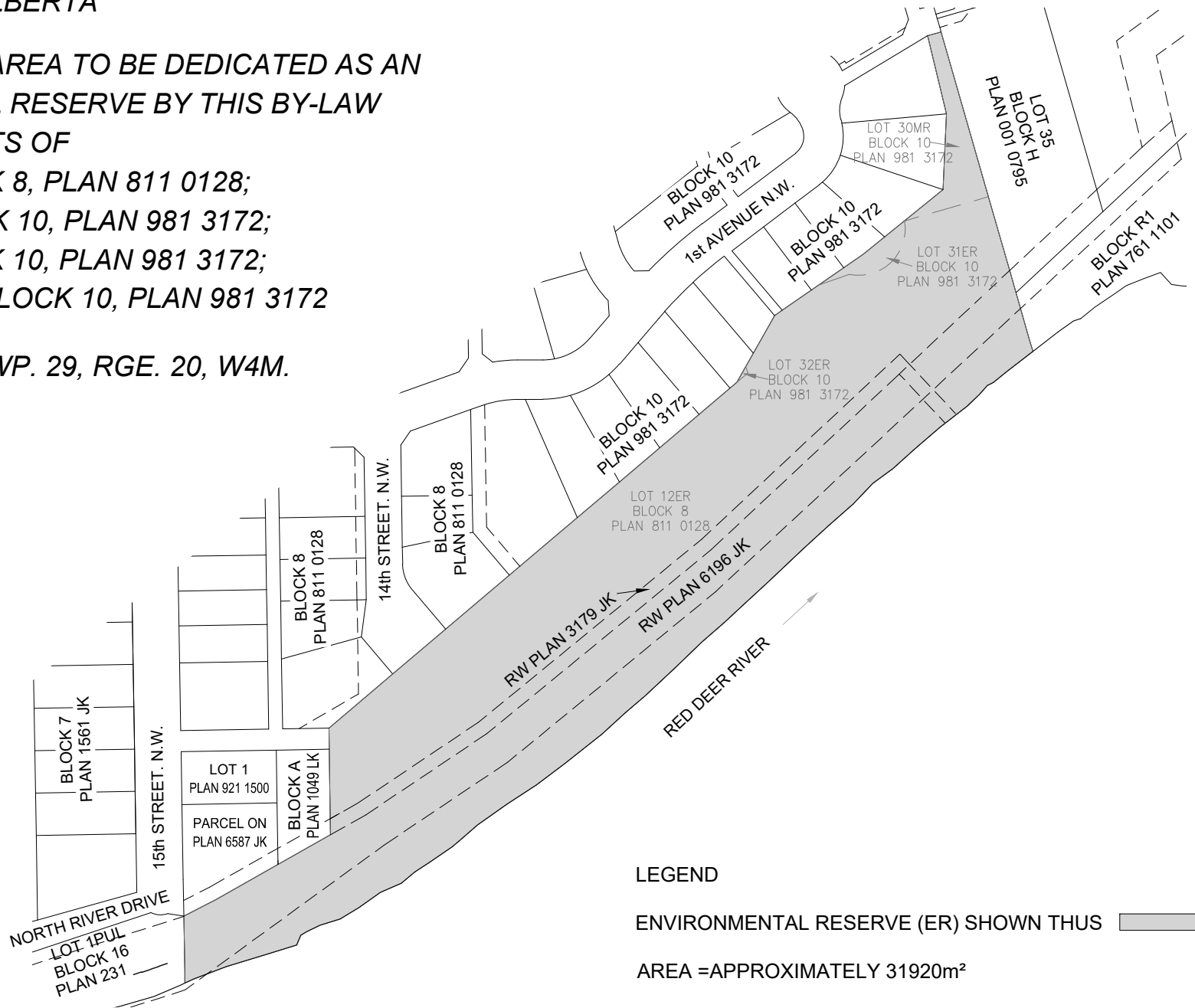
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CHIEF ADMINISTRATIVE OFFICER



DRUMHELLER, ALBERTA
 MIDLAND DISTRICT
 PLAN SHOWING AREA TO BE DEDICATED AS AN
 ENVIRONMENTAL RESERVE BY THIS BY-LAW
 AFFECTING PARTS OF
 LOT 12ER, BLOCK 8, PLAN 811 0128;
 LOT 30MR, BLOCK 10, PLAN 981 3172;
 LOT 31ER, BLOCK 10, PLAN 981 3172;
 AND LOT 32ER, BLOCK 10, PLAN 981 3172
 WITHIN THE
 W. 1/2 SEC. 10, TWP. 29, RGE. 20, W4M.



LEGEND

ENVIRONMENTAL RESERVE (ER) SHOWN THUS 

AREA = APPROXIMATELY 31920m²

SCALE 1:2500



TOWN OF DRUMHELLER
BYLAW NUMBER 21.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

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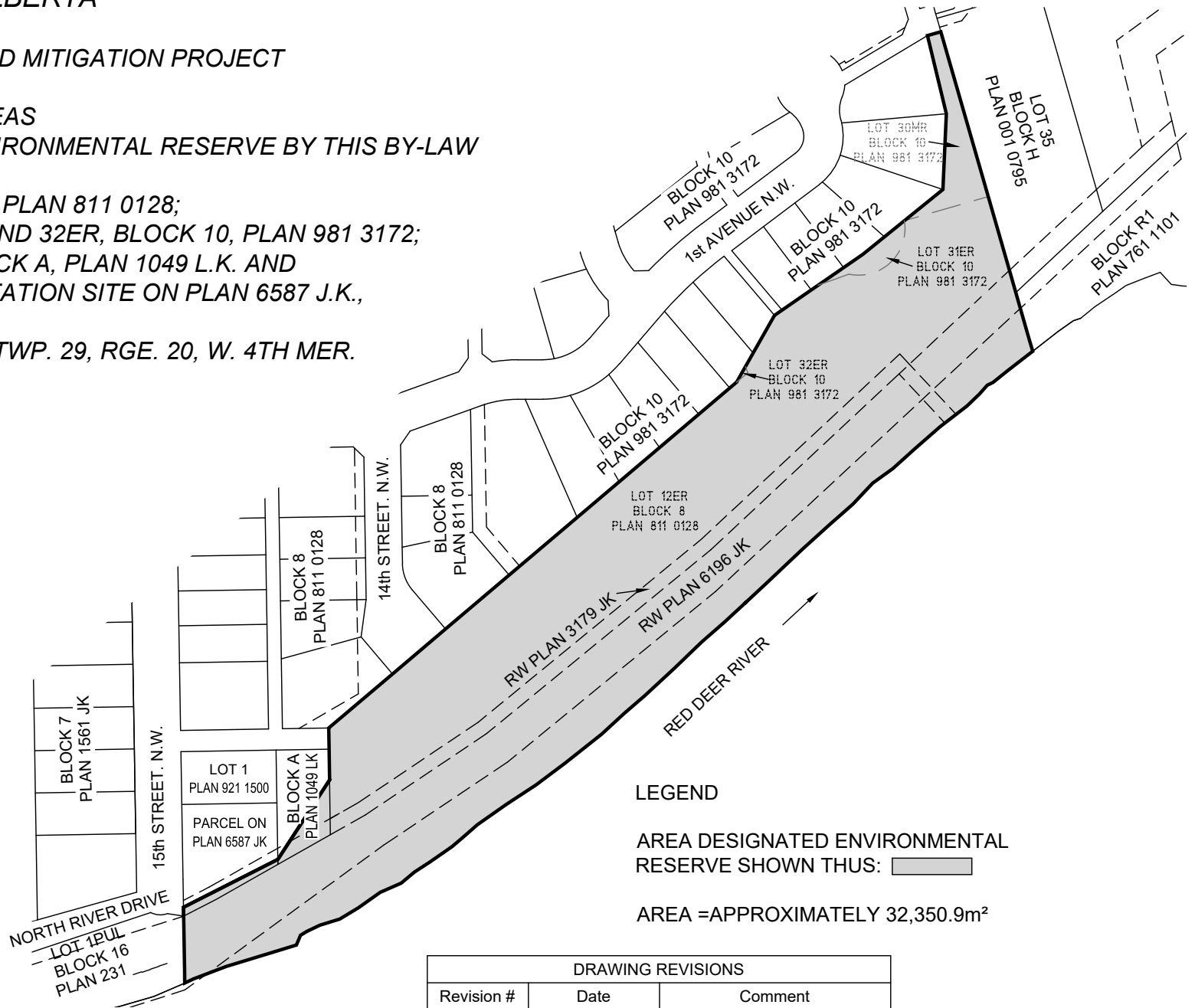


MIDLAND DISTRICT
 DRUMHELLER, ALBERTA

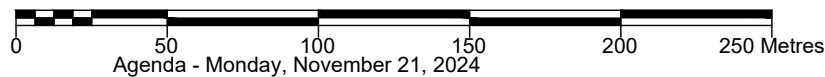
SCHEDULE 'A'

DRUMHELLER FLOOD MITIGATION PROJECT

PLAN SHOWING AREAS
 DEDICATED AS ENVIRONMENTAL RESERVE BY THIS BY-LAW
 AFFECTING ALL OF
 LOT 12ER, BLOCK 8, PLAN 811 0128;
 LOTS 30MR, 31ER, AND 32ER, BLOCK 10, PLAN 981 3172;
 AND PARTS OF BLOCK A, PLAN 1049 L.K. AND
 THE REGULATOR STATION SITE ON PLAN 6587 J.K.,
 WITHIN
 THE W. 1/2 SEC. 10, TWP. 29, RGE. 20, W. 4TH MER.



SCALE 1:2500



Agenda - Monday, November 21, 2024

LEGEND

AREA DESIGNATED ENVIRONMENTAL RESERVE SHOWN THUS:

AREA = APPROXIMATELY 32,350.9m²

DRAWING REVISIONS		
Revision #	Date	Comment
0	2023-12-11	Original Issue
1	2024-11-07	Additional Area Added

HUNTER SURVEYS SYSTEM LTD.
 CALGARY, ALBERTA
 FILE: 20-035 (MIDLAND DISTRICT)

BRIEFING NOTE

TITLE:	Briefing Note – Urban Forest Implementation and Management Report
DATE:	November 12, 2024
PRESENTED BY:	Spencer Robertson, Project Engineer; Mike Leung, Green Drop Ltd.
ATTACHMENTS:	Presentation – Urban Forest Report Summary

SUMMARY:

It has been 3 years since the Flood Office prepared the “Drumheller Valley – Preserving and Enhancing the Urban Forest: Standards & Techniques” document. This document outlines the definition of the urban forest and provides the primary objectives, outcome-based guidelines, suitable plant species, planting replacement targets and construction practices for the landscaping work related both to the flood mitigation program and to the overall Town. The Flood Office has since identified some gaps and areas that required further consideration. As such, Green Drop Ltd. was hired through an RFP process to develop an implementation plan, building off the previous Urban Forest document, that seeks to provide more specific details on planting locations, plant species, maintenance requirements and mapping data sets of existing vegetation in the Drumheller valley. This briefing note is for the DRAFT report that has been prepared by Green Drop Ltd.

BACKGROUND:

As part of the flood mitigation works, the Flood Office has committed to a 5:1 replacement strategy for healthy trees that are removed for the construction of permanent flood mitigation infrastructure. In 2021, the Flood Office prepared an Urban Forestry guidance document to help ensure that any landscaping associated with public lands makes positive contributions ecologically and aesthetically to growth and economic prosperity. The Flood Office and Town of Drumheller has recognized the need for a supplement to this strategy to identify suitable planting locations throughout the valley, seek public input on priority planting areas, assess the viability of the identified areas for successful planting based on site conditions and the Town’s ability to complete long term maintenance and to prepare a prioritized plan suitable for public release, to document the priority planting areas. Green Drop Ltd. was hired through the RFP process in February 2024 to develop an Urban Forest Implementation and Management Plan report as well as prepare PDF and GIS maps for the Town of Drumheller.

The contents of the Urban Forest Implementation and Management Plan are as follows:

Existing Conditions

This section of the report provides a description of the challenges for planting and maintaining vegetation in the Drumheller Valley. This includes the existing climate as well as potential future climate change. Recommendations are provided on how to best select species to improve survivability for now and into the future. The report also reviews the establishment of recently planted vegetation and provides recommendations on planting techniques, tree protection and watering methods. Maintenance recommendations are also provided and the suggestion of developing a comprehensive tree inventory to support long term planning and asset tracking.

Public Consultation

A detailed survey was prepared to gather public input on the priority of 11 proposed planting locations and to provide residents with an opportunity to make general comments and suggest their own planting locations. The survey was published on-line and hard copies were also provided. A total of 97 responses were received from the public as well as additional input from local community associations and institutions. The results from the survey were analyzed to determine the priority for each proposed location, additional plantings locations and the general comments and concerns.

Priority and Recommendations

In this section, the proposed planting location were prioritized based on the survey results and summarized into maps. Each location is given a priority number and description of the habitat, constraints and a list of proposed species. These maps can be used by the Town to determine future planting locations and species selection. The results from this section will also be provided to the Town in a GIS format.

Potential Funding Programs and Collaboration

This section goes over potential funding opportunities for the Town of Drumheller to support the Urban Forest Management Plan. The two grants highlighted are the Green Municipal Fund and the Tree Canada Tremendous Communities Grant. Details and action steps are provided for each grant. Partnership with the International Society of Arboriculture – Prairie Chapter (ISAPC) is also recommended. Partnership activities could include workshops and educational seminars for residents as well as an initiative to supply residents with discounted trees to encourage private tree planting.

Budget Recommendation

The report also provides a recommended long-term annual budget required to support the Urban Forest Management plan. This includes watering and maintenance, planning of new trees and outreach and education. This budget will help the Town allocate the appropriate funds for the maintenance of the Urban Forest as well as prepare grant applications to help cover the on-going costs.

Discussion:

There are several recommendations provided in the report that should be discussed and considered for implementation by the Town of Drumheller. Here are a few key points from the report:

- Training to improve maintenance techniques and practices for newly planted and existing vegetation
- Develop a comprehensive Tree Inventory in GIS to facilitate proactive planning for pruning, pest control and tree replacement.
- Implement a proactive maintenance program to conduct regular inspections and monitor tree health and identify issues early on.
- Apply for more grants for urban tree planting and maintenance and community programs.

- Create an annual budget to cover the costs of implementing the Urban Forest Management Plan.
- Partner with ISAPC to deliver a private tree planting programs and other community workshops and education seminars.
- Town should consider hiring a full time arborist to address education and tree pruning requirements for new and established trees.
- Consider upgrading town equipment for effective tree maintenance.

FINANCIAL IMPACT:

Funding for the Urban Forest Implementation & Management Plan is covered by Town of Drumheller’s approved 2024 capital budget. The overall cost for the works is \$68,800.00.

Included in the Urban Forest Report is an approximate budget for the ongoing implementation of the Urban Forest Pan. This is a starting point to provide discussion on potential future costs associated with increased tree plantings. The details of the budget are as follows:

- Water and Maintenance: \$25k/year (100 trees and 50 shrubs)
- GIS monitoring Program: \$1300/year
- GIS Tree Inventory: \$18,000
- New Tree Planting: \$55k (100 trees and 50 shrubs)
- Community Outreach: \$20k (re-leaf program and arbor day)

COMMUNICATION STRATEGY:

The Urban Forest Management Plan will be a public document once it is finalized. The document can be hosted on the Town website as well as the Flood Program website. Social media posts will be prepared to let residents know where they can access the report.



Prepared by:
Spencer Robertson
Flood Program Engineer



Reviewed by:
Jared Brounstein
Director of Infrastructure



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

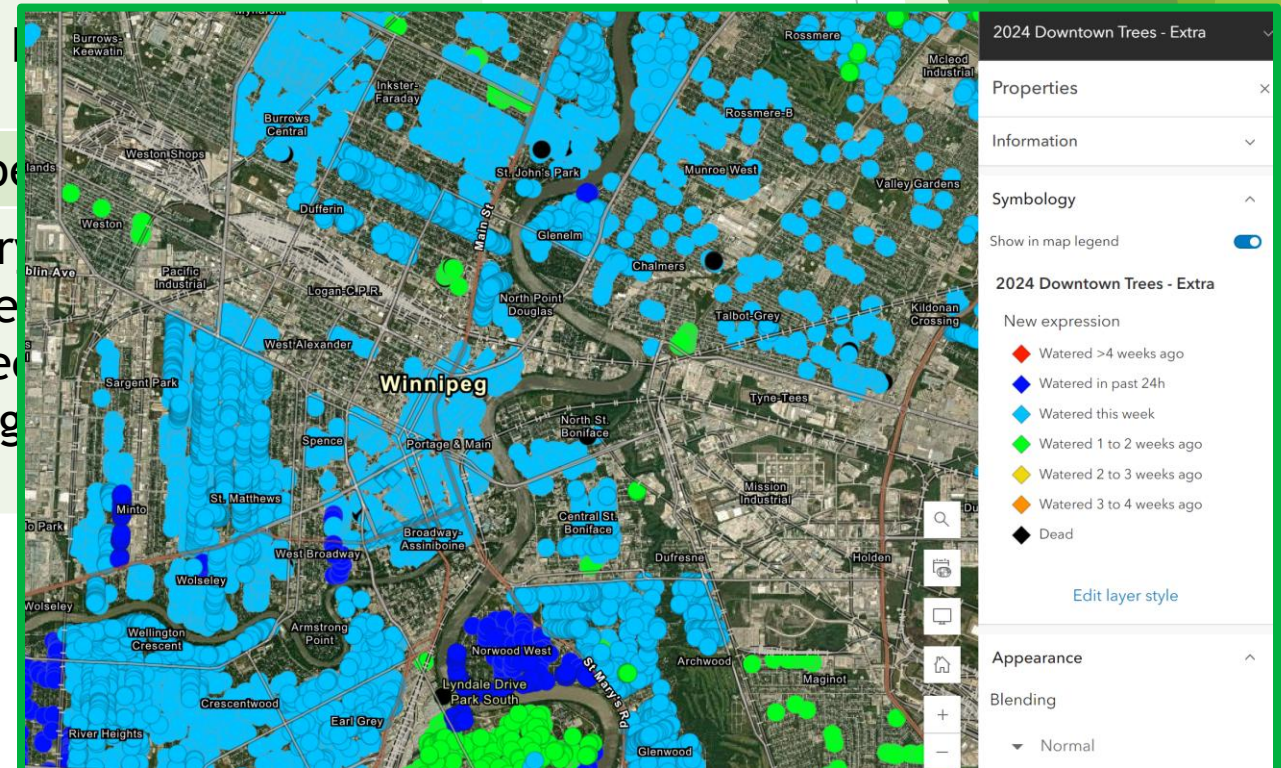
Urban Forest Implementation and Management Plan For the Town of Drumheller



By Green Drop - Trees
Presenter: Mike Leung and Matt Vinet
Nov 21, 2024

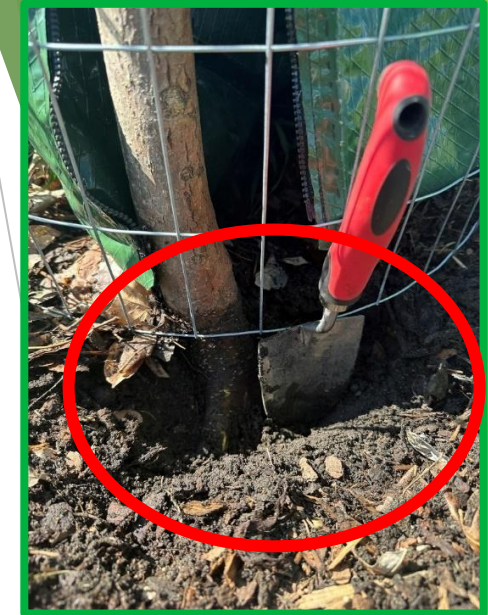
Challenges and Recommendations

Challenges	Recommendations
Limited Rainfall Soil	<ul style="list-style-type: none"> Consider GIS watering tracking Species selection 2 years maintenance period
Animal (Deers, Beavers) damage	<ul style="list-style-type: none"> Higher tree
Planted too deep	<ul style="list-style-type: none"> Arborist sup
Climate change	<ul style="list-style-type: none"> GIS Inventor Risk manage Species sele Public Engag



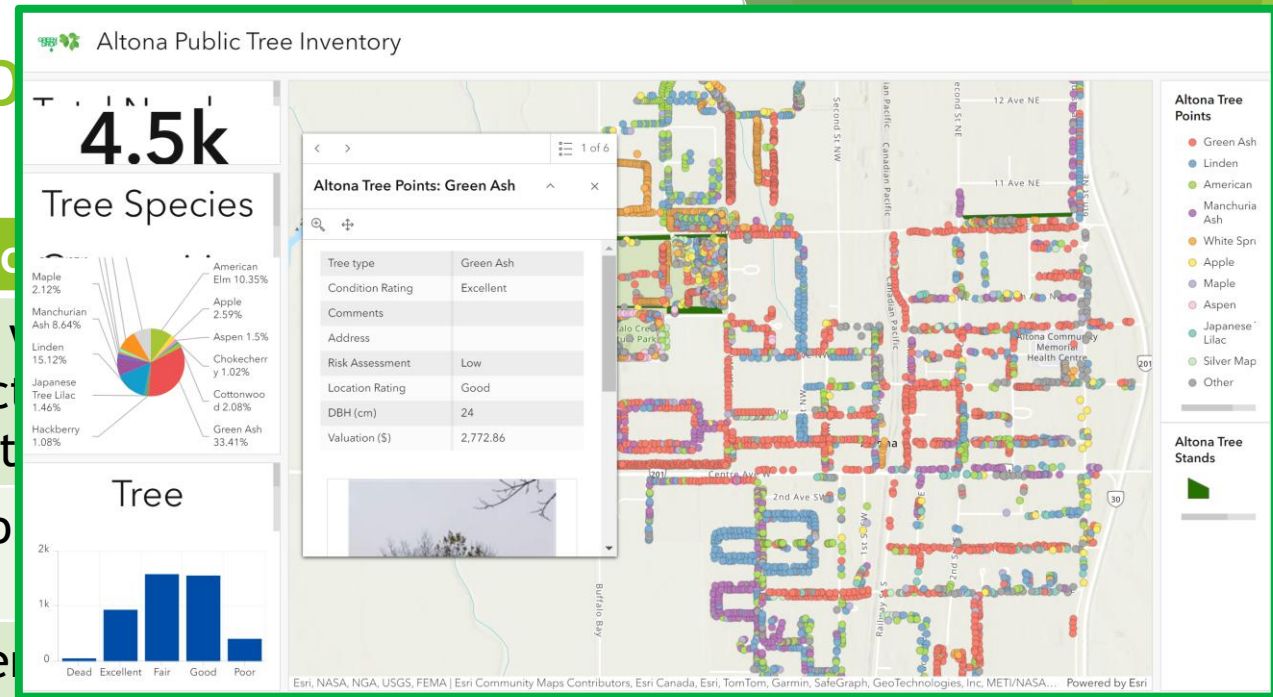
Challenges and Recommendations

Challenges	Recommendations
Limited Rainfall Soil	<ul style="list-style-type: none"> • Consider GIS watering tracking • Species selection • 2 years maintenance period
Animal (Deers, Beavers) damage	<ul style="list-style-type: none"> • Higher tree protection fence
Planted too deep	<ul style="list-style-type: none"> • Arborist supervision
Climate change	<ul style="list-style-type: none"> • GIS Inventory • Risk management • Species selection • Public Engagement



Challenges and Recommendations

Challenges	Recommendations
Limited Rainfall Soil	<ul style="list-style-type: none"> Consider GIS Species selection 2 years maintenance
Animal (Deers, Beavers) damage	<ul style="list-style-type: none"> Higher tree protection
Planted too deep	<ul style="list-style-type: none"> Arborist supervision
Climate change	<ul style="list-style-type: none"> GIS Inventory Risk management Species selection Public Engagement



Public Consultation - Background

Drumheller Tree Planting Public Consultation Survey



Welcome to the Town of Drumheller's Urban Forest Survey!

Green Drop Trees has been entrusted with the development of an Urban Forest Implementation and Management Plan for our beautiful town. One of our key tasks is to identify ideal locations for planting new trees and shrubs, and we need your valuable input!

Our team has conducted thorough site assessments and pinpointed several promising planting spots. However, your insights are crucial in ensuring we make the best decisions for our community's green spaces.

Species will be chosen from the species list in the Drumheller Urban Forest Plan.

We invite you to participate in this survey to share your thoughts on the proposed locations and suggest other areas that you believe would benefit from new plantings. Together, we can enhance the beauty and health of Drumheller's urban forest!

#We have noted that some users experience difficulties loading the map with the Safari browser. Please try using an alternative browser or fill out the paper forms available at the community centers.

This survey period is from July 5th to Aug 19th 2024.

- ▶ July to Mid Aug 2024
- ▶ Promoted in radio, newspaper, and social media
- ▶ On-line and Paper forms
- ▶ Identified 11 sites
- ▶ Priority ranking and general comments

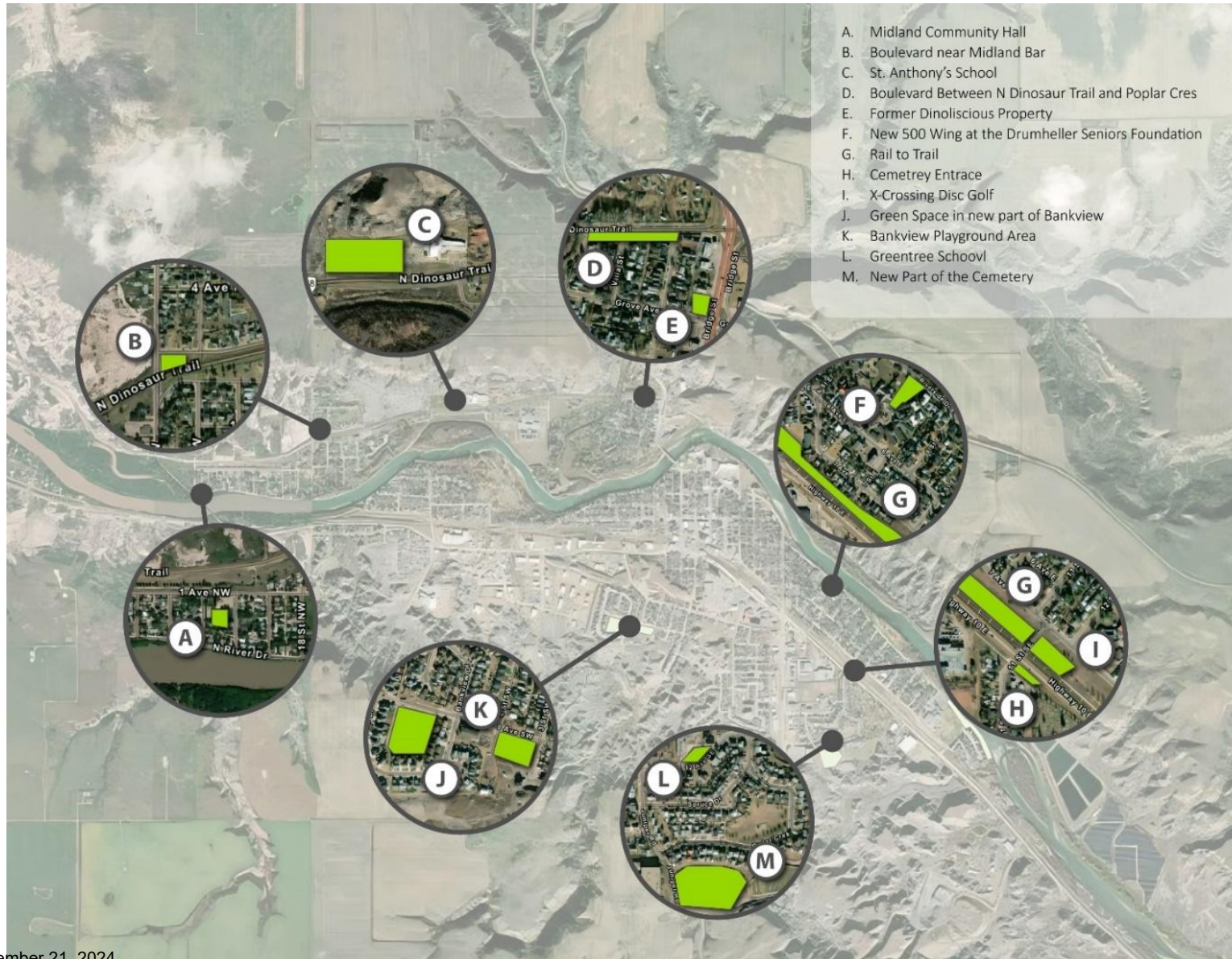
Public Consultation - Result

- ▶ 94 online response
- ▶ 3 valid paper forms (8 duplicated forms)
- ▶ **Summary of Findings**
 - **Community Support:**
 - Strong desire for more trees and shrubs
 - In frequently used areas of the town.
 - **Newly Identified Sites:**
 - Rail to Trail pathway system
 - X-Crossing Disc Golf area
 - **Collaborative Opportunities:**
 - Engage school and community associations

Priority and Recommendations

Tree			
Common Name	Species Name	Native/ Exotic	Remarks
American Elm	Ulmus americana	Native	
Amur Cherry	Prunus maackii	Exotic	
Amur Maple	Acer ginnala	Exotic	
Balsam Poplar	Populus balsamifera	Native	plant only male trees
Blue Spruce	Picea pungens	Native	
Chokecherry	Prunus virginiana	Native	
Cottonwood (Eastern)	Populus deltoides	Native	plant only male trees
Green Ash	Fraxinus pennsylvanica	Native	
Laurel Leaf Willow	Salix pentandra	Exotic	
Ohio Buckeye	Aesculus glabra	Native	
Schubert Chokecherry	Prunus virginiana "Schubert"	Native	
Scots Pine	Pinus sylvestris	Exotic	
Trembling Aspen	Populus tremuloides	Native	
White Spruce	Picea glauca	Native	
Shrub			
Common Name	Species Name	Native/ Exotic	Remarks
Bebb Willow	Salix bebbiana	Native	
Cotoneaster	Cotoneaster lucidus	Exotic	
Dogwood	Cornus stolonifera/ Cornus sericea	Native	
Ninebark	Physocarpus opulifolius spp	Native	
Saskatoon	Amelanchier alnifolia	Native	
Silver Buffaloberry	Shepherdia argentea	Native	
Wolf Willow	Elaeagnus commutata	Native	
Wagtails	Rosa woodsii	Native	

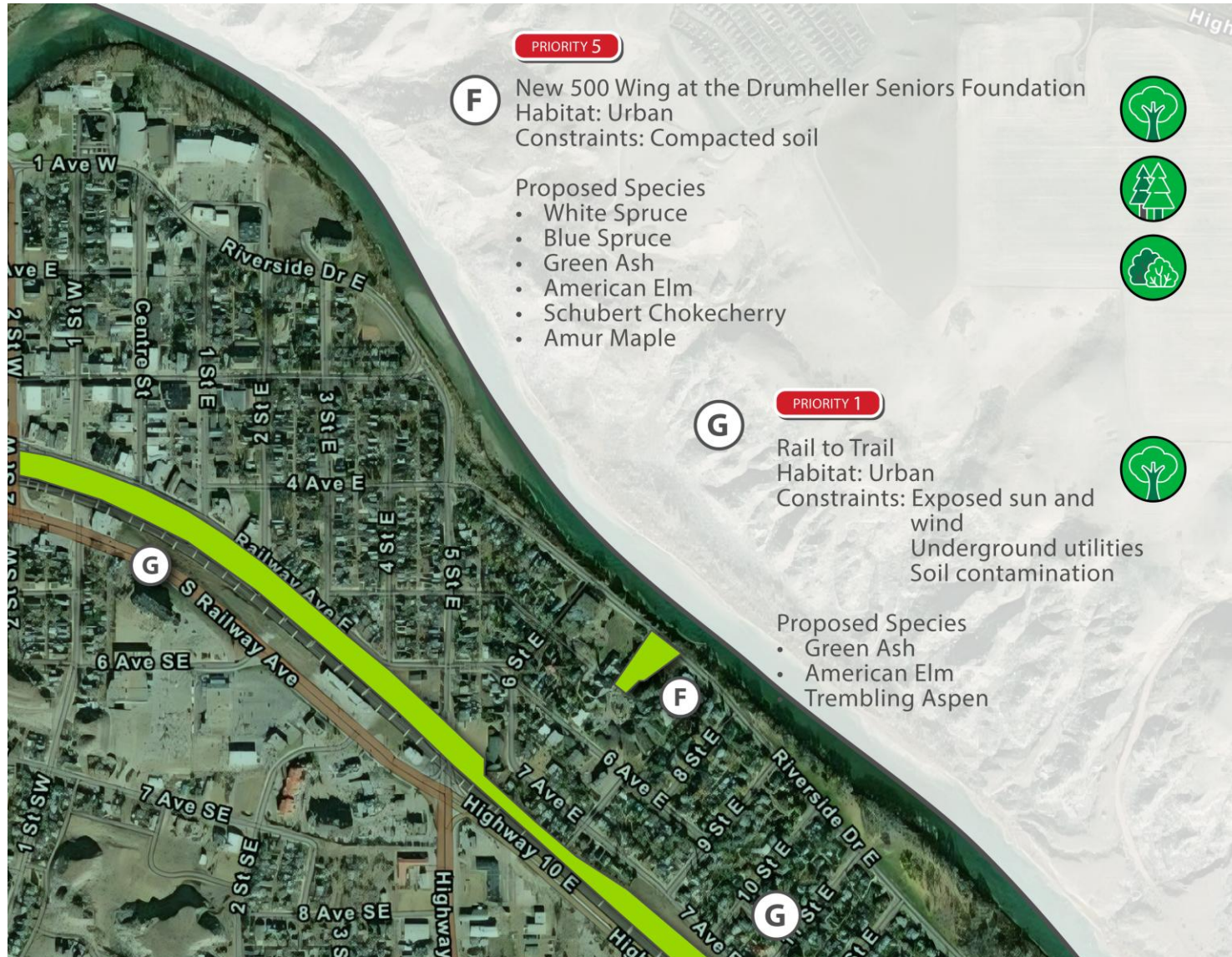
Priority and Recommendations






Priority and Recommendations



Priority and Recommendations






Legends:

-  Deciduous
-  Evergreens
-  Shrubs

Priority and Recommendations



Legends:

-  Deciduous
-  Evergreens
-  Shrubs



Fundings & Collaborations

- ▶ Green Municipal Fund (GMF)
 - ▶ \$10 millions per project
 - ▶ 50% matching fund
 - ▶ Municipalities - Flood Office, Park Department
- ▶ Tree Canada - Tremendous Communities Grant
 - ▶ \$10,000 per project
 - ▶ Municipalities, Schools and Community Associations
- ▶ Tree Canada - Greening Canada's School Grounds
 - ▶ \$10,000 per project
- ▶ International Society of Arboriculture - Prairie Chapter (ISAPC)
 - ▶ Non-profit organisation
 - ▶ Releaf
 - ▶ Arbor Day

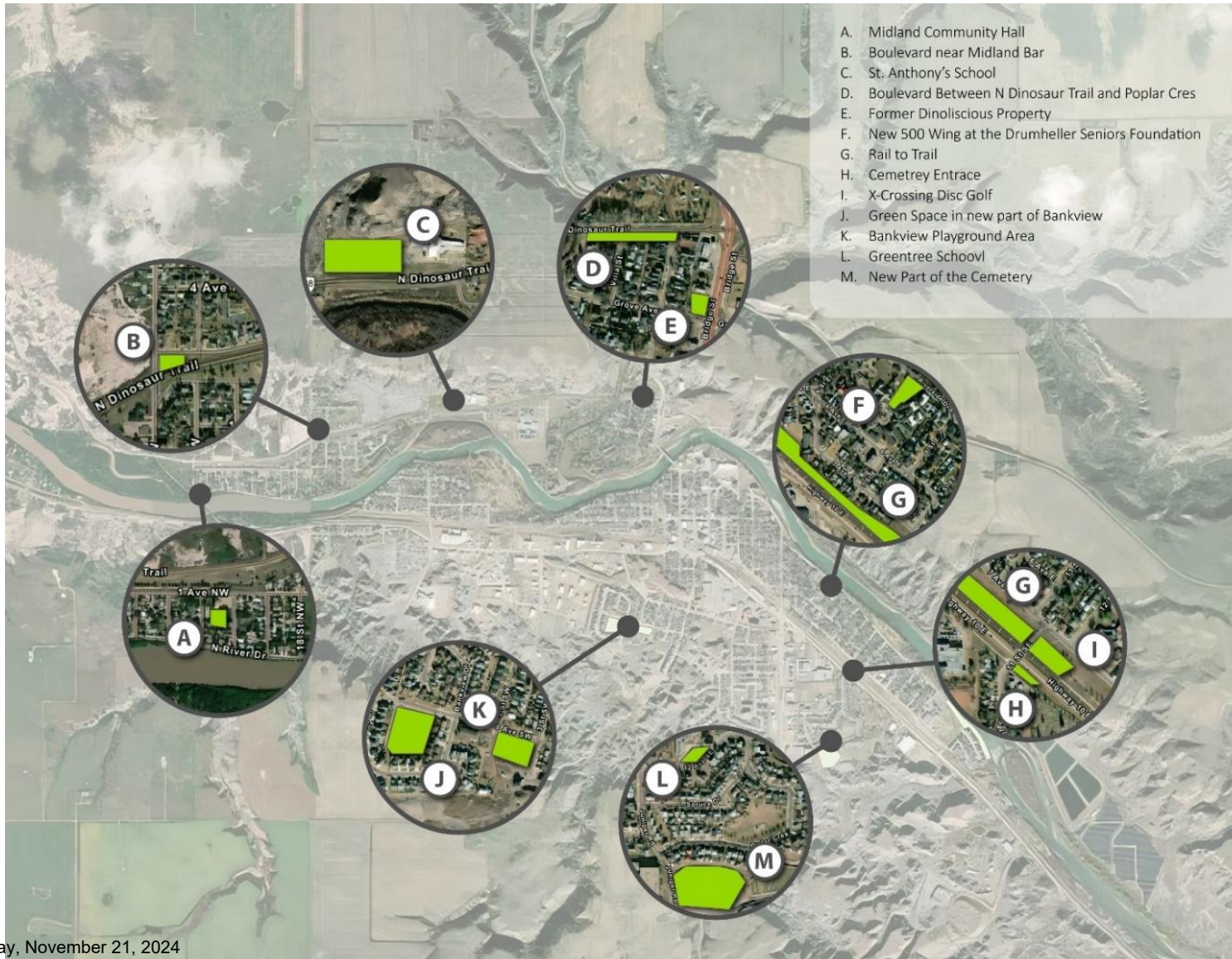
Budgets

Item	Cost	Funding Source/Collaboration
Watering and Maintenance (2 years)	\$25,000/ year (Assume \$200/tree/year, \$100/shrub/year 100 trees and 50 shrubs in total)	Could be subsidized by GMF/ Tree Canada if it is part of the planting project
GIS monitoring programme	\$1300/year (1 basic account)	
GIS Tree Inventory	\$18,000	
New Tree Planting	\$55, 000 (Assume \$500/tree, \$100/ shrub, 100 trees and 50 shrubs in total)	GMF - 10 million (50% pair up) per project Tree Canada - Tremendous Communities - 10,000 per project
Community Outreach (scale dependent)	-Re-leaf programme \$10,000 -Arbor Day \$10,000 -School Education Program staff cost not included)	ISA PC - technical support - volunteer recruitment Tree Canada - Tremendous Communities - \$10,000 per project Tree Canada - Greening Canada's School Grounds - \$10,000

Thank you

Site	Name	Priorty	Remarks
A	Midland Community Hall	N/A	Not included in the survey
B	Boulevard near Midland Bar	9	
C	St. Anthony's School	N/A	Not included in the survey
D	Boulevard Between N Dinosaur Trail and Poplar Cres	6	
E	Former Dinoliscious Property	4	
F	New 500 Wing at the Drumheller Seniors Foundation	5	
G	Rail to Trail	1	Proposed by multiple respondents from the survey
H	Cemetery Entrance	8	
I	X-Crossing Disc Golf	10	Proposed by respondents from the survey
J	Green Space in new part of Bankview	3	
K	Bankview Playground Area	2	
L	Greentree School	N/A	Not included in the survey
M	New Part of the Cemetery	7	
N	Rosedale Floodway Buyout Rehabilitation Zone	11	
O	Lehigh Floodway Buyout Rehabilitation Zone	12	
P	East Coulee Near Water Fill Station	13	

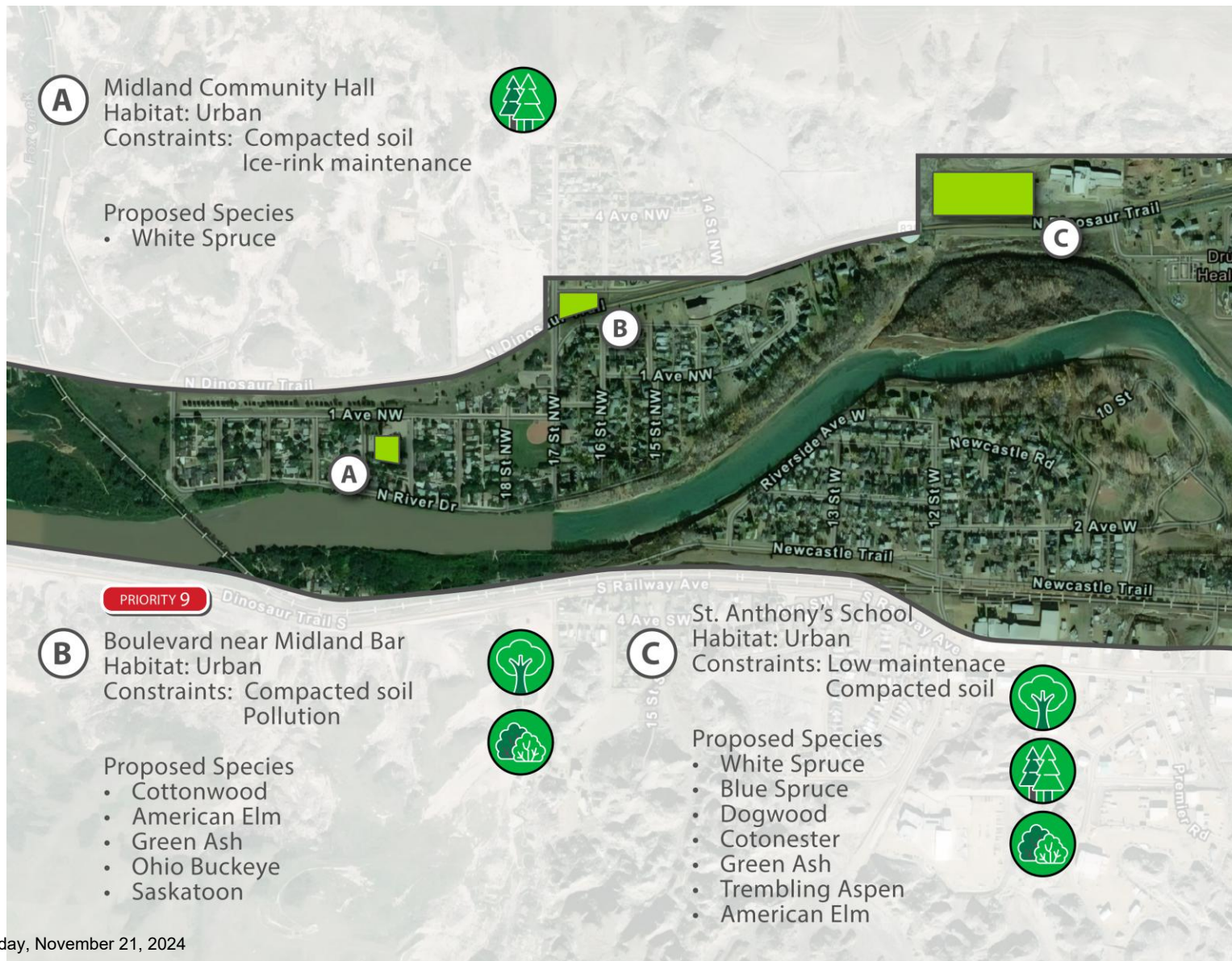
Priority and Recommendations






Priority and Recommendations



Priority and Recommendations



Legends:

-  Deciduous
-  Evergreens
-  Shrubs

Priority and Recommendations



D **PRIORITY 6**

Boulevard Between N Dinosaur Trail and Poplar Cres
 Habitat: Urban
 Constraints: Compacted soil
 Pollution
 Overhead powerline

Proposed Species

- Wolf Willow
- Dogwood

E **PRIORITY 4**

Former Dinoliscious Property
 Habitat: Urban
 Constraints: Compacted sandy soil
 Pollution

Proposed Species

- Saskatoon
- Chokecherry
- Wood's rose
- Amur Maple
- Trembling Apsen

Legends:

- Deciduous
- Evergreens
- Shrubs

Priority and Recommendations



D

PRIORITY 6

Boulevard Between N Dinosaur Trail and Poplar Cres
Habitat: Urban
Constraints: Compacted soil
Pollution
Overhead powerline



Proposed Species
• Wolf Willow
• Dogwood

E




PRIORITY 4

Former Dinoliscious Property
Habitat: Urban
Constraints: Compacted sandy soil
Pollution



Proposed Species
• Saskatoon
• Chokecherry
• Wood's rose
• Amur Maple
• Trembling Apsen

Legends:

-  Deciduous
-  Evergreens
-  Shrubs

Priority and Recommendations



H

PRIORITY 8

Cemetery Entrance
Habitat: Urban
Constraints: Limited growing space
Pollution

Proposed Species
• Trembling Aspen
• Balsam Poplar



I




PRIORITY 10

X - Crossing Disc Golf
Habitat: Urban
Constraints: Pollution
Obstacle for disc golf

Proposed Species
• Trembling Aspen
• Amur Cherry
• Chokecherry
• Siberian Larch
• Scots Pine
• Chokecherry






Legends:

-  Deciduous
-  Evergreens
-  Shrubs

Priority and Recommendations



Legends:

-  Deciduous
-  Evergreens
-  Shrubs

J **PRIORITY 3**

Green Space in new part of Bankview
Habitat: Urban
Constraints: Exposed to wind and sun

Proposed Species

- White Spruce
- Blue Spruce
- Green Ash
- American Elm

- 
- 
- 

K **PRIORITY 2**

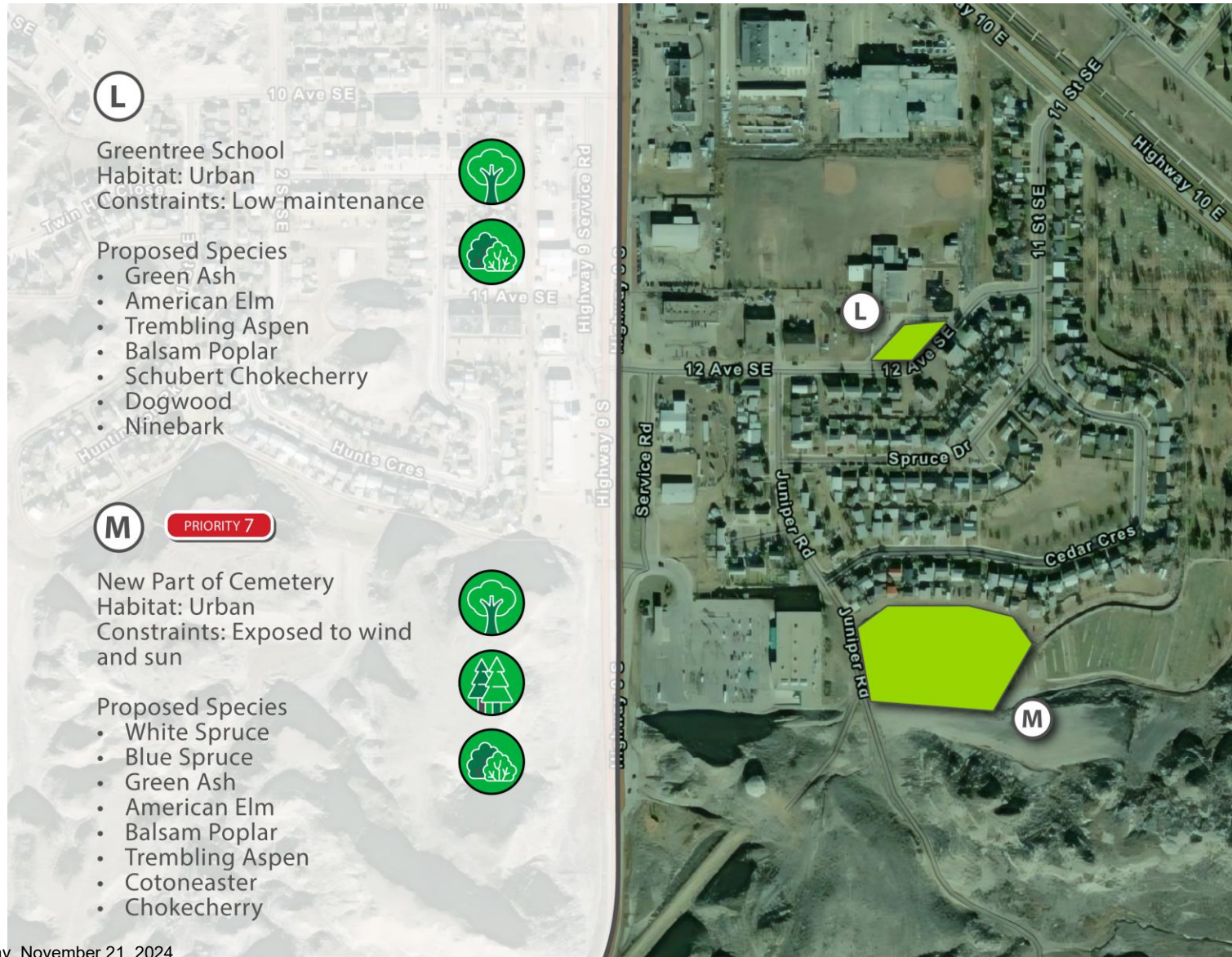
Bankview Playground Area
Habitat: Urban
Constraints: Exposed to wind and sun

Proposed Species

- White Spruce
- Blue Spruce
- Green Ash
- American Elm
- Schubert Chokecherry
- Amur Maple

- 
- 
- 

Priority and Recommendations



L

Greentree School
Habitat: Urban
Constraints: Low maintenance

Proposed Species

- Green Ash
- American Elm
- Trembling Aspen
- Balsam Poplar
- Schubert Chokecherry
- Dogwood
- Ninebark

M

PRIORITY 7

New Part of Cemetery
Habitat: Urban
Constraints: Exposed to wind and sun

Proposed Species

- White Spruce
- Blue Spruce
- Green Ash
- American Elm
- Balsam Poplar
- Trembling Aspen
- Cotoneaster
- Chokecherry

Legends:



Deciduous

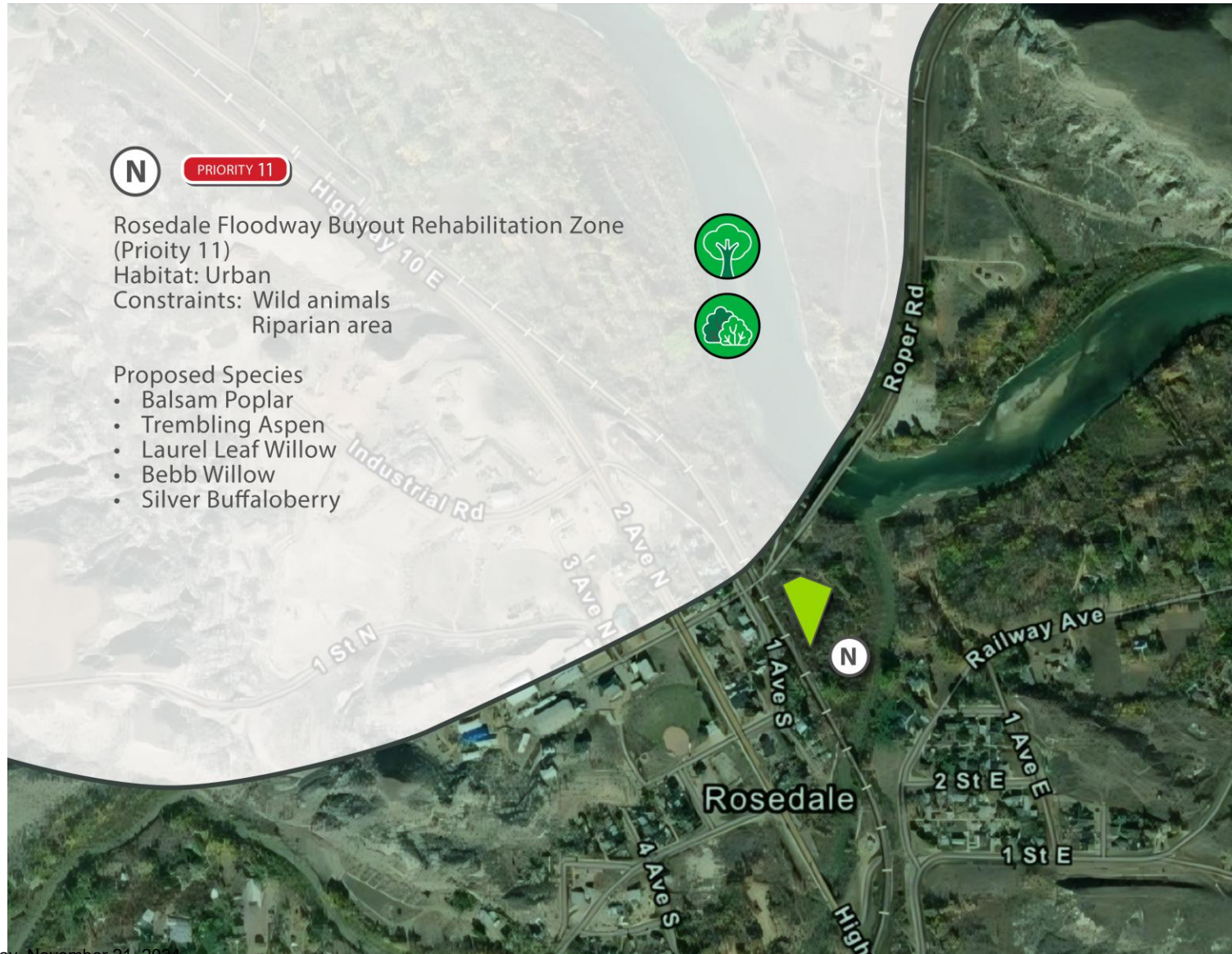


Evergreens






Shrubs

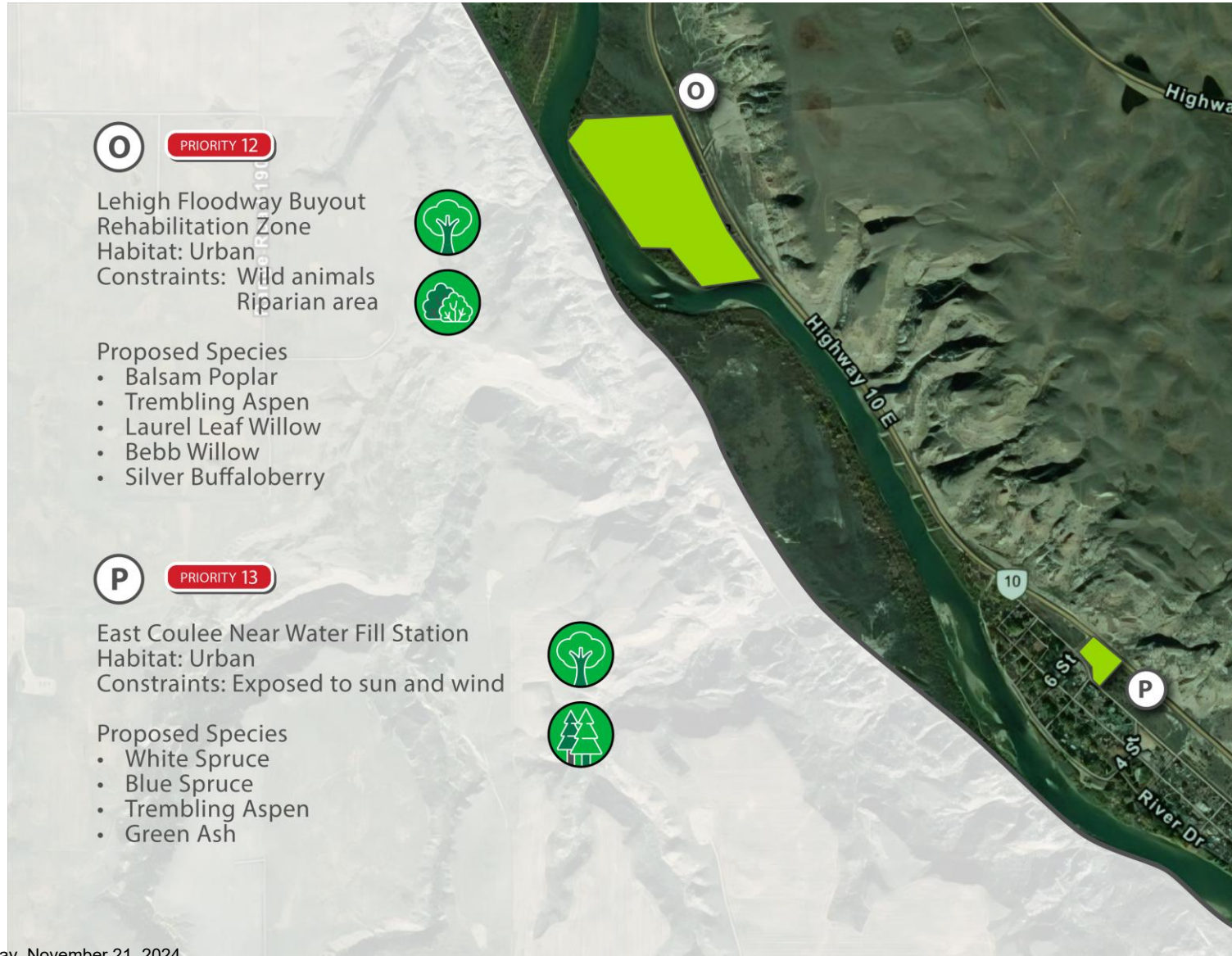
Priority and Recommendations



Legends:

-  Deciduous
-  Evergreens
-  Shrubs

Priority and Recommendations



O

PRIORITY 12

Lehigh Floodway Buyout Rehabilitation Zone
Habitat: Urban
Constraints: Wild animals
Riparian area



- Proposed Species
- Balsam Poplar
 - Trembling Aspen
 - Laurel Leaf Willow
 - Bebb Willow
 - Silver Buffaloberry

P

PRIORITY 13

East Coulee Near Water Fill Station
Habitat: Urban
Constraints: Exposed to sun and wind



- Proposed Species
- White Spruce
 - Blue Spruce
 - Trembling Aspen
 - Green Ash

Legends:

- Deciduous
- Evergreens
- Shrubs

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Property Tax Write-off
DATE:	November 21, 2024
PRESENTED BY:	Graham Waugh, P.Eng., Project Engineer Flood Resiliency Program
ATTACHMENTS:	Maps of properties subject to tax write-off

SUMMARY:

Administration is seeking Council approval to write-off the listed outstanding property taxes that resulted from the Town’s expropriation of floodway buyout properties.

RECOMMENDATION:

Administration recommends that Council write-off the listed outstanding property taxes to reconcile its property tax accounts in preparation for the year-end.

DISCUSSION:

There are 8 property tax accounts that require reconciliation as the ownerships have been converted to the Town’s title in recent years during the floodway expropriation process.

It is not customary to reconcile property taxes when properties are acquired through expropriation, but rather the tax amounts owing are typically settled as damages owed to the expropriating party during the Land and Property Rights Tribunal Hearing process. At the time of title transfer through the expropriation process, several properties had taxes owing for some portion of the year. Since these taxes owing were not credited against the purchase price, the Town essentially overpaid. In these cases, tax accounts will show that taxes are owed for these properties. At this time, it is best for the Town to write-off the outstanding taxes and attempt to recuperate eligible costs through the Land and Property Rights Tribunal Hearing process.

Section 347 of the *Municipal Government Act* allows the cancellation and/or refund of property taxes approved by the Council.

	Roll #	Civic Address	Community	Legal Description	Date of Possession	Outstanding Taxes
1	15007800	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 12; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$212.00
2	15008006	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 13; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$98.97
3	15008204	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 14&15; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$678.38
4	15008402	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 16; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$98.97
5	15008600	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 17; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$127.17
6	14003206	135 River Drive	East Coulee	Plan 8011334; BLOCK 3; LOT 3; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 29	31-Jan-24	\$1,413.24
7	15007404	228 4 Street W	Lehigh	Plan 8186FS; BLOCK 5; LOT 9-11	25-Mar-24	\$1,455.70
8	17045619	748 Hunter Drive	Nacmine	Plan 2410629; LOT 4A	15-Aug-24	\$3,024.91
Total						\$7,109.34

FINANCIAL IMPACT:

The financial impact of the recommendation is \$7,109.34 which represents unpaid property taxes of the subject properties. A portion of these amounts incurred prior to the possession date may be recoverable through the Land Tribunal process.

STRATEGIC POLICY ALIGNMENT:

Once approved, tax accounts will be updated to reflect the write-offs to ensure the Town's financial records and financial statements are accurate and timely.

COMMUNICATION STRATEGY:

N/A

MOTION:

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$212 for Tax Roll No. 15007800.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$98.97 for Tax Roll No. 15008006.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$678.38 for Tax Roll No. 15008204.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$98.97 for Tax Roll No. 15008402.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$127.17 for Tax Roll No. 15008600.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$1413.24 for Tax Roll No. 14003206.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$1455.7 for Tax Roll No. 15007404.

Councillor _____ moves that Council approve the write-off of outstanding property taxes in the amount of \$3024.91 for Tax Roll No. 17045619.



Prepared by:
Graham Waugh, P.Eng.
DRFMO Project Engineer



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



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



Reviewed by:
Victoria Chan, CPA, CGA, LL.B, LL.M
Chief Financial Officer / Director of
Corporate & Community Services

Attachment: Map of properties subject to tax write-off

LEHIGH



	Roll #	Civic Address	Community	Legal Description	Date of Possession	Outstanding Taxes
1	15007800	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 12; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$212.00
2	15008006	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 13; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$98.97
3	15008204	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 14&15; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$678.38
4	15008402	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 16; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$98.97
5	15008600	245 3 Street W	Lehigh	Plan 8168FS; BLOCK 5; LOT 17; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 31	20-Mar-24	\$127.17
7	15007404	228 4 Street W	Lehigh	Plan 8186FS; BLOCK 5; LOT 9-11	25-Mar-24	\$1,455.70

EAST COULEE



	Roll #	Civic Address	Community	Legal Description	Date of Possession	Outstanding Taxes
6	15003206	135 River Drive	East Coulee	Plan 8011334; BLOCK 3; LOT 3; MERIDIAN 4; RANGE 18; TOWNSHIP 27; SECTION 29	31-Jan-24	\$1,413.24

NACMINE



	Roll #	Civic Address	Community	Legal Description	Date of Possession	Outstanding Taxes
8	17045619	748 Hunter Drive	Nacmine	Plan 2410629; LOT 4A	15-Aug-24	\$3,024.91

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Support for Grant Funding of Adaptive Berm Construction
MEETING DATE:	November 21, 2024
PRESENTED BY:	Graham Waugh, P.Eng., Project Engineer Flood Resiliency Program
ATTACHMENTS:	none

SUMMARY

The Flood Resiliency Program has been seeking additional grant opportunities to offset the increased project costs resulting from land acquisition. The current Request for Decision seeks Council’s approval to pursue funding from the Alberta Drought and Flood Protection Program (DFPP) for adaptive flood protection measures.

Adaptive flood protection will be used at several locations where permanent earth filled berms are not possible due to space constraints, access roads, private property, or subsurface environmental issues. Adaptive measures can be deployed ahead of a forecasted flood event. Grant funding will be pursued for adaptive earthen berms in the communities of Midland and Newcastle as well as a stop-log gate at the Rosedale Star Mine Suspension Bridge.

Funding from the DFPP, if successful, would cover up to 70% of the eligible construction and engineering costs associated with the adaptive measures. While DFPP funding could help with program budget shortfalls, it will require a new 30% matching contribution from the Town.

The estimated construction costs of the proposed adaptive measures are \$445,000, meaning that the Town would need to commit an estimated \$134,000 of additional capital funds to the Flood Mitigation Program beyond its original \$5,000,000 commitment.

RECOMMENDATION

Administration recommends that Council approve the pursuit of DFPP funding for adaptive flood protection and support the use of financing to cover the contribution requirements of the grant.

DISCUSSION

Flood Program costs have exceeded the budgets due to the higher than anticipated cost of land acquisition through expropriation.

Current approved grant funding has already been assigned to approved projects. The Town’s existing \$5 million contribution is expected to be fully committed by early 2025. Pursuit of new funding through the DFPP will help the Flood Program achieve its goal of providing comprehensive flood protection in Drumheller.

The DFPP is an annual funding program through Alberta Environment and Protected Areas (EPA) that provides a total of \$25 million per year to projects that help communities to mitigate the impacts of floods and droughts. The submission deadline for the DFPP application is November 29th, 2024.

The Flood Program successfully received funding under the DFPP 2023 for demolition, clean-up, and Indigenous planting of floodway buyout properties in Lehigh.

The Flood Office has identified adaptive flood protection as an eligible project for the DFPP grant. No previous funding from the Province has already been committed to the adaptive flood protection projects.

Throughout the development and design of the flood berms, it has been found that permanent earth filled berms are not practical at several locations due to space constraints, access roads, private property, or subsurface environmental issues. The preferred solution is the use of adaptive flood protection measures, which can be deployed ahead of a forecasted flood event. The consultants, Parkland Geo Ltd., were retained to provide an engineering assessment and strategy of adaptive flood protection measures. Their recommendations include a combination of temporary earth berms and water-filled tubes in Midland and Newcastle. As well, through detailed design of the Rosedale berm, removable stop-log gates have been incorporated into the design of the at the Star Mine Suspension Bridge to accommodate the swinging bridge cables.

It is recommended that the clay-fill required for the Midland and Newcastle locations be stockpiled nearby so that it is readily available prior to a flood event. These stockpiles would be located at the following two locations shown below in Figure 1: a vacant field west of 25th Street NW in Midland; and between Newcastle Trail and Railway Avenue at the west end of Newcastle.

The estimated cost of constructing the stockpiles in Midland and Newcastle as well as the stop-log gates in Rosedale is \$445,000. This cost includes the procurement of materials, transport, construction and construction management. The Town's 30% contribution requirement is estimated to be \$134,000 in 2025. If successful, it is expected that the Town will require additional financing to meet the contribution requirement. Administration will bring to council a borrowing bylaw in early 2025 for this purpose.



Figure 1. Location of clay-fill stockpiles for adaptive fill in Midland and Newcastle.

FINANCIAL IMPACT

The financial impact to the Town will be 30% of the eligible grant claims, estimated to be \$134,000. Council has agreed to finance the Town’s portion of flood mitigation work (at \$5 million) and that the new request of \$134,000 will likely require the Town to secure additional financing.

If the Town is successful in obtaining additional grant funding from the DFPP, this could offset a portion of the anticipated funding shortfall and allow more of the Flood Program work to proceed in the coming years.

WORKFORCE AND RESOURCES IMPACT

The Flood Office team will prepare the DFPP Grant Applications. If the Town is successful in obtaining DFPP grant funding, the Flood Office and Town Finance teams will manage budget tracking and reporting for these grants, similar to what has been done with the other grant funding.

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”. Securing additional funding is crucial to complete the project within budget and to the standard expected.

COMMUNICATION STRATEGY

The Flood Office will report back if we are successful in our application and include it in the monthly newsletter and on the Flood Readiness website.

MOTION:

Moved that Council approve the request for financial contribution of an additional \$134,000 through borrowing; should the Flood Office’s DFPP funding application for adaptive flood protection measures be successful.

Prepared by:
Graham Waugh, P. Eng
DRFMO Project Engineer

Reviewed by:
Deighen Blakley, P.Eng.
DRFMO Program Director

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

Reviewed by:
Victoria Chan, CPA, LL.B, LL.M
Chief Financial Officer / Director of
Corporate & Community Services

REQUEST FOR DECISION

TITLE:	Change to Nacmine Berm Alignment
DATE:	November 21 st , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Nacmine Berm Alignment Change Slides

SUMMARY:

Through the Nacmine Berm Land Acquisition process, there has been some controversy over the natural boundary of the private landowners located at the upstream end of the berm (i.e., the extent of their land interest) relative to claims being made by the Crown to effectively the same lands. Notably, there is uncertainty as to the cost and extent of possibly double purchasing some portions of the land in question (i.e., from both private owners and from the Crown). There are also risks of additional time delays in obtaining the land needed in time for regulatory approvals submissions, to allow the Flood Program to proceed with the overall Nacmine Berm project construction, should the land not be secured in the coming weeks. Additionally, the Town has recently determined that for the lot impacted by flooding, providing flood protection using temporary measures is more cost effective.

RECOMMENDATION:

Given the complications related to the property boundary issues, the potential for project delays, and the higher costs of proceeding with this section of berm, the Flood Office recommends that the Nacmine Berm be shortened and this section of berm be removed from the plan, with temporary adaptive measures planned for this location. The steps required to implement this change would be:

- Bring a formal Request for Decision to Council for the design change to the berm (current RFD)
- Formally cancel the two expropriation proceedings at Council
- Provide an update to regulatory authorization applications currently under review by the Provincial and Federal government, as soon as possible
- Provide an amendment notice for the Nacmine Berm tender currently posted, or request an updated quote from the low bidder, depending on the timing of the change
- Complete communication plans as noted below

DISCUSSION:

The original design of the Nacmine Berm did not include the 150 m long upstream section of berm. Upon completing field review in 2021, the design team noted that flood protection would be required to protect the existing walk-out basement at 287 1 Street, and so for future design revisions, the berm was extended across the back of this property. To allow for access/egress during construction, maintenance and emergency response, the berm also had to be continued behind the terrace area at 44 2 Ave, connecting back to the 2 Avenue road right of way.

Given the challenges relating to land acquisition discussed above, the Flood Office has reconsidered this reach of berm. Based on the engineer's current construction cost estimates, it

was determined that it would be more cost-effective to provide temporary adaptive fill protection for this single lot, either in the form of sand bags or water-filled tubes versus building the permanent 150 m length of berm. Redesigning the Nacmine Berm to eliminate this upstream length of berm would also reduce the risk of project construction delays due to the land acquisition process.

FINANCIAL IMPACT:

If the Flood Program proceeds with building the upstream 150 m long section of berm, the engineering design team estimates the construction cost would be \$440K, in addition to the cost for the land purchase charged by the Province and claimed by the landowners as well as any damages awarded to the landowners through a Land and Property Rights Tribunal Compensation Board hearing. Additional costs may include legal and expert witness fees for the hearing.

If this reach of berm is eliminated, the cost to redesign the berm, prepare temporary emergency response plans for the area and resubmit the regulatory approvals is in the order of \$20K, in addition to the costs for the Town to provide temporary adaptive flood protection measures over the long-term. Given the frequency of flooding, and the low cost to provide sandbags or flood tubes (<\$10K), these costs could be assumed to be minimal over the design life of the berm.

In either scenario, the Flood Office will be responsible for payment of the full legal fees to date for the two impacted landowners. These costs should be reimbursable under the Provincial grant funding.

WORKFORCE AND RESOURCES IMPACT

As noted in the recommendation section, cancellation of the land acquisition by expropriation will require some additional effort by the Flood Office and Legislative Services staff, and the Town's legal counsel, in addition to advertising costs; however, this minor cost is expected to be offset by the construction cost savings.

There will also be additional flood emergency response costs and staff time required over the long-term for the construction of the temporary adaptive fill to protect this one walk-out basement; however, these costs are anticipated to be low due to the size of the temporary berm required, and installation is expected to be possible by a small crew within a few hours.

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 berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

There will be two areas of communication required:

- Formal notification of the cancellation of the expropriations and the change to the berm to the two impacted landowners; and,
- Notification to the community of Nacmine and general public for the change to the Nacmine Berm alignment.

The formal expropriation abandonment notifications will be made via the Town's legal counsel to the landowners' legal counsel, and the abandonment notice will be advertised in the Drumheller Mail, as required under the Expropriation Act.

Notice of the Nacmine Berm alignment change will be made to the community and the public by the Flood Office's usual means (Flood Readiness Website, Social Media, Monthly Flood Newsletter).

MOTION:

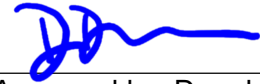
Moved that Council direct Administration to take the necessary steps to adjust the alignment of the Nacmine Berm to tie the upstream end of the berm to high ground at the intersection of 1 Street and 3 Avenue.



Prepared by:
Deighen Blakely
Flood Program Director



Reviewed by:
Darryl Drohomerski
Chief Administrative
Officer



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

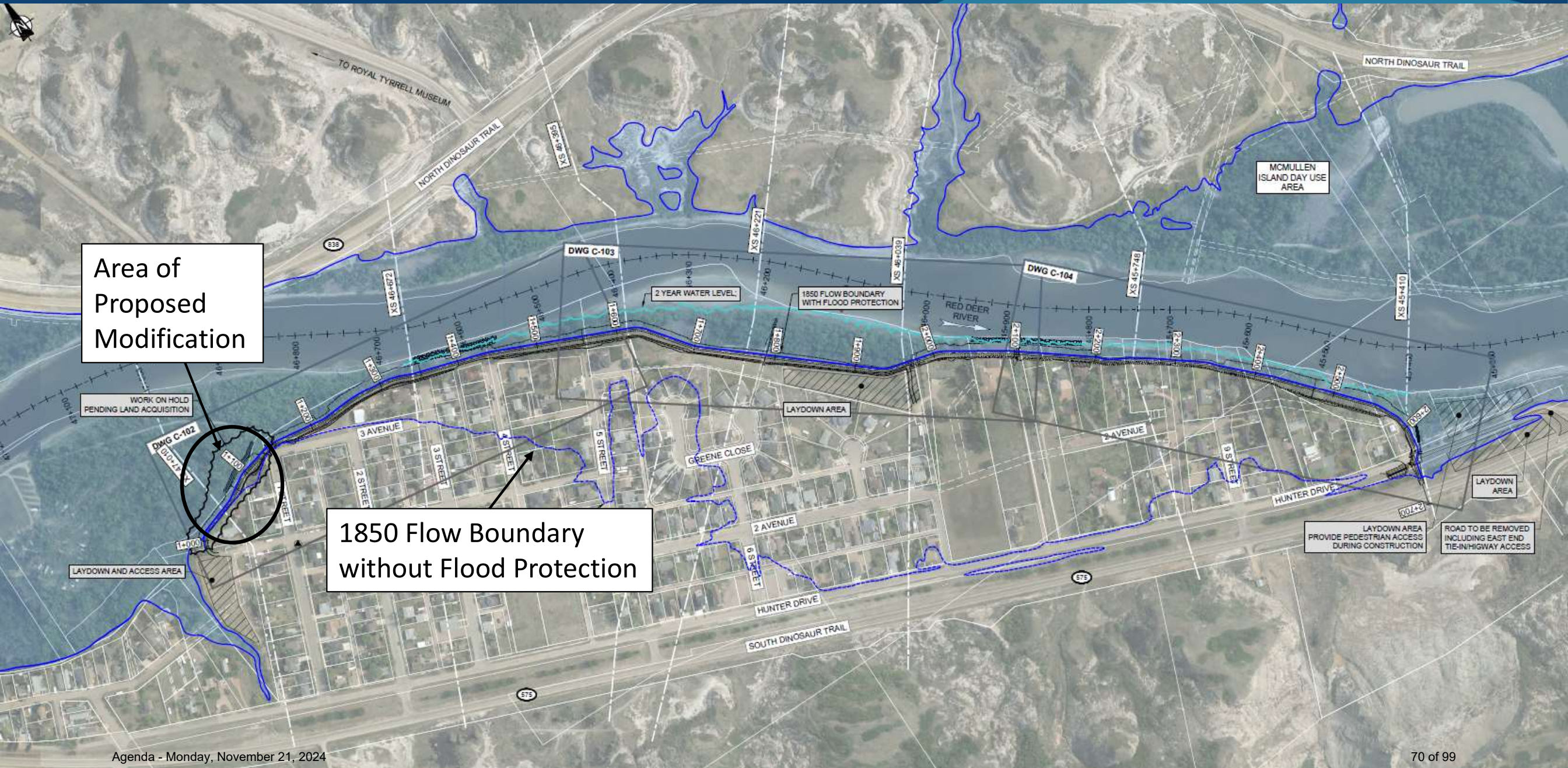
Drumheller Resiliency and Flood Mitigation Office

Change to Nacmine Berm Alignment

November 21, 2024

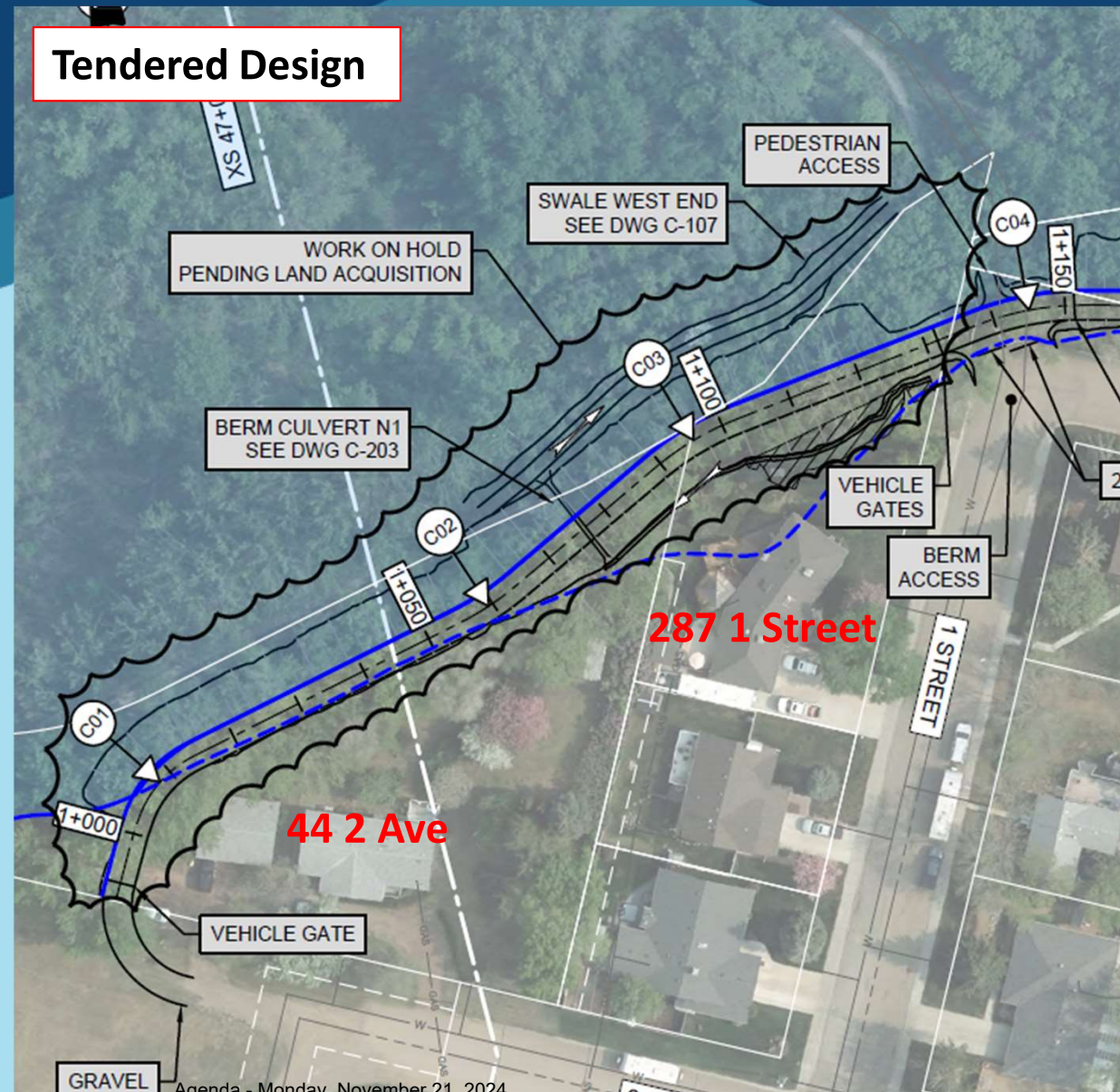


Nacmine Berm Design – October 2024



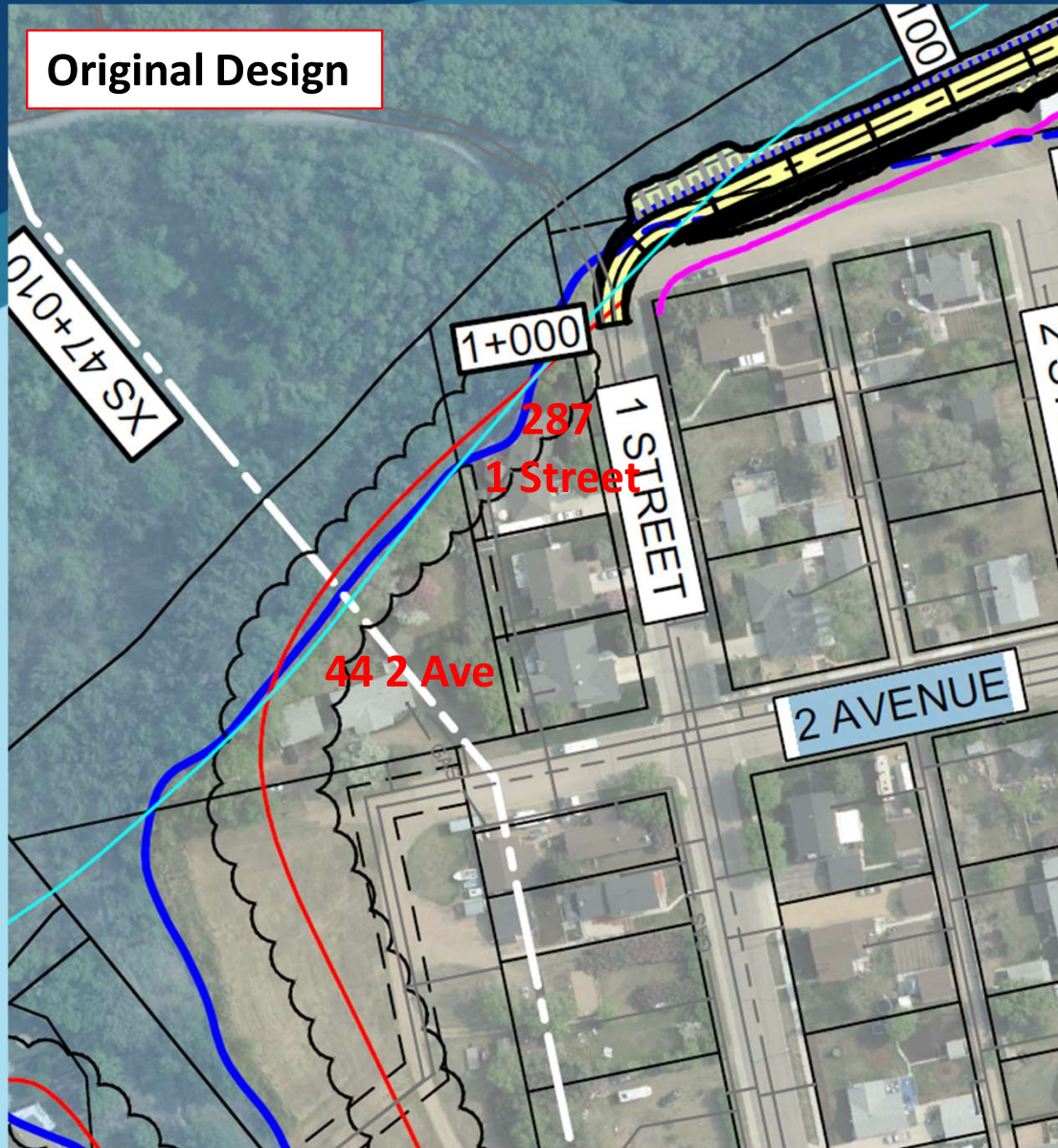
Background

Tendered Design



- 150m section of berm designed to protect the walk-out basement at 287 1 Street from 100-year flood
- Includes a length of berm, behind 44 2 Ave, for maintenance and emergency response access - not needed for flood protection
- Flood Office has had On-going challenges with land acquisition relating to the natural boundary of the private land

Background



- Original design (March 2021) did not include the 150m section of berm behind these 2 lots
- Flood Office has reconsidered the need for this 150m of berm, and recommends returning to original design
- If this length of berm is eliminated, temporary adaptive measures could be used to provide protection for this one walk-out basement at a lower cost, which would avoid the potential for further land acquisition delays
- The Town is planning temporary adaptive fill in other areas (Midland, Nacmine)

Next Steps

- Request for Decision to Council for changes to Nacmine Berm - today
- Request for Decisions to Council to abandon expropriation proceedings on two lots - today
- Addendum to current Nacmine tender to reflect change in berm, following Council decision
- Update to regulatory submission packages, following Council decision

Communications of Change

- Change will be communicated to impacted landowners via their legal team
- Expropriation abandonments will be advertised in local paper
- Flood Office will communicate the change to Nacmine Berm via usual methods (website, social media, newsletter)

Find Us



floodreadiness@drumheller.ca



floodreadiness.drumheller.ca



Drumheller Flood Info



@DRMFloodInfo



@DRMFloodInfo

DRUMHELLER FLOOD PROGRAM IS FUNDED BY:



REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting: Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less 287 1 Street, Nacmine
DATE:	November 21 st , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Original RFD and Expropriation Documents Form 5 Notice of Abandonment of Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm, scheduled to begin in the spring of 2025, partial acquisition of land from this parcel was originally deemed necessary and was pursued. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owners rejected our purchase offers of Fair Market Value, as determined by an appraisal; expropriation was then undertaken to obtain the land needed for berm construction.

A Resolution Approving Expropriation was originally passed by Council on February 26, 2024, followed by the Certificate of Approval, which was approved on June 3, 2024. However, the property boundary used in the Certificate of Approval was disputed by Public Lands. As a result, the Certificate of Approval could not be registered within the 120-day statutory time frame (starting when the Notice of Intention to Expropriate (NOITE) was registered), and as result the NOITE was cancelled by Alberta Land Titles. A second Resolution Approving Expropriation was passed by Council on August 12, 2024, followed by the Certificate of Approval on October 21, 2024.

The Town of Drumheller has recently revisited the berm construction needs relative to two parcels currently under expropriation proceedings, where there was controversy developing over the natural boundary of the private land owners (i.e., the extent of their land interest) relative to claims being made by the Crown to effectively the same lands. Notably, there is uncertainty as to the cost and extent of possibly double purchasing some portions of the land in question (i.e., from private owners and from the Crown). There are also risks of additional time delays in obtaining the land needed in time for regulatory approvals submissions, to allow the Flood Program to proceed with the overall Nacmine Berm project construction, should the land not be secured in the coming weeks. Additionally, the Town has recently determined that for the lot

impacted by flooding, providing flood protection using temporary measures is more cost effective. As such, Administration is recommending that the expropriation be abandoned, and temporary flood mitigation measures be planned for installation under any future Local States of Emergency, to protect the basement at 287 1 Street during a flood event versus acquiring the land to build a permanent flood berm.

RECOMMENDATION:

Administration recommends a motion to abandon the partial taking Notice of Intention to Expropriate and Certificate of Approval pertaining to 287 1 Street (Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less), as presented.

DISCUSSION:

The motion to abandon the NOITE and the submission of Form 5 to Land Titles halts the Expropriation process on the partial taking.

FINANCIAL IMPACT:

The cost of abandoning the partial acquisition expropriation will include additional newspaper advertising, as well as staff time to prepare the Request for Decision Documents along with fees for the legal representation from the expropriation legal team. Supporting costs for the land acquisition process are eligible for funding under the Alberta Government 18GRSTR41 Grant funding program.

WORKFORCE AND RESOURCES IMPACT

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

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 berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

Direct notice of the abandonment of the partial acquisition expropriation will be provided to the affected property owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners being served with the Form 5 Notice of

Abandonment of Expropriation, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

MOTION:

Moved that Council directs Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 12th day of August 2024 pertaining to a portion of the parcel of land legally described as:

Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout:

Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less; Title Number 001 142 256.

and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.



Prepared by:
Tara Paradis, EIT
DRFMO Project Assistant



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



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

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less 287 1 Street, Nacmine
DATE:	August 12 th , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention to Expropriate Parcel Map – Schedule 'A'

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owners have not accepted our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction within the timelines given. As such, the next step in obtaining the land required for Nacmine Berm construction is expropriation.

A Resolution Approving Expropriation was originally passed by Council on February 26, 2024, followed by the Certificate of Approval, which was approved on June 3, 2024. However, the property boundary used in the Certificate of Approval was disputed by Public Lands. As a result, the Certificate of Approval could not be registered within the 120-day statutory time frame (starting when the Notice of Intention to Expropriate (NOITE) was registered), and as result the NOITE has been cancelled by Alberta Land Titles. Therefore, another Resolution Approving Expropriation must be passed by Council directing its officers and solicitors to take all necessary steps to complete the expropriation.

RECOMMENDATION:

Administration recommends that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of 287 1 Street (Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less), 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, partial 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 Nacmine Berm project on this basis and the offer has been rejected. Expropriation is the next step in acquiring the property needed to construct the berm. The Flood Office survey professional met with Public Lands in July to come to a resolution on the property boundary along the Red Deer River, and the attached Schedule A reflects the current understanding of the property boundary.

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. The Federal Disaster Mitigation and Adaptation Fund (DMAF) grant program can be used to cover up to 40% of the land-only costs for berm construction. 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.

WORKFORCE AND RESOURCES IMPACT

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

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 berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

Direct notice of the intended expropriation will be provided to the affected property owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners being served with Notice of the Intention to Expropriate, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Plan Nacmine 7125DD, that portion of the south easterly thirty one and forty hundredths (31.40) metres in perpendicular width of Block "B" which lies to the north east of the south west twenty two and eighty six hundredths (22.86) metres of the said Block "B", excepting thereout: Subdivision Plan 9312239 containing 0.072 hectares (0.180 acres) more or less; Title Number 001 142 256.



Prepared by:
Tara Paradis, EIT
DRFMO Project Assistant



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

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

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"PLAN NACMINE 7125DD
THAT PORTION OF THE SOUTH EASTERLY THIRTY ONE AND FORTY
HUNDREDTHS
(31.40) METRES IN PERPENDICULAR WIDTH OF BLOCK "B" WHICH LIES TO
THE NORTH EAST OF THE SOUTH WEST TWENTY TWO AND EIGHTY SIX
HUNDREDTHS (22.86) METRES OF THE SAID BLOCK "B"
EXCEPTING THEREOUT:
SUBDIVISION PLAN 9312239 CONTAINING 0.072 HECTARES
(0.180 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands").

AND WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the **TOWN OF DRUMHELLER** has the authority to acquire a fee simple estate with respect to the Lands by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** deems it to be in the public interest and good that the estate in fee simple in the Lands be acquired by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring the Lands pursuant to the provisions of the *Expropriation Act*, RSA 2000, c. E-13, as amended;

NOW THEREFORE BE IT RESOLVED:

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple estate.
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.

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended


RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

MOVED AND PASSED by Council this 12 day of August, 2024.

TOWN OF DRUMHELLER





Heather Colberg, Mayor



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

THE EXPROPRIATION ACT
RSA 2000, Ch. E-13 (Section 8)

NOTICE OF INTENTION TO EXPROPRIATE

1. TAKE NOTICE that the **TOWN OF DRUMHELLER** as Expropriating Authority intends to expropriate the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"PLAN NACMINE 7125DD
THAT PORTION OF THE SOUTH EASTERLY THIRTY ONE AND FORTY HUNDREDTHS (31.40) METRES IN PERPENDICULAR WIDTH OF BLOCK "B" WHICH LIES TO THE NORTH EAST OF THE SOUTH WEST TWENTY TWO AND EIGHTY SIX HUNDREDTHS (22.86) METRES OF THE SAID BLOCK "B"
EXCEPTING THEREOUT:
SUBDIVISION PLAN 9312239 CONTAINING 0.072 HECTARES (0.180 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is: the fee simple estate shown and marked as Area 'A' on Schedule 'A'.
3. The work or purpose for which the interest in the Lands is required is:
- Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
 - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
 - access for purposes of construction and/or maintenance of the above.
4. Section 6 of the *Expropriation Act* provides that:
- "6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.
- (2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority."
5. Section 10 of the *Expropriation Act* provides that:
- "10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,
- (a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and

(b) in any other case, within 21 days after the first publication of the notice of intention.

(2) The notice of objection shall state:

- (a) the name and address of the person objecting;
- (b) the nature of the objection;
- (c) the grounds on which the objection is based; and
- (d) the nature of the interest of the person objecting."

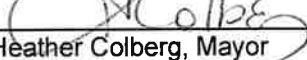
6. A person affected by the proposed expropriation does not need to serve an objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Alberta Land and Property Rights Tribunal or the Court, as the case may be.

7. The Approving Authority with respect to this expropriation is the **TOWN OF DRUMHELLER** located at 224 Centre Street, Drumheller, Alberta, T0J 0Y4

Dated at the Town of Drumheller, in the Province of Alberta, this 12 day of August, 2024.



TOWN OF DRUMHELLER

Per: 
Heather Colberg, Mayor (c/s)

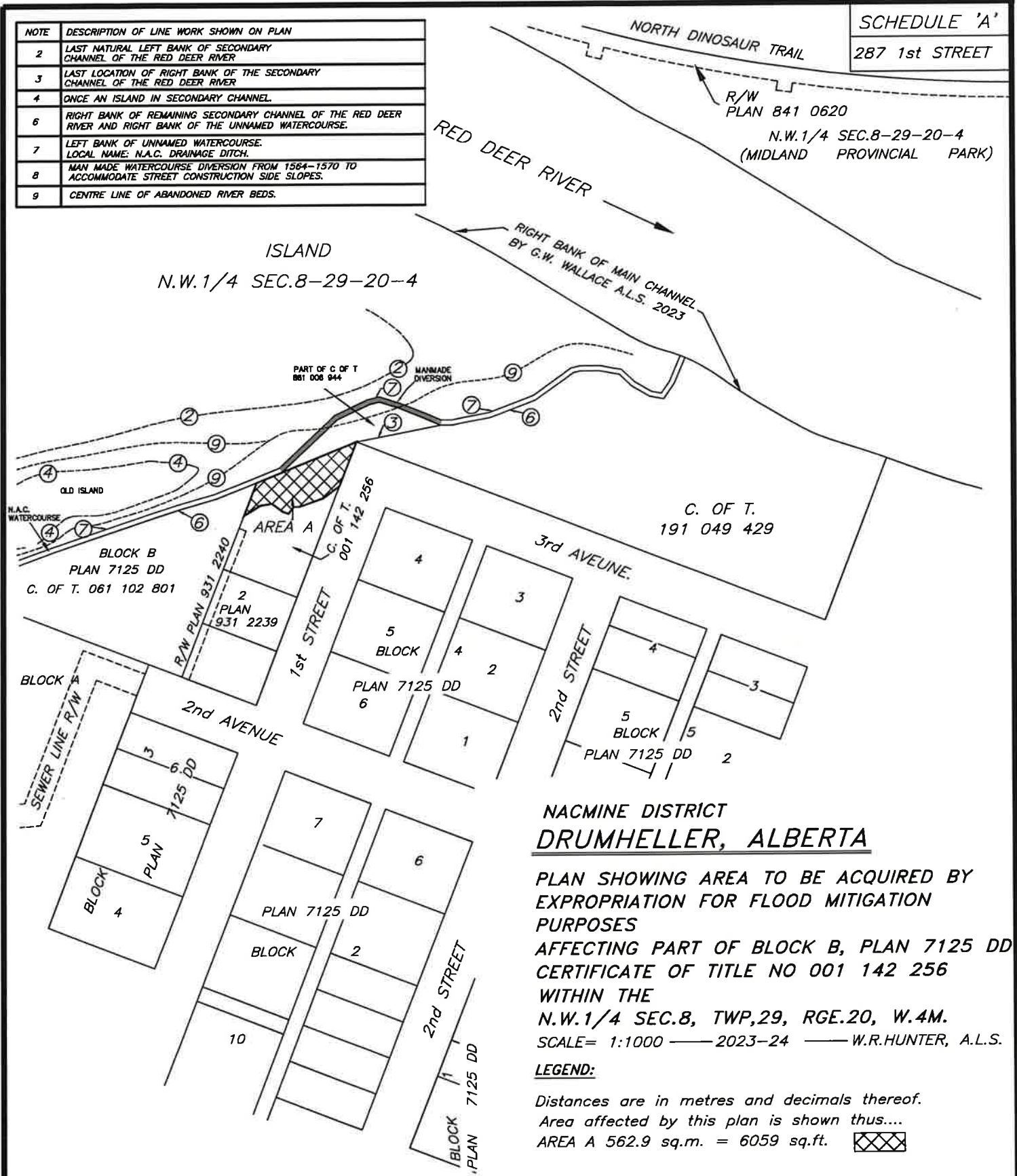
Per: 
Darryl Drohomerski, C.E.T., Chief Administrative Officer

The full name and address of the expropriating authority is:

TOWN OF DRUMHELLER
Attention: Darryl Drohomerski, C.E.T.
Chief Administrative Officer
224 Centre Street
Drumheller, AB T0J 0Y4
Phone: 403-823-1312
Fax: 403-823-7739
ddrohomerski@drumheller.ca

NOTE	DESCRIPTION OF LINE WORK SHOWN ON PLAN
2	LAST NATURAL LEFT BANK OF SECONDARY CHANNEL OF THE RED DEER RIVER
3	LAST LOCATION OF RIGHT BANK OF THE SECONDARY CHANNEL OF THE RED DEER RIVER
4	ONCE AN ISLAND IN SECONDARY CHANNEL
6	RIGHT BANK OF REMAINING SECONDARY CHANNEL OF THE RED DEER RIVER AND RIGHT BANK OF THE UNNAMED WATERCOURSE.
7	LEFT BANK OF UNNAMED WATERCOURSE. LOCAL NAME: N.A.C. DRAINAGE DITCH.
8	MAN MADE WATERCOURSE DIVERSION FROM 1564-1570 TO ACCOMMODATE STREET CONSTRUCTION SIDE SLOPES.
9	CENTRE LINE OF ABANDONED RIVER BEDS.


SCHEDULE 'A'
287 1st STREET



**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES
AFFECTING PART OF BLOCK B, PLAN 7125 DD
CERTIFICATE OF TITLE NO 001 142 256
WITHIN THE
N.W.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023-24 — W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.
Area affected by this plan is shown thus....
AREA A 562.9 sq.m. = 6059 sq.ft. 

REV.	DATE	DESCRIPTION
3	Aug. 8, 2024	BOUNDARY REVISED (VERSION 1)
2	Feb 12, 2024	TITLE NUMBER CORRECTION
1	Feb 7, 2024	TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 27, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD. CALGARY, ALBERTA
FILE: 23-256-C OF T-1ST-R3-V1 NACMINE

**Form 5
Expropriation Act
(Section 24)
Notice of Abandonment of Expropriation**

To: The Registrar, South Alberta Land Titles Office

Take Notice That

1. The Town of Drumheller does hereby abandon its intention to expropriate any interest in the lands depicted on Schedule "A" attached hereto and more particularly described as:

THAT PORTION OF:
PLAN NACMINE 7125DD
THAT PORTION OF THE SOUTH EASTERLY THIRTY ONE AND FORTY HUNDREDTHS
(31.40) METRES IN PERPENDICULAR WIDTH OF BLOCK "B" WHICH LIES TO
THE NORTH EAST OF THE SOUTH WEST TWENTY TWO AND EIGHTY SIX
HUNDREDTHS (22.86) METRES OF THE SAID BLOCK "B"
EXCEPTING THEREOUT:
SUBDIVISION PLAN 9312239 CONTAINING 0.072 HECTARES
(0.180 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

standing in the Register of the South Alberta Land Registration District in the name of Ben Wurz and Debra Wurz under Certificate of Title Number 001 142 256.

2. The Registrar of the South Alberta Land Registration District is hereby requested to cancel and discharge the Notice of Intention to Expropriate dated the 12th day of August, 2024, and registered on the 25th day of September, 2024 as Number 241 251 166.

Dated this ____ day of _____, 2024

THE TOWN OF DRUMHELLER

Per: _____ (c/s)

Per: _____ (c/s)

c/o Chapman Riebeck LLP

4802 – 50 Street

Red Deer, AB T4N 1X4

Phone: 403-346-6603

Fax: 403-340-1280

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Abandonment and discharge of the Notice of Intention to Expropriate for the Partial Parcel for Berm Construction affecting: Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block 44 2 Avenue, Nacmine
DATE:	November 21 st , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Original RFD and Expropriation Documents Form 5 Notice of Abandonment of Expropriation

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm, scheduled to begin in the spring of 2025, partial acquisition of land from this parcel was originally deemed necessary and was pursued. Negotiations with the impacted landowner began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owner rejected our purchase offers of Fair Market Value, as determined by an appraisal; expropriation was then undertaken to obtain the land needed for berm construction.

A Resolution Approving Expropriation was originally passed by Council on February 26, 2024, followed by the Certificate of Approval, which was approved on June 3, 2024. However, the property boundary used in the Certificate of Approval was disputed by Public Lands. As a result, the Certificate of Approval could not be registered within the 120-day statutory time frame (starting when the Notice of Intention to Expropriate (NOITE) was registered), and as result the NOITE was cancelled by Alberta Land Titles. A second Resolution Approving Expropriation was passed by Council on August 12, 2024, followed by the Certificate of Approval on October 21, 2024.

The Town of Drumheller has recently revisited the berm construction needs relative to two parcels currently under expropriation proceedings, where there was controversy developing over the natural boundary of the private land owners (i.e., the extent of their land interest) relative to claims being made by the Crown to effectively the same lands. Notably, there is uncertainty as to the cost and extent of possibly double purchasing some portions of the land in question (i.e., from private owners and from the Crown). There are also risks of additional time delays in obtaining the land needed in time for regulatory approvals submissions, to allow the Flood Program to proceed with the overall Nacmine Berm project construction, should the land not be secured in the coming weeks. Additionally, the Town has recently determined that for the lot impacted by flooding, providing flood protection using temporary measures is more cost effective. As such, Administration is recommending that the expropriation be abandoned, and

temporary flood mitigation measures be planned for installation under any future Local States of Emergency, to protect the basement at 44 2 Avenue during a flood event versus acquiring the land to build a permanent flood berm.

RECOMMENDATION:

Administration recommends a motion to abandon the partial taking Notice of Intention to Expropriate and Certificate of Approval pertaining to 44 2 Avenue (Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block), as presented.

DISCUSSION:

The motion to abandon the NOITE and the submission of Form 5 to Land Titles halts the Expropriation process on the partial taking.

FINANCIAL IMPACT:

The cost of abandoning the partial acquisition expropriation will include additional newspaper advertising, as well as staff time to prepare the Request for Decision Documents along with fees for the legal representation from the expropriation legal team. Supporting costs for the land acquisition process are eligible for funding under the Alberta Government 18GRSTR41 Grant funding program.

WORKFORCE AND RESOURCES IMPACT

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

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 berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

Direct notice of the abandonment of the partial acquisition expropriation will be provided to the affected property owner, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with the Form 5 Notice of Abandonment of Expropriation, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

MOTION:

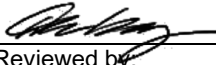
Moved that Council direct Administration to abandon the Notice of Intention to Expropriate for partial taking signed and dated the 12th day of August 2024 pertaining to a portion of the parcel of land legally described as:

Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block; Title Number 061 102 801.

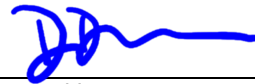
and take all necessary steps and execute all necessary documents required by the Expropriation Act RSA 2000, Chapter E-13 as amended in furtherance of this abandonment.



Prepared by:
Tara Paradis, EIT
DRFMO Project Assistant



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



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

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block 44 2 Avenue, Nacmine
DATE:	August 12 th , 2024
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention to Expropriate Parcel Map – Schedule 'A'

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the Nacmine Berm starting in the spring of 2025, partial acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owner has not accepted our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction within the timelines given. As such, the next step in obtaining the land required for Nacmine Berm construction is expropriation.

A Resolution Approving Expropriation was originally passed by Council on February 26, 2024, followed by the Certificate of Approval, which was approved on June 3, 2024. However, the property boundary used in the Certificate of Approval was disputed by Public Lands. As a result, the Certificate of Approval could not be registered within the 120-day statutory time frame (starting when the Notice of Intention to Expropriate (NOITE) was registered), and as result the NOITE has been cancelled by Alberta Land Titles. Therefore, another Resolution Approving Expropriation must be passed by Council directing its officers and solicitors to take all necessary steps to complete the expropriation.

RECOMMENDATION:

Administration recommends that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of 44 2 Avenue (Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block), 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, partial 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 Nacmine Berm project on this basis and the offer has been rejected. Expropriation is the next step in acquiring the property needed to construct the berm. The Flood Office survey professional met with Public Lands in July to come to a resolution on the property boundary along the Red Deer River, and the attached Schedule A reflects the current understanding of the property boundary.

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. The Federal Disaster Mitigation and Adaptation Fund (DMAF) grant program can be used to cover up to 40% of the land-only costs for berm construction. 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.

WORKFORCE AND RESOURCES IMPACT

Acquisition of land by means of expropriation versus by agreement requires significant additional Flood Office staff time to prepare expropriation documents for Council, present the documents, and coordinate registration with Land Titles, estimated to be at minimum, two days of staff time per expropriation, assuming no objections are filed. Legislative Services staff also spend approximately a half day of time for expropriation to coordinate Council agendas, document signing and registrations at Land Titles. Additionally, the Town requires support from legal counsel and a professional surveyor, which results in additional costs to the Town and additional effort for coordination.

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 berm construction and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

Direct notice of the intended expropriation will be provided to the affected property owner, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with Notice of the Intention to Expropriate, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Plan Nacmine 7125DD, Block "B", Excepting that portion which lies to the east of a line drawn parallel with and one hundred and three (103) feet perpendicularly distant north westerly from the south easterly boundary of said block; Title Number 061 102 801.



Prepared by:
Tara Paradis, EIT
DRFMO Project Assistant

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



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

RESOLUTION

**REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER**

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"PLAN NACMINE 7125DD
BLOCK "B"

EXCEPTING THAT PORTION WHICH LIES TO THE EAST OF A LINE DRAWN PARALLEL WITH AND ONE HUNDRED AND THREE (103) FEET PERPENDICULARLY DISTANT NORTH WESTERLY FROM THE SOUTH EASTERLY BOUNDARY OF SAID BLOCK
EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN
AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands").

AND WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the **TOWN OF DRUMHELLER** has the authority to acquire a fee simple estate with respect to the Lands by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** deems it to be in the public interest and good that the estate in fee simple in the Lands be acquired by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring the Lands pursuant to the provisions of the *Expropriation Act*, RSA 2000, c. E-13, as amended;

NOW THEREFORE BE IT RESOLVED:

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple estate.
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.

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended


RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

MOVED AND PASSED by Council this 13 day of August, 2024.

TOWN OF DRUMHELLER





Heather Colberg, Mayor



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

THE EXPROPRIATION ACT
RSA 2000, Ch. E-13 (Section 8)

NOTICE OF INTENTION TO EXPROPRIATE

1. TAKE NOTICE that the **TOWN OF DRUMHELLER** as Expropriating Authority intends to expropriate the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"PLAN NACMINE 7125DD

BLOCK "B"

EXCEPTING THAT PORTION WHICH LIES TO THE EAST OF A LINE DRAWN PARALLEL WITH AND ONE HUNDRED AND THREE (103) FEET PERPENDICULARLY DISTANT NORTH WESTERLY FROM THE SOUTH EASTERLY BOUNDARY OF SAID BLOCK EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is: the fee simple estate shown and marked as Area 'A' on Schedule 'A'.
3. The work or purpose for which the interest in the Lands is required is:
- Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
 - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
 - access for purposes of construction and/or maintenance of the above.
4. Section 6 of the *Expropriation Act* provides that:
- "6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.
- (2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority."
5. Section 10 of the *Expropriation Act* provides that:
- "10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,
- (a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and
- (b) in any other case, within 21 days after the first publication of the notice of intention.

- (2) The notice of objection shall state:
- (a) the name and address of the person objecting;
 - (b) the nature of the objection;
 - (c) the grounds on which the objection is based; and
 - (d) the nature of the interest of the person objecting."

6. A person affected by the proposed expropriation does not need to serve an objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Alberta Land and Property Rights Tribunal or the Court, as the case may be.
7. The Approving Authority with respect to this expropriation is the **TOWN OF DRUMHELLER** located at 224 Centre Street, Drumheller, Alberta, T0J 0Y4

Dated at the Town of Drumheller, in the Province of Alberta, this 13 day of August, 2024.



TOWN OF DRUMHELLER

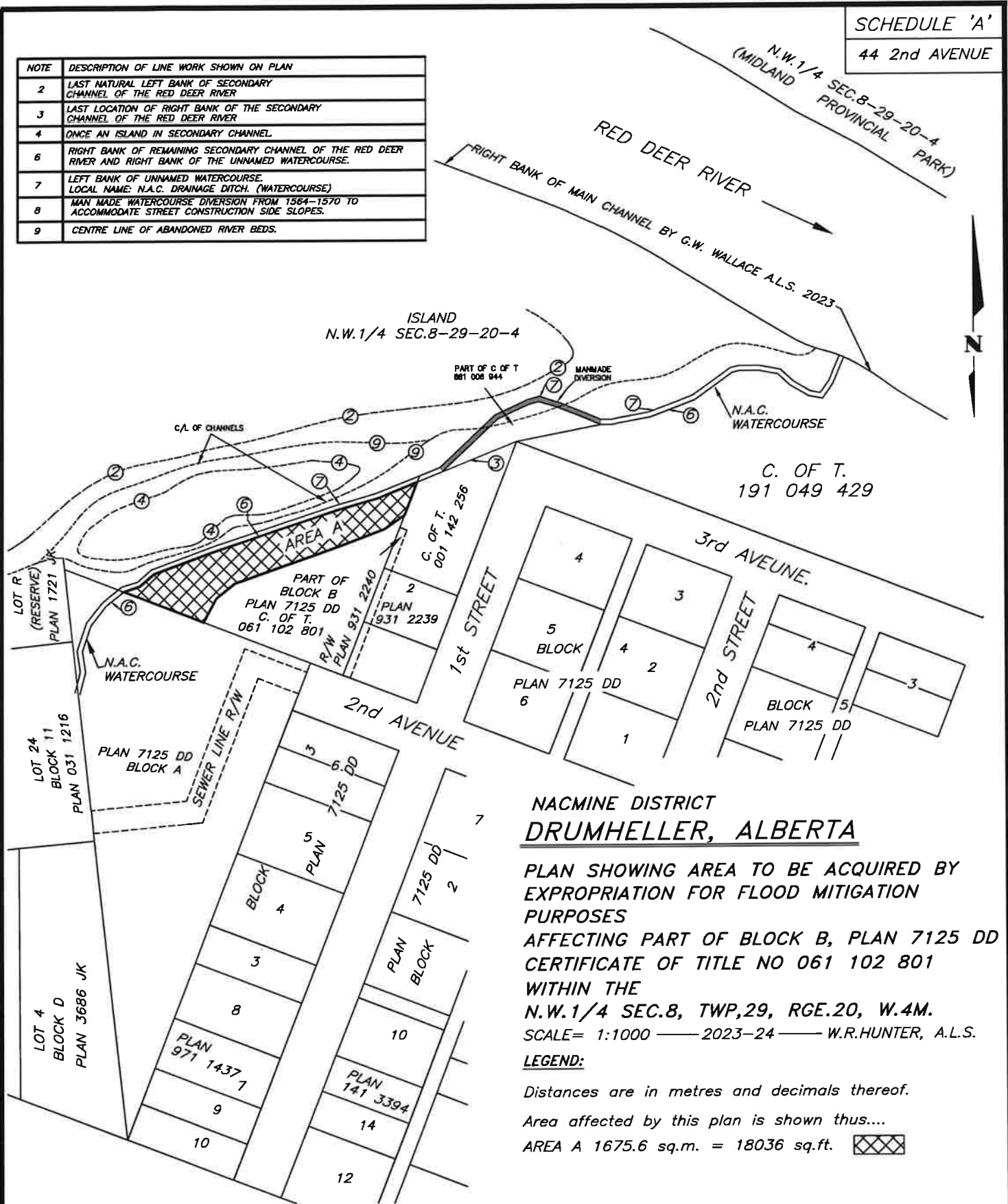
Per: Heather Colberg
Heather Colberg, Mayor (c/s)

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

The full name and address of the expropriating authority is:

TOWN OF DRUMHELLER
Attention: Darryl Drohomerski, C.E.T.
Chief Administrative Officer
224 Centre Street
Drumheller, AB T0J 0Y4
Phone: 403-823-1312
Fax: 403-823-7739
ddrohomerski@drumheller.ca

NOTE	DESCRIPTION OF LINE WORK SHOWN ON PLAN
2	LAST NATURAL LEFT BANK OF SECONDARY CHANNEL OF THE RED DEER RIVER
3	LAST LOCATION OF RIGHT BANK OF THE SECONDARY CHANNEL OF THE RED DEER RIVER
4	ONCE AN ISLAND IN SECONDARY CHANNEL.
6	RIGHT BANK OF REMAINING SECONDARY CHANNEL OF THE RED DEER RIVER AND RIGHT BANK OF THE UNNAMED WATERCOURSE.
7	LEFT BANK OF UNNAMED WATERCOURSE. LOCAL NAME: N.A.C. DRAINAGE DITCH. (WATERCOURSE)
8	MAN MADE WATERCOURSE DIVERSION FROM 1564-1570 TO ACCOMMODATE STREET CONSTRUCTION SIDE SLOPES.
9	CENTRE LINE OF ABANDONED RIVER BEDS.



**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY EXPROPRIATION FOR FLOOD MITIGATION PURPOSES AFFECTING PART OF BLOCK B, PLAN 7125 DD CERTIFICATE OF TITLE NO 061 102 801 WITHIN THE N.W.1/4 SEC.8, TWP,29, RGE.20, W.4M. SCALE= 1:1000 — 2023-24 — W.R.HUNTER, A.L.S.

LEGEND:
Distances are in metres and decimals thereof.
Area affected by this plan is shown thus....
AREA A 1675.6 sq.m. = 18036 sq.ft. XXXX

REV.	DATE	DESCRIPTION
3	Aug. 8, 2024	REVISED BOUNDARY (VERSION 1)
2	Feb. 20, 2024	REVISED BOUNDARY LINE
1	Feb. 7, 2024	TRAVERSED REMAINING RIVER CHANNEL ADD
0	Nov. 25, 2023	ISSUED

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 23-256-C OF T-2AVE-R3-V1 NACMINE

**Form 5
Expropriation Act
(Section 24)
Notice of Abandonment of Expropriation**

To: The Registrar, South Alberta Land Titles Office

Take Notice That

1. The Town of Drumheller does hereby abandon its intention to expropriate any interest in the lands depicted on Schedule "A" attached hereto and more particularly described as:

THAT PORTION OF:
PLAN NACMINE 7125DD
BLOCK "B"
EXCEPTING THAT PORTION WHICH LIES TO THE EAST OF A LINE DRAWN
PARALLEL WITH AND ONE HUNDRED AND THREE (103) FEET PERPENDICULARLY
DISTANT NORTH WESTERLY FROM THE SOUTH EASTERLY BOUNDARY OF SAID
BLOCK
EXCEPTING THEREOUT ALL MINES AND MINERALS

standing in the Register of the South Alberta Land Registration District in the name of Robert Mills under Certificate of Title Number 061 102 801.

2. The Registrar of the South Alberta Land Registration District is hereby requested to cancel and discharge the Notice of Intention to Expropriate dated the 12th day of August, 2024, and registered on the 25th day of September, 2024 as Number 241 251 164.

Dated this ____ day of _____, 2024

THE TOWN OF DRUMHELLER

Per: _____ (c/s)

Per: _____ (c/s)

c/o Chapman Riebeek LLP

4802 – 50 Street

Red Deer, AB T4N 1X4

Phone: 403-346-6603

Fax: 403-340-1280