



## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed Rosedale 1 <sup>st</sup> Avenue S - Road Closure Bylaw 09.24
<b>DATE:</b>	February 5, 2024
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	Bylaw 09.24; 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 multiple portions of right of way along 1<sup>st</sup> Avenue S in Rosedale; historically named 1st Street as shown in Schedule A. Some portions are required for the berm construction (Area E), some have existing town infrastructure located on the right of way (Areas A, M, B, C and D) and the remainder are to clean up remnent parcels that have private structures installed on them.

### RECOMMENDATION:

That Council gives first reading to Rosedale 1<sup>st</sup> Avenue S- Road Closure Bylaw 09.24 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/Scarlett Berm across the right of way of 1<sup>st</sup> Avenue S.

This Bylaw aims to remedy three issues within this area of Rosedale; one related to the construction of the Rosedale/Scarlett berm that crosses 1<sup>st</sup> Avenue S; a second related to closing right of way where the MD or Town had constructed municipal infrastructure in the form of a wastewater lift station and lastly, the cleaning up of remanent pieces of right of way that property owners west of the Rosebud river have built structure upon over many years.

To say this area is a legal surveyor's nightmare would be an understatement! While we do not see these things when out in the area, there are significant differences in the legal plans that were registered with the Province and what is visible today. On the attached Schedule 'A', one can see the original Rosebud River, as it was surveyed about 100 years ago, the current location of the river after being realigned by residents and Alberta Transportation over the decades, several residential roads that were never developed or were developed and removed over time. The construction of Highway 10 sometime in the 1950's went through many of these parcels without cleaning up the parcels properly. This Bylaw aims to correct many of these issues as part of the berm construction and requirement that it is built on town-owned land and not a public right of way.

The berm is proposed to traverse a portion of Area D and E. There are two legal parcels here because the original alignment of the Rosebud River bisected the parcels. With the river being relocated, each parcel now has acquired 50% of the old riverbed land. In addition, small pieces of the road and sidewalk in the north side of 1<sup>st</sup> Avenue S encroach onto private lands, and the property owners on the south side of the street all encroach into the right of way, so we have

decided to correct all these issues at once. The end result will be to contact the property owners with the expectation to have them consolidate these remnants with their lots and adjust the road right of way in this block.

The lands between the Rosebud River and the CN rail line also consist of many small pieces of right of way that are no longer in use nor required. In fact, a sewage lift station and associated infrastructure was constructed in the middle of a few parcels some time ago. While not directly related to the berm project, completing these changes all at once will save the municipality time and expense compared to completing them separately.

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.

As noted above, some of 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 remainder are to clean up outstanding issues that are adjacent to the berm construction along the Rosebud River.

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 parcels will be sold to adjacent property owners or consolidated into town land as needed.

**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: Councilor Zariski, Councillor Lacher, M2024.48, Feb 05, 2024.**

That Council give first reading to Rosedale 1<sup>st</sup> Avenue S - Road Closure Bylaw 09.24 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 09.24**  
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

*Rosedale 1<sup>st</sup> Ave S, Road Closure (HWY10)*

**THIS IS A BYLAW of the TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing portions of undeveloped Roads, Streets and Lanes created by Plans 2129 E.Q., 7346 H.X., 678 C.H., 2715 B.M, 4676 C.H, and a portion of the original road allowance depicted on the attached SCHEDULE -'A';

all within the S.W.1/4 Sec. 28 and the N.W.1/4 Sec. 21 and the intervening original road allowance in Township 28. Range 19, West 4<sup>th</sup> 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 dikes 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 road to provide adequate room for dike construction, related matters and to also resolve some boundary issues in this area and is satisfied the said 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 these road closures 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 these road closures to the public, 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, 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 roads depicted on Schedule 'A' attached hereto and more particularly described as:

PLAN .....  
AREAS 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'J', 'K', 'L' and 'M'.  
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

**SHORT TITLE**

This Bylaw may be cited as Rosedale 1<sup>st</sup> Avenue S, 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            day of                            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.

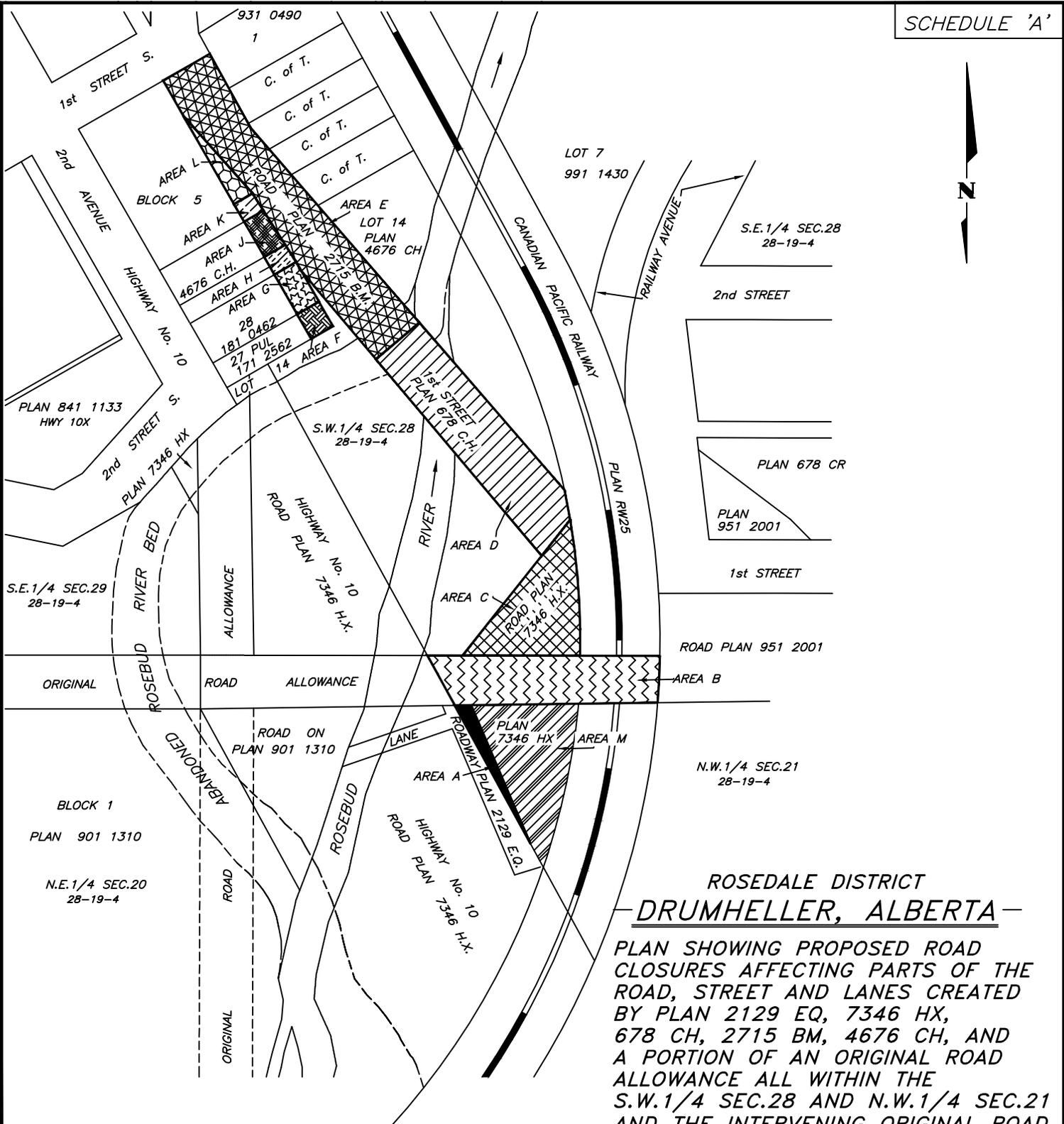
**READ AND PASSED THE THIRD TIME** BY THE COUNCIL OF THE TOWN OF  
DRUMHELLER  
this        day of                    2024.

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

Seal

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

draft - first reading - 2024Feb5



PLAN SHOWING PROPOSED ROAD CLOSURES AFFECTING PARTS OF THE ROAD, STREET AND LANES CREATED BY PLAN 2129 EQ, 7346 HX, 678 CH, 2715 BM, 4676 CH, AND A PORTION OF AN ORIGINAL ROAD ALLOWANCE ALL WITHIN THE S.W.1/4 SEC.28 AND N.W.1/4 SEC.21 AND THE INTERVENING ORIGINAL ROAD ALLOWANCE IN 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....
  - Area C....
  - Area D....
  - Area E....
  - Area F....
  - Area G....
  - Area H....
  - Area J....
  - Area K....
  - Area L....
  - Area M....

REVISION TABLE		
1	FEB. 1, 2024	PLAN NUMBER CORRECTED
0	JAN. 9, 2024	ISSUED

HUNTER SURVEY SYSTEMS LTD.  
CALGARY, ALBERTA  
FILE: 23-260 ROAD-C-3-ROSEDALE