

REQUEST FOR DECISION

TITLE:	Proposed Rosedale Mabbott Road - Road Closure Bylaw 06.24
DATE:	January 29, 2024
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 06.24; Schedule 'A'

SUMMARY:

As part of the Town's Flood Mitigation Project and provincial funding agreement, the Province is requiring the Town of Drumheller own the land that current or proposed berms will be placed, including those berms that currently or would sit on Public road rights-of-way. A portion of these rights-of-way need to be closed for the construction of the new berms. This Bylaw deals with closing a portion of the right of way of Mabbott Road between the Red Deer River and southern edge of the Star Mine Suspension Bridge parking lot to allow the berm to be constructed parallel to the river.

RECOMMENDATION:

That Council gives first reading to Rosedale Mabbott Road - Road Closure Bylaw 06.24 and sets the Public Hearing date for Monday, March 4, 2024.

DISCUSSION:

Under the funding agreement between the Town and Alberta Environment, the construction of any new berms shall be placed on land owned by the Town of Drumheller, including any road rights of way. This road closure bylaw will accomplish that task for the Rosedale Berm across the Star Mine Bridge parking lot, which is technically and legally part of the right of way for Mabbott Road. It is unique to have a right of way that includes a parking lot, however, when the Province took over responsibility for the suspension bridge, it also included land on both sides of the river, abutting the bridge.

The parking lot for the suspension bridge will be reduced because of the berm construction that runs parallel to the river, however, the Town owns property adjacent to the parking lot that could be converted for parking if required. Any land not needed for berm construction will remain as a parking lot and the site will be configured for optimal parking on site.

There is an existing access road, as noted by Plan 931 1192, that allows access across the parking lot to the residential property at 515 Mabbott Road. This access will not be affected by this road closure and will continue as shown on Schedule 'A'.

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 and in this case much wider because it included land abutting the Star Mine Suspension Bridge which was eventually turned into a parking lot.

These portions of road closures are necessary to wrap the berm around, and protect, properties in Rosedale that are below the Provincial 1:100 Flood Elevation.

The lands where the berm is being placed will be converted into Public Utility Lot to align with the other land in the valley that berms currently or will reside upon.

FINANCIAL IMPACT:

The costs to convert this land are included with the Flood Mitigation project and is a requirement of the provincial funding agreement.

STRATEGIC POLICY ALIGNMENT:

Flood Mitigation is the key strategic priority of this Council and Administration.

COMMUNICATION STRATEGY:

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

- Newspaper ads in the Drumheller Mail will run on February 14 and 21.
- Letters to properties in the adjacent area will be mailed out.
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION: Councillor Lacher, Councillor Sereda, M2024.46, Feb 5, 2024

That Council give first reading to Rosedale Mabbott Road - Road Closure Bylaw 06.24 and set the Public Hearing date for March 4, 2024.

SECONDED:

Prepared By:

Reviewed By:

Approved By:

Darryl Drohomerski

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

Denise Lines

Denise Lines
Legislative Services

[Signature]

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

TOWN OF DRUMHELLER
BYLAW NUMBER 06.24
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

Rosedale Mabbot Road, Road Closure

THIS IS A BYLAW of the TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of closing portions of a road (parking lot) depicted on the attached Schedule 'A' and more particularly described as:

Extra Road – 'A' and Extra Road – 'B' on Plan 931 1192

within S.E. 1/4 Sec. 28, in Township 28. Range 19, West 4th Meridian, to public travel and acquiring title to these lands in the name of the TOWN OF DRUMHELLER pursuant to Section 22 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, as amended.

WHEREAS: the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation berms along portions of the Red Deer and Rosebud River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and

WHEREAS: the Town of Drumheller requires portions of the aforementioned Extra Roads to provide adequate room for berm construction and redesigning this parking lot for public use and is satisfied the said Extra Roads are not required for access to other lands nor will it be required for public road purposes in the foreseeable future, and

WHEREAS: the Council of the Town of Drumheller is satisfied that this activity is in the best public interest, and no one will be adversely affected by this road closure and parking lot re-design, and

WHEREAS: a notice was published in the Drumheller Mail once a week for two consecutive weeks; on _____ and again on _____ the last of such publications being at least five days before the day fixed for the passing of this Bylaw, and notified adjacent land owners that would likely be affected by this road closure to the public, and

WHEREAS: the Council of the Town of Drumheller held a public hearing on the _____ day of 2024, at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard, and

WHEREAS: the Council of the Town of Drumheller was not petitioned for an opportunity to be heard by any person prejudicially affected by this Bylaw.

NOW THEREFORE: be it resolved that THE COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta does hereby enact to close the Extra Roads depicted on Schedule 'A' attached hereto and more particularly described as:

EXTRA ROAD – 'A' and EXTRA ROAD – 'B' ON PLAN 931 1192
EXCEPTING THEREOUT ALL MINES AND MINERALS

to public travel and acquiring a 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 Section 22 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, as amended.

SHORT TITLE

This Bylaw may be cited as Rosedale Mabbot Road, Road Closure

TRANSITIONAL

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

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER this 5th day of February 2024.

MAYOR: HEATHER COLBERG

Seal

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

APPROVED BY: ALBERTA TRANSPORTATION and ECONOMIC CORRIDORS

Seal

MINISTER OF TRANSPORTATION and ECONOMIC CORRIDORS

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

MAYOR: HEATHER COLBERG

Seal

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

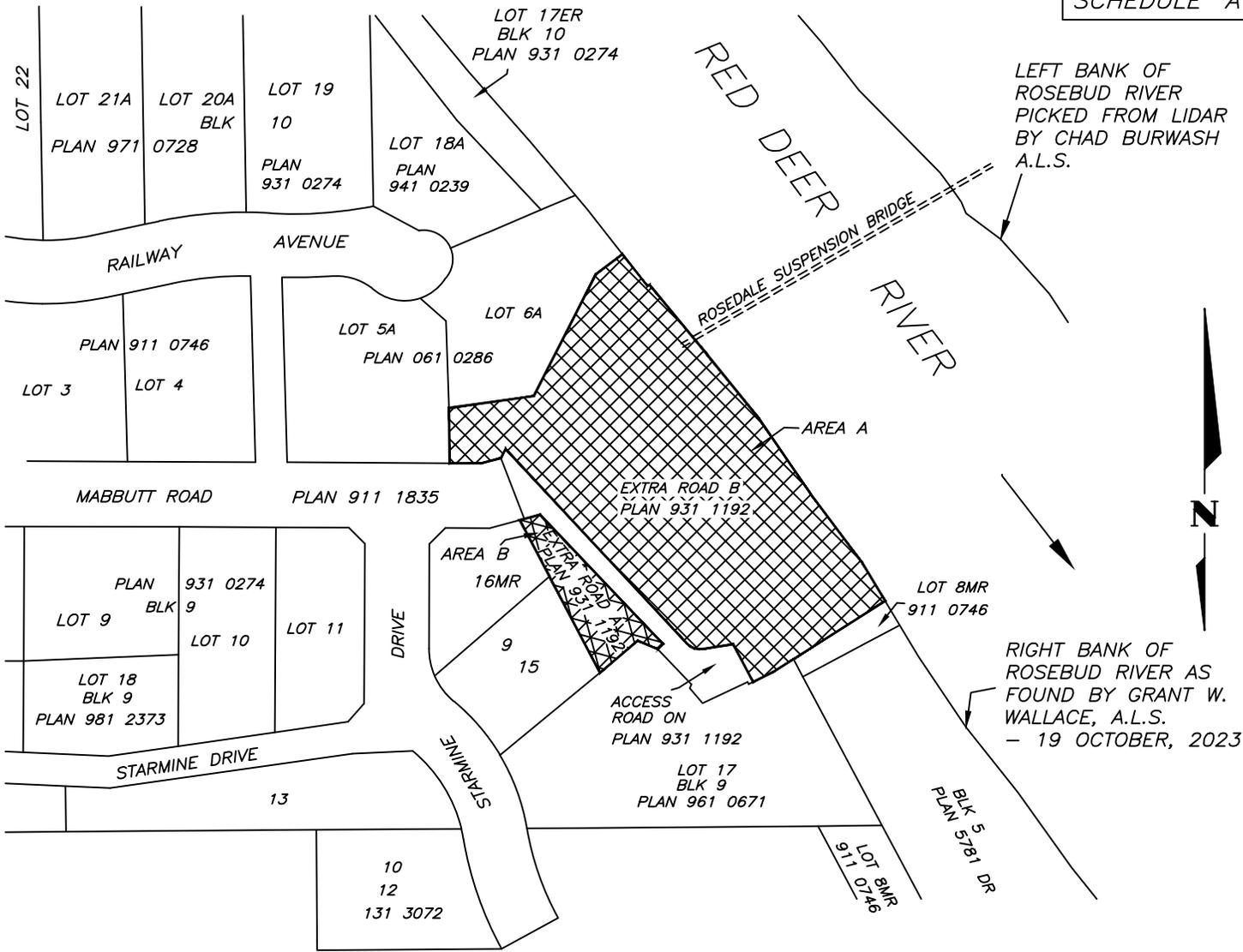
READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER
this day of 2024.

MAYOR: HEATHER COLBERG

Seal

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

draft - first reading - 2024Feb5



S.E.1/4 SEC.28-28-19-4

ROSEDALE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURE
 AFFECTING EXTRA ROAD -A AND
 EXTRA ROAD-B, ON PLAN 931 1192
 WITHIN THE
 S.E.1/4 SEC.28, TWP.28, RGE.19, W.4M.
 SCALE= 1:2000 — 2024 — W.R.HUNTER, A.L.S.

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

REVISION TABLE	
0	JAN. 9, 2024 ISSUED

HUNTER SURVEY SYSTEMS LTD. CALGARY, ALBERTA FILE: 23-260-ROAD-C-2 ROSEDALE
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