

REQUEST FOR DECISION

TITLE:	Bylaw #03.25 – 9 th Street E East Coulee Road Closure (1 st Reading)
DATE:	January 20, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	(Draft) Bylaw #03.25 – 9 th Street E East Coulee Road Closure (1 st Reading)

SUMMARY:

An application has been made by an adjacent owner to have a portion of 9th Street E closed to the public. The proposed road closure area is currently undeveloped and has significant encroachments from the applicant (e.g. an 8.33 meter fence encroachment). After discussions with the Town's Development department, it was determined that the best way to resolve the significant encroachments on the land is to close the right-of-way and sell the land to the applicant.

Administration has already entered into a preliminary agreement with the applicant for the sale of the lot and collected fees to cover the administrative costs of the road closure bylaw. Therefore, the entire road closure process and the associated fees will be covered by the applicant.

RECOMMENDATION:

That Council give first reading to Bylaw #03.25 – 9th Street E East Coulee Road Closure and set a public hearing date for February 18th, 2025.

DISCUSSION:

Similar to other municipalities, the administrative costs associated with closure of the road allowance are the responsibility of the applicant. The administrative fees have already been collected from the applicant, and the applicant has agreed to pay for the lot at the price proposed by Administration.

In accordance with Section 22 of the Municipal Government Act c.m-26, R.S.A, 2000:

- a) all roads in a municipality that are subject to the direction, control and management of a municipality must be closed by bylaw;
- b) the municipality must hold a public hearing in respect to the proposed bylaw; and,
- c) All road closure bylaws must be approved by the Minister of Transportation and Economic Corridors before it receives second reading.

Although often used interchangeably, there is a difference between a right-of-way and a road. A road is the compacted surface that is contained within the right of way and is generally between 7-9 metres wide. The right-of-way is the legal entity under the ownership of the province, intended for the use of a road or utility, and varies between 6 metres (for an alley) to between 20-40 metres for a street or avenue. In this instance, there is no developed road within the right-of-way that is proposed to be closed.

As the Town of Drumheller does have sanitary sewer infrastructure within the section of the 9 Street E right-of-way, the Town will be registering a six (6) meter utility right-of-way easement on the property.

FINANCIAL IMPACT:

The administrative costs associated with the road closure are estimated to be about \$1,200.00, with most of the cost attributed to staff time and the requirement to advertise in the local newspaper. The applicant has already covered the costs associated with the road closure and is willing to purchase the land at fair market value.

STRATEGIC POLICY ALIGNMENT:

Council and Administration would like to close road allowances that are unused and unnecessary for public travel in order to reduce the associated costs of road maintenance.

COMMUNICATION STRATEGY:

Notice of the proposed Road Closure and Public Hearing will take place via:

- a) newspaper ads in the Drumheller Mail, running the weeks of January 29 and February 5, 2025; and
- b) letters to adjacent proprietors within 200m of the proposed road closure; and
- c) on the Town of Drumheller website as a media release on the Town calendar.

MOTION: Councilor Zariski, Councillor Lacher, M2025.11, Jan 20, 2025

That Council gives first reading to Bylaw #03.25 – 9th Street E East Coulee Road Closure and set the Public Hearing date for Monday, February 18, 2025.



Prepared by:
Mitchell Visser
Manager of Legislative
Services



Reviewed by:
Reg Johnston
Manager of Economic
Development



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

TOWN OF DRUMHELLER
BYLAW NUMBER 03.25
DEPARTMENT: DEVELOPMENT AND PLANNING

9th Street E East Coulee Road Closure

THIS IS A BYLAW of the TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of closing part of an underdeveloped public lane as depicted on the attached "Schedule – 'A'" and acquiring title to these lands in the name of the TOWN OF DRUMHELLER for retention or sale as Council may determine; in accordance with Section 22 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended.

WHEREAS; an application has been made by an adjacent landowner to have a portion of the public 9th Street East that is not developed closed to public use and to consolidate this land with the adjacent lands; and

WHEREAS; this undeveloped portion of 9th Street East created by subdivision plan number 4128 E.Q. within the N.W. 1/4 Section 29, in Township 27, Range 18, W. of the 4th. Meridian has never been developed, has never been used for public travel, and will not be required for a public road or other public purposes in the foreseeable future; and

WHEREAS; the Council of the Town of Drumheller is satisfied that this activity is in the best public interest, and no one will be adversely affected by this Street closure; and

WHEREAS; a notice of this street closure was published in the Drumheller Mail once a week for two consecutive weeks; on _____ and again on _____ the last of such publications being at least five days before the day fixed for the passing of this Bylaw; and

WHEREAS; the Council of the Town of Drumheller held a public hearing on the day of _____ A.D., 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 that portion of said undeveloped 9th Street East, as depicted on the attached Schedule – 'A,' which is more particularly described as:

THAT PORTION OF NINTH STREET EAST CREATED BY
SUBDIVISION PLAN 4128 E.Q. THAT LIES WITHIN:

PLAN
BLOCK 6
LOT 8

EXCEPTING THEREOUT ALL MINES AN MINERALS

to public travel and acquiring titles to these lands in the name of the TOWN OF DRUMHELLER with a mailing address of; 224 Centre Street, DRUMHELLER, Alberta

T0J 0Y4 pursuant to Sections 22 of the Municipal Government Act, being Chapter M-26, of the Revised Statues of Alberta 2000, as amended.

1. SHORT NAME

1.1. This Bylaw shall be cited as the "9th Street East Coulee Road Closure".

2. TRANSITIONAL

2.1. 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 day of 2024.

2025


MAYOR: HER WORSHIP; HEATHER COLBERG

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

APPROVED BY: ALBERTA TRANSPORTATION and ECONOMIC CORRIDORS

Seal

MINISTER OF ALBERTA TRANSPORTATION and ECONOMIC CORRIDORS
127 LEGISLATURE BUILDING, 10800 - 97 AVENUE, EDMONTON, AB, T5K 2B6

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN
DRUMHELLER this day of 2024.

2025

MAYOR: HER WORSHIP; HEATHER COLBERG

Seal

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

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN
DRUMHELLER this day of 2024.

2025

MAYOR: HER WORSHIP; HEATHER COLBERG

Seal


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

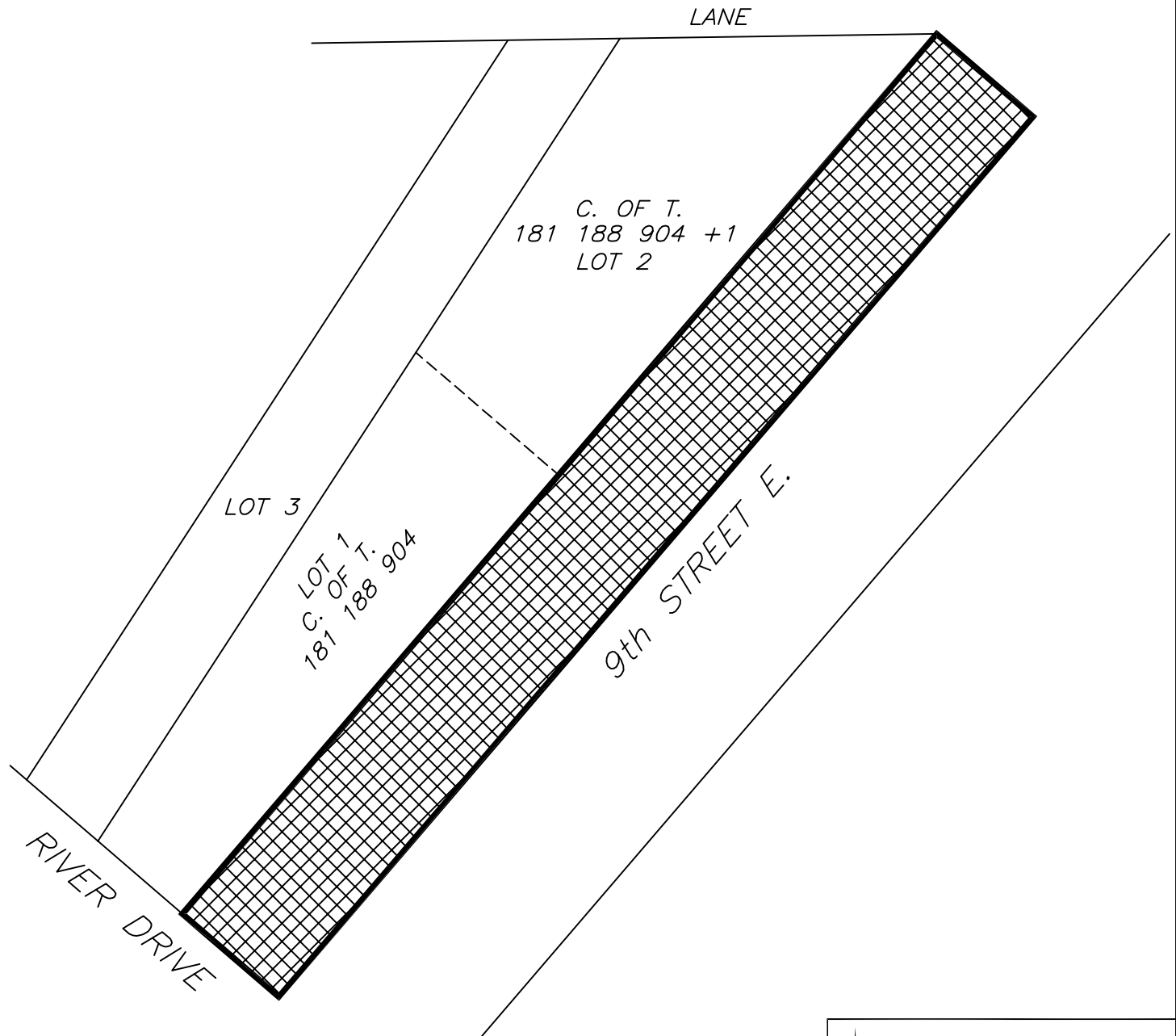
EAST COULEE
— DRUMHELLER, ALBERTA —

PLAN SHOWING PROPOSED
 ROAD CLOSURE PART OF
 9th STREET E. ON PLAN 4128 E.Q.

SCALE= 1:400 — G.W.WALLACE, A.L.S.
 N.W.1/4 SEC.29, TWP,27, RGE.18, W.4M.
 SCALE= 1:400 — 2024 — G.W. WALLACE A.L.S.

LEGEND:

Area affected by this plan is shown thus... 



REV.	DATE	DESCRIPTION
1	July 18, 2024	CHANGE SCHEDULE A BOUNDARY
0	July 18, 2024	ISSUED

HUNTER WALLACE SURVEYS LTD.
 DRUMHELLER, ALBERTA
 FILE: 24-123-ROAD CLOSURE-R1