

## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed Nacmine 8 <sup>th</sup> Street Road Closure Bylaw 04.24
<b>DATE:</b>	December 29, 2023
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	Bylaw 04.24; Schedule 1

### 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 the right of way of 8<sup>th</sup> Street between the Red Deer River and 2<sup>nd</sup> Avenue to facilitate berm placement at the north end of the right of way.

### RECOMMENDATION:

That Council gives first reading to Nacmine 8<sup>th</sup> Street Road Closure Bylaw 04.24 and sets the Public Hearing date for February 5, 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 Nacmine Berm that runs perpendicular to 8<sup>th</sup> Street. This land is located adjacent to 215 8<sup>th</sup> Street and 810 2<sup>nd</sup> Avenue.

The landowners at these two addresses have several items, including structures, that encroach on the public right of way. Instead of requiring their removal, part of this road closure will attempt to clean up these encroachments by selling the land to the property owners that is not needed for the berm construction. Initial discussions have commenced between the town and landowners but are not yet completed.

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. Many rights of way, at least in Drumheller area, may not have a road contained within the boundary, as in this case.

These portions of road closures are necessary to wrap the berm around, and protect, properties in Nacmine 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 January 24 and 31.
- Letters to properties in the adjacent area will be mailed out by January 19
- Posting on the Town Website, DrumhellerOnline Community Events Page.

**MOTION: Councillor Lacher, Councillor Sereda, M2024.05, Jan 8, 2024**

That Council give first reading to Bylaw 04.24 Nacmine 8<sup>th</sup> Street Road Closure and set the Public Hearing date for February 5, 2024.

**SECONDED:**

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 04.24**  
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

*Nacmine 8<sup>th</sup> St; Road Closure*

**THIS IS A BYLAW of the TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing portions of an undeveloped Public Street as depicted on:

**SCHEDULE – 1      AREA – ‘A’**

being portions of Roadway (now 8<sup>th</sup>. Street) created by Plans 1622 F.B. and 865 F.G.

all within the North West Quarter of Section 8 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 areas is impossible without encroaching upon and using part of the undeveloped public streets, and

**WHEREAS**; the proposed new flood mitigation berms will continue to occupy the area depicted on Schedule 1, and

**WHEREAS**; the parties hereto 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 Street closure was published in the Drumheller Mail once a week for two consecutive weeks; on Wednesday January 17<sup>th</sup> and again on Wednesday January 24<sup>th</sup>, 2024 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 5<sup>th</sup> day of February, 2024 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 a portion of the undeveloped Roadway (now 8<sup>th</sup> Street) shown depicted on the attached Schedule – 1, which is more particularly described as:

PLAN .....

AREA – 'A'  
EXCEPTING THEREOUT ALL MINES AND MINERALS

**SHORT TITLE**

This Bylaw may be cited as Nacmine 8<sup>th</sup> Street; 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 DRUMHELLER  
this 8<sup>th</sup> day of JANUARY, 2024.

  
MAYOR: HER WORSHIP; HEATHER COLBERG

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

Seal



**APPROVED BY: ALBERTA INFRASTRUCTURE and ECONOMIC CORRIDORS**

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MINISTER OF ALBERTA INFRASTRUCTURE 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 OF  
DRUMHELLER.**

this            day of            2024.

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MAYOR: HER WORSHIP; HEATHER COLBERG

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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.

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MAYOR: HER WORSHIP; HEATHER COLBERG

Seal

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

