

## REQUEST FOR DECISION

<b>TITLE:</b>	Proposed Nacmine Hunter Drive Road Closure Bylaw 05.24
<b>DATE:</b>	December 29, 2023
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	Bylaw 05.24; 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 Hunter Drive east of 958 Hunter Drive (Nacmine sanitary lift station) to facilitate berm placement across the right of way that will tie into Highway 575 to protect the properties at the east end of Nacmine.

### RECOMMENDATION:

That Council gives first reading to Nacmine Hunter Drive Road Closure Bylaw 05.24 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 across Hunter Drive to protect the east end of Nacmine.

A new cul-de-sac right of way and road will be created adjacent to 958 Hunter Drive to allow vehicles travelling east bound from 9<sup>th</sup> Street to turn around and return west bound. The remaining right of way including pavement and the eastern-most access to Hunter Drive will be removed and the area will be landscaped including the restoration of the active transportation trail that currently exists along this portion of Hunter Drive.

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.

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. The remaining lands will also be changed to a Public Utility Lot as there are underground utilities that traverse this area.

**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 Price, Councillor Hansen-Zacharuk, M2024.06, Jan 8, 2024** That Council give first reading to Bylaw 05.24 Nacmine Hunter Drive 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 05.24**  
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT

*Nacmine Hunter Dr; Road Closure*

**THIS IS A BYLAW of the TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing portions of a developed road and road allowance including an existing approach onto the adjacent South Dinosaur Trail as depicted on:

**SCHEDULE – 1      AREA – ‘A’**

being portions of Hunter Drive created by Road Plan 453 B.M. and Original Road Allowance created by the Original Township Plan all within the South East Quarter of Section 8 and the South West Quarter of Section 9 and the intervening road allowance 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 has acquired lands adjacent to the lands depicted on Schedule – ‘A’ as part of a flood mitigation project and thus eliminating the need for public street access to the lands adjacent, and

**WHEREAS**; the Town of Drumheller finds the six properties east of 9<sup>th</sup>. Street can be adequately served from the existing 9<sup>th</sup>. Street approach onto the South Dinosaur Trail with a new cul-de-sac to be constructed at the east end of Hunter Drive, and

**WHEREAS**; the Town of Drumheller takes this opportunity to eliminate a rather dangerous approach to the adjacent South Dinosaur Trail, 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 portions of Hunter Drive created by Road Plan 453 B.M. and Original Road Allowance created by the Original Township Plan as 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 Hunter Drive; 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

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



**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.

**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

