

REQUEST FOR DECISION

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| TITLE: | Proposed Midland Road Closure Bylaw 13.22 |
| DATE: | June 22, 2022 |
| PRESENTED BY: | Darryl Drohomerski, C.E.T., CAO |
| ATTACHMENT: | Bylaw 13.22; Schedule 3, 4 and 5 |

SUMMARY:

As part of the Town's Flood Mitigation Project and provincial funding agreement, the Province is transferring the ownership of several berms that currently sit on Public road rights-of-way. A portion of these rights-of-way need to be closed for the construction of the new berms. This Bylaw deals with closing a portion of the right of way along North River Drive in Midland.

RECOMMENDATION:

That Council gives First Reading to Bylaw 13.22 Midland Road Closure and sets the Public Hearing date for August 2, 2022.

DISCUSSION:

When the Province of Alberta constructed berms in Drumheller, the berms were largely built on their lands by way of road rights-of-way, especially if adjacent to an existing road. Under the funding agreement between the Town and Alberta Environment, the ownership of the berms is transferred to the Town and as such, the lands they sit on shall also be owned by the Town of Drumheller. This road closure bylaw will accomplish that task for the Midland Berm.

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 is 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. In the case of rights of way adjacent to the Red Deer River, the right of way extends to the water's edge as shown in the attached drawings.

There is no change to North River Drive, nor 25th St NW, other than the road right-of-way on paper will be reduced to south and west edges of the pavement, respectfully. There is no physical change to the roadways in this area.

The land 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:

A notice of the proposed Road Closure and Public hearing will be provided via;

- Newspaper ads in the Drumheller Mail will run on July 20 and July 27
- Letters to properties in the adjacent area will be mailed out by July 6
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION:

That Council gives First Reading to Midland Road Closure Bylaw 13.22 and sets the Public Hearing date for August 2, 2022.

SECONDED:

Prepared By:

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

Reviewed By:

Denise Lines

Denise Lines
SR. Administrative Assistant

Approved By:



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 13.22**

Midland Road Closure

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

SCHEDULE – 3 AREAS – ‘A’, ‘B’ and ‘C’

being part of “Street” created by Plan 7291 C.G. (now North River Drive) and “25th Street” created by Plan 811 0811 and all of “Street” created by Plan 811 0811, and

SCHEDULE – 4 AREA – ‘D’

being part of “Street” created by Plan 7291 C.G. (now North River Drive) all within the W.1/2 Section 9 and the S.E.1/4 Section 9 in Township 29, Range 20, W.4th Meridian, and

SCHEDULE – 5 AREA – ‘E’

being part of “River Drive” created by Plan 1561 J.K. (now North River Drive) and part of the “Original Road Allowance” between the S.E.1/4 Section 9 and the S.W.1/4 Section 10, 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 dikes 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 dikes in the subject areas is impossible without encroaching upon and using parts of the adjacent public streets, and

WHEREAS; the existing dikes already occupy portions of undeveloped streets and the proposed new dikes and enhancement thereto will continue to occupy portions of undeveloped streets, and

WHEREAS; the parties hereto have agreed that land used for dike 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 these Road closures 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 _____, 2022 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 those portions of the undeveloped Streets shown depicted on the attached Schedules - 3, 4 and 5 which are more particularly describe as:

PLAN
AREAS – ‘A’, ‘B’, ‘C’, ‘D’, and ‘E’
EXCEPTING THEREOUT ALL MINES AND 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 and 23 of the Municipal Government Act, Chapter M-26, Revised Statues of Alberta 2000, as amended.

TITLE

This Bylaw may be cited as Midland Road Closure Bylaw 13.22

TRANSITIONAL

This Bylaw takes effect on the day of final passing thereof.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN DRUMHELLER.

this day of ,2022.

MAYOR: HER WORSHIP; HEATHER COLBERG

Seal

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

APPROVED BY: ALBERTA INFRASTRUCTURE and TRANSPORTATION

Seal

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

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

this day of ,2022.

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 2022.

MAYOR: HER WORSHIP; HEATHER COLBERG

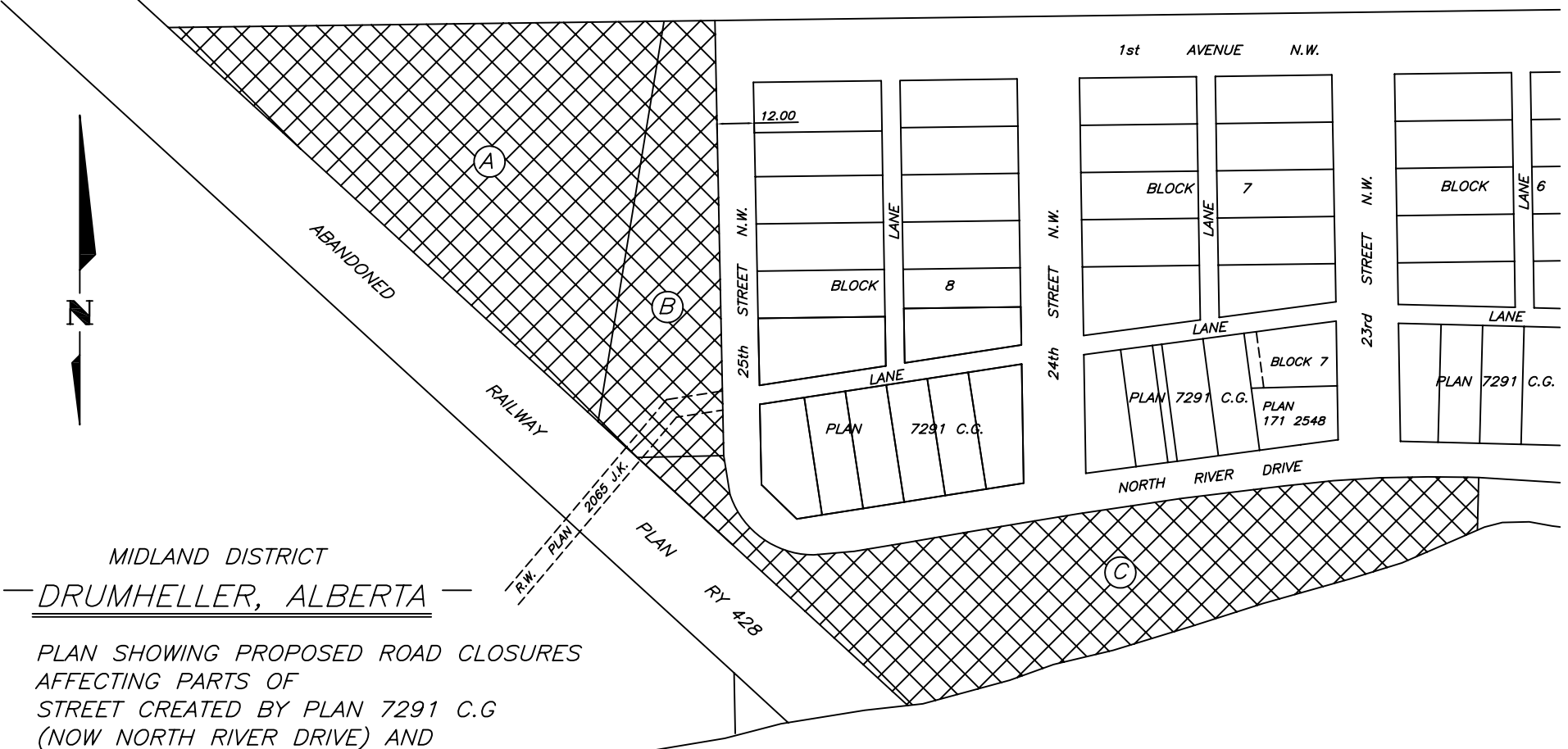
Seal

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

draft - 2022jun29 - first reading

NORTH DINOSAUR DRIVE

1st AVENUE N.W.



MIDLAND DISTRICT

DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING PARTS OF
STREET CREATED BY PLAN 7291 C.G.
(NOW NORTH RIVER DRIVE) AND
25th STREET CREATED BY PLAN 811 0811
AND ALL OF STREET CREATED BY PLAN 811 0811
ALL WITHIN THE
S.E.1/4 & W.1/2 SEC.9, TWP.29, RGE.20, W.4M.

SCALE= 1:2000 — JUNE, 2022 —

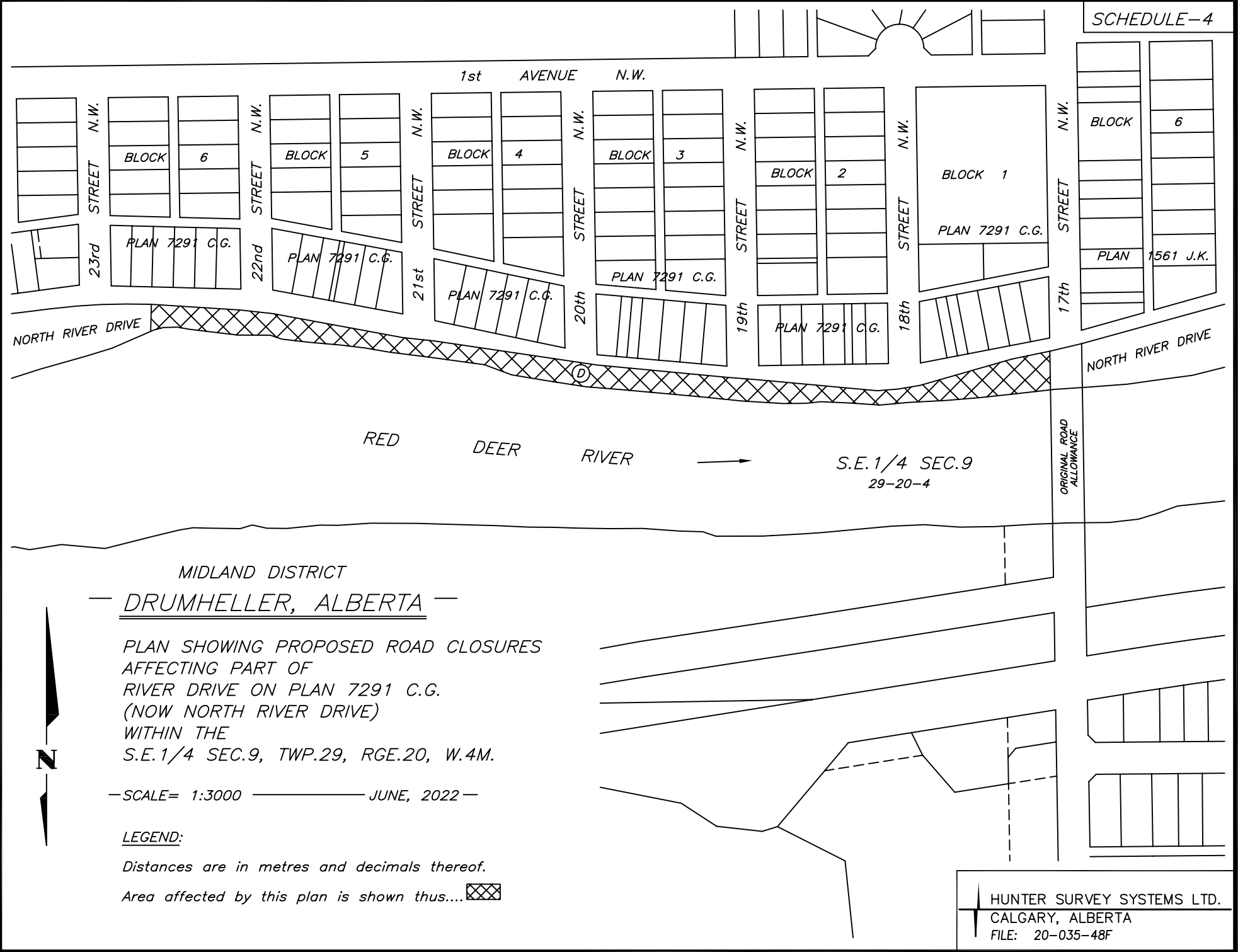
LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 

RED DEER RIVER

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035-48D



NORTH RIVER DRIVE

RED DEER RIVER

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

ORIGINAL ROAD ALLOWANCE

MIDLAND DISTRICT

DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING PART OF
RIVER DRIVE ON PLAN 7291 C.G.
(NOW NORTH RIVER DRIVE)
WITHIN THE
S.E. 1/4 SEC. 9, TWP. 29, RGE. 20, W. 4M.

—SCALE= 1:3000 — JUNE, 2022 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035-48F

MIDLAND DISTRICT
— DRUMHELLER, ALBERTA —

PLAN SHOWING PROPOSED ROAD CLOSURES
AFFECTING PART OF
RIVER DRIVE ON PLAN 1561 J.K.
(NOW NORTH RIVER DRIVE) AND
PART OF ORIGINAL ROAD ALLOWANCE BETWEEN
S.E.1/4 SEC.9 AND S.W.1/4 SEC.10
ALL WITHIN THE S.E.1/4 SEC.9 AND THE
S.W.1/4 SEC.10, TWP.29, RGE.20, W.4M.

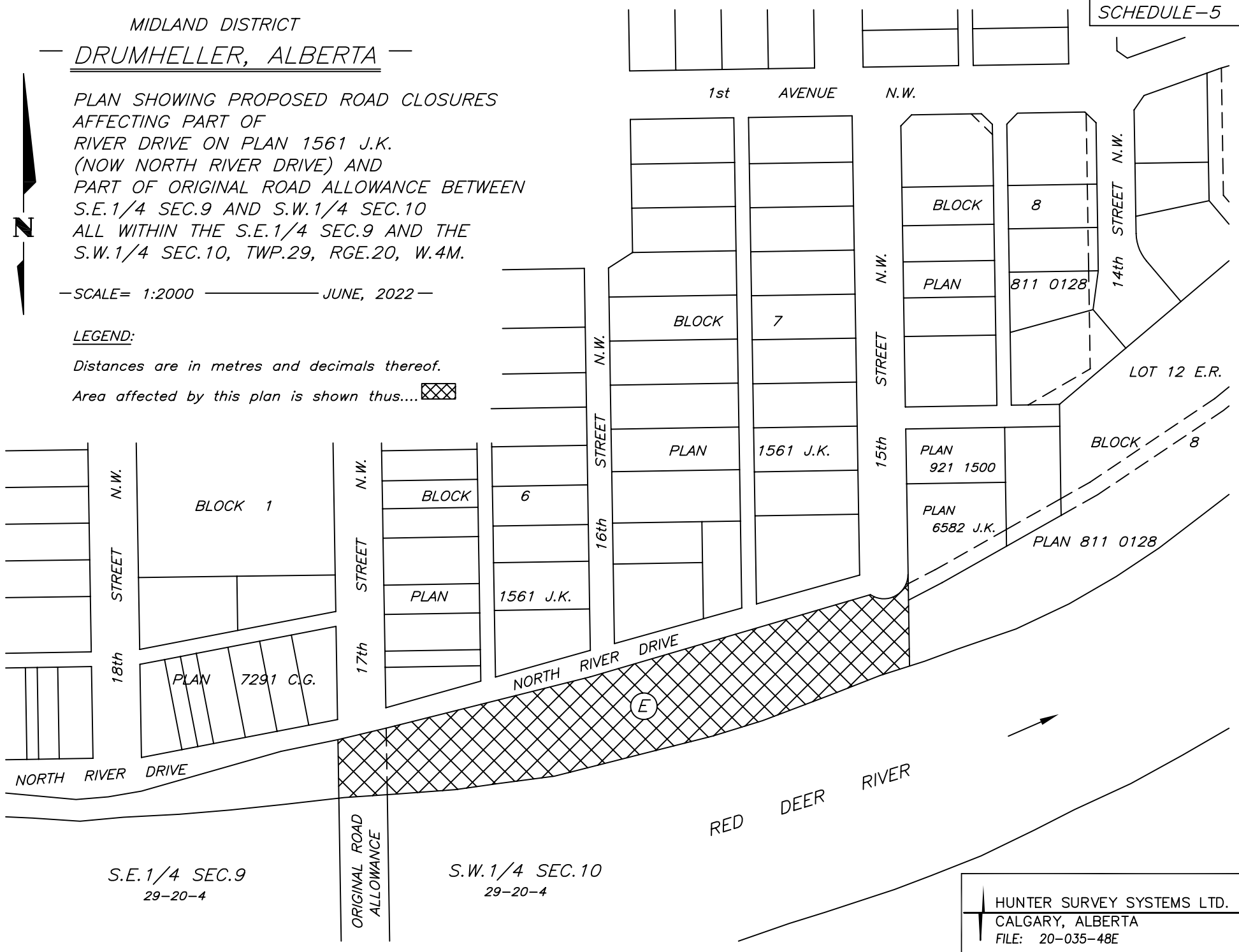


—SCALE= 1:2000 — JUNE, 2022 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 



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

S.W.1/4 SEC.10
29-20-4

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035-48E