

## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed Rosedale Railway Avenue - Road Closure Bylaw 10.24
<b>DATE:</b>	February 14, 2024
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	Bylaw 10.24; 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. For this specific road closure, the proposed closure of right of way is intended to provide additional lands to the adjacent landowners who are providing land at the rear of their property for berm construction.

### RECOMMENDATION:

That Council gives first reading to Rosedale Railway Avenue - Road Closure Bylaw 10.24 and sets the Public Hearing date for Monday April 8, 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. As noted in previous Rosedale Road Closure bylaws, there are several anomalies in the property boundaries in Rosedale. One such area is the right of way known as Railway Avenue, specifically in the area shown on Schedule 'A'. Although the lands proposing to be closed will not be used for berm construction, because of construction taking place in the vicinity of this right of way, and after discussions with the landowners, the Town is looking to clean up the rights of way in this area.

When looking at Railway Avenue as a whole, it is apparent that the original right of way contained both a rail line to serve Star Mine as well as vehicle traffic for the Rosedale settlement south of 1 Avenue East. Over time, some of the right of way was closed or altered to allow for residential development as we know it today. However, the right of way in front of both 80 and 104 Railway Avenue was never adjusted from the original plan from 1927 and is 35.4 meters (116 feet) wide instead of the standard 20 meter wide right of way. Both properties have significant landscaping and surface improvements constructed on the right of way and in an effort to clean up some of these anomalies, the Town and property owners have discussed the opportunity to transfer ownership of the closed right of ways if the closure is approved.

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 for the railway to serve the Star Mine and vehicle traffic. Outside of area highways and 1 Street E/Pinter Drive/Pinter Road, this may be the widest right of way in Drumheller.

The parcels, once closed, will be consolidated with the existing residential parcels if agreements are reached with the current landowners. Any unsold parcels will be set aside as land inventory to consolidate in the future.

**FINANCIAL IMPACT:**

While not directly related to berm construction, the costs to convert this land are included in the Flood Mitigation project as we are working with both property owners on berms at the back of their property.

**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 March 13 and 20.
- Letters to properties in the adjacent area will be mailed out.
- Posting on the Town Website under Council Agendas.

**MOTION: Councillor Kolafa, Sereda - M2024.72 - Tues Feb 20, 2024 Carried**

That Council give first reading to Rosedale Railway Avenue - Road Closure Bylaw 10.24 as presented and set the Public Hearing date for April 8, 2024.

**SECONDED:**

Prepared By:

Reviewed By:

Approved By:

*Darryl Drohomerski*

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

*Denise Lines*

Denise Lines  
Legislative Services

*DD*

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

**TOWN OF DRUMHELLER**  
**BYLAW NUMBER 10.24**  
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

*Rosedale Railway Ave, Road Closure*

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

**SCHEDULE – A ... AREAS – ‘A,’ ‘B,’ ‘C’ and ‘D’**

being parts of “Railway Avenue” created by Plan 3452 H.X.

Within the S.W. 1/4 Section 28, 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, 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 Rivers in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and

**WHEREAS**; the public street herein defined is not developed or otherwise used as a public street nor will it be required for a public street or other public purposes in the foreseeable future; and

**WHEREAS**; the Town of Drumheller has been petitioned to close the lands herein described by the flood mitigation project to be used for land exchange required for a flood protection berm to be constructed in this vicinity or to hold the land for future consolidation with adjacent lands, 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

**WHEREAS**; a notice of these Street 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 \_\_\_\_\_, 2024 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard;

MINISTER OF ALBERTA TRANSPORTATION and ECONOMIC CORRIDORS  
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  
DRUMHELLER.**

this            day of            2024.

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.

MAYOR: HER WORSHIP; HEATHER COLBERG

Seal

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