



## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed 9 <sup>th</sup> St NW Road Closure Bylaw 19.22
<b>DATE:</b>	November 2, 2022
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	Bylaw 19.22; Schedule 6

### **SUMMARY:**

As part of the Town's Flood Mitigation Project and provincial funding agreement, the Province is requiring the Town of Drumheller owns the land that current or proposed berms will be placed, including those berms that currently or would sit on Public road rights-of-way. A portion of these rights-of-way need to be closed for the construction of the new berms. This Bylaw deals with closing a portion of the right of way at the south end of 9<sup>th</sup> St NW to facilitate berm placement.

### **RECOMMENDATION:**

That Council gives First Reading to Bylaw 19.22 9<sup>th</sup> St NW Road Closure and sets the Public Hearing date for December 19, 2022.

### **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 Hospital Berm that crosses 9<sup>th</sup> St NW.

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 drawing.

As this closure is the embankment and south end of the street, there is no change to access to adjacent properties from this road closure, nor is 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 November 30 and December 7
- Letters to properties in the adjacent area will be mailed out by November 25
- Posting on the Town Website, DrumhellerOnline Community Events Page.

**MOTION:** Councillor Kolafa M2022.245 - Mon Nov 7 2022

That Council give first reading to 9<sup>th</sup> ST NW Road Closure Bylaw 19.22 and set the Public Hearing date for December 19, 2022.

**SECONDED:** Councillor Lacher

Prepared By:



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

Reviewed By:

*Denise Lines*

Denise Lines  
Legislative Services

Approved By:



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

**TOWN OF DRUMHELLER  
BYLAW NUMBER 19.22  
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT**

*9<sup>th</sup> Street NW*

**THIS IS A BYLAW of the TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing a portion of an undeveloped original road allowance as depicted on attached:

**SCHEDULE – 6;** being a portion of the Original Road Allowance (9<sup>th</sup>. Street N.W.) lying between the S.E.1/4 Section 10 and the S.W.1/4 Sec. 11, in Township 29, Range 20, West of the 4<sup>th</sup>. 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 area is impossible without encroaching upon and using part of the undeveloped original road allowance (9<sup>th</sup>. Street N.W.) and

**WHEREAS;** the parties to this flood mitigation project 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 undeveloped road allowance 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 ....., 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 that portion of the undeveloped road allowance (9<sup>th</sup>. Street N.W.) as shown depicted on the attached Schedule – ‘6’ which is more particularly described as:

PLAN .....  
AREA - A  
EXCEPTING THEREOUT ALL MINES AND MINERALS

to public travel and acquiring title 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 Statutes of Alberta 200, as amended.

**SHORT TITLE**

This Bylaw may be cited as 9<sup>th</sup> Street NW Road Closure Bylaw 19.22

**TRANSITIONAL**

This Bylaw takes effect on the day of the third and final reading.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS \_\_ DAY OF \_\_, 2022.

\_\_\_\_\_  
MAYOR: HEATHER COLBERG

\_\_\_\_\_  
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 97<sup>TH</sup>. AVENUE, EDMONTON, ALBERTA. T5K 2B6

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS \_\_ DAY OF \_\_, 2022.

\_\_\_\_\_  
MAYOR: HEATHER COLBERG

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

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF  
DRUMHELLER, THIS \_\_ DAY OF \_\_, 2022.

\_\_\_\_\_  
MAYOR: HEATHER COLBERG

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

draft - first reading - 2022 Nov 1

N.E.1/4 SEC.10  
29-20-4

C.of T. 181 197 602

C.of T.  
921 259 446

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

ORIGINAL ROAD ALLOWANCE (9th STREET N.W.)

LOT 19

PLAN 131 3418  
LOT 20

LOT 21

LOT 18  
PLAN 921 0893

LOT 22  
PLAN 131 3418

C.of T. 151 135 434  
S.W.1/4 SEC.11  
29-20-4

MICHICHI CREEK

LOT 19 E.R.  
BLOCK 1 PLAN 921 0893

RED DEER RIVER

DRUMHELLER, ALBERTA

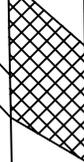
PLAN SHOWING PROPOSED ROAD CLOSURE AFFECTING PART OF THE ORIGINAL ROAD ALLOWANCE BETWEEN THE S.E.1/4 SEC. 10 AND S.W.1/4 SEC.11, TOWNSHIP 29, RANGE 20, W.4M.

SCALE= 1:2000 ————— OCTOBER, 2022

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 



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