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File #: BL-19-031, Version: 1

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TAMRMS#: B06

**Bylaw 29/2019 Road Closure (1<sup>st</sup> reading)**

Presented by: Lenore Mitchell, Senior Planner, Planning & Development Department

**RECOMMENDATION(S)**

**(1) Bylaw 29/2019 Road Closure**

1. That Bylaw 29/2019, be read a first time.

That a non-statutory public hearing on Bylaw 29/2019, be held at the regularly scheduled Council meeting on December 2, 2019.

**PURPOSE OF REPORT**

The purpose of the report is to outline the proposed road closure for a portion of Road Plan 6079MC, which is a portion of Hogan Road located south of McKenney Avenue and north of Rankin Road.

**ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN**

N/A

**ALIGNMENT TO LEVELS OF SERVICE DELIVERY**

Current Planning Application Processing: Processing and coordination of the approval of statutory plans and amendments, subdivision and condominiums applications.

**ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION**

The Municipal Government Act requires the subject matter of this report to go to Council.

The Municipal Government Act, Road Closure, Section 22 states:

- (1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.*
- (2) A bylaw closing a road must be advertised.*
- (3) Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by the Council.*

## BACKGROUND AND DISCUSSION

Select Engineering Consultants Ltd. on behalf of Genstar Development Company, submitted an application to close a portion Road Plan 6079MC, which is a portion of Hogan Road that is located between McKenney Avenue and Rankin Drive. The area of the road closure is 0.28 hectares± (0.69 acres±). The legal description is Part of Road Plan 6079MC, within River Lot 18, St. Albert Settlement, and theoretically SW ¼, Sec 5, TWP 54, Rge 25, W 4<sup>th</sup> Mer. Please refer to attachment *Location Map Figure 1*.

The proposed road closure is in compliance with the Riverside Area Structure Plan (ASP), which designates the subject area as Medium / High Density Residential. When development occurs in this portion of the Riverside neighbourhood, the roadway would not be a roadway, but part of a developed site. Please refer to attachment *Riverside Area Structure Plan Figure 2*.

The area adjacent to the proposed road closure is districted Urban Reserve (UR) District, which is a holding district until urban development occurs on the land. At a future date, the land will require redistricting to district the land.

The proposed road closure is through lands that are owned by one landholder. Prior to, or at time of subdivision, the landholder will purchase the road right-of-way and consolidate the land with an adjacent parcel of land. An appraisal to determine the market value of the road right-of-way will be completed to determine a sale price. In addition, follow the City Council Policy C-ED-03 for land transactions.

Rose Gate is a newly constructed roadway that is the connection between McKenney Avenue and Rankin Drive.

## STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

In accordance with the provisions of the Municipal Government Act (MGA) Section 22(2), proposed road closures must be advertised. The proposed road closure was circulated on July 18, 2019 to internal departments, external referral agencies, and property owners within a 100-metre radius. There were no objections.

First reading is scheduled for November 4, 2019. The non-statutory public hearing is scheduled for December 2, 2019. Following first reading, the non-statutory public hearing date will be posted on the City website. The non-statutory public hearing will be advertised in CityLights on November 16 and 23, 2019, and a notification letter about the public hearing will be mailed to property owners within a 100-metre radius of the proposed road closure.

## IMPLICATIONS OF RECOMMENDATION(S)

### Financial:

None at this time.

Legal / Risk:

According to the Municipal Government Act (MGA) Section 70(1), a municipality must either dispose of land at market value or advertise its intent to dispose of the land at less than market value. Further, the City's Land Transactions Policy (C-ED-03) requires most land dispositions to proceed at market value or higher.

Program or Service:

None at this time.

Organizational:

None at this time.

### **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to support the recommendation, the following alternative could be considered:

- Do not pass Bylaw 29/2019. The implication would be that the applicant would need to re-apply after six months.

Report Date: November 4, 2019

Author: Lenore Mitchell

Department: Planning and Development

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble

**CITY OF ST. ALBERT**

BYLAW 29/2019

**ROAD CLOSURE**

A Bylaw to close a portion of Road Plan 6079MC

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WHEREAS pursuant to section 22 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council of a municipality may by bylaw close a road within a municipality;

AND WHEREAS pursuant to sections 22 and 606 of the *Municipal Government Act*, a bylaw closing a road must be advertised; and

AND WHEREAS pursuant to section 22 of the *Municipal Government Act*, before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by the council;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. All that portion of Road Plan 6079MC, as shown on Schedule "A", attached hereto, and legally described as follows:

Shown within Area 'A' Plan 192 \_\_\_\_  
Excepting thereout all mines and minerals

is closed.

2. When the registrar of titles as defined by the *Land Titles Act*, R.S.A. 2000, c. L-4 issues a certificate or certificates of title with respect to the former portion of road closed by this bylaw, the title or titles so issued shall except thereout all mines and minerals and the City of St. Albert will continue to own the mines and minerals if it owned them prior to the creation of the title or titles.

READ a First time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

READ a Second time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

READ a Third time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF LEGISLATIVE OFFICER

PREVIOUSLY DISTRIBUTED

Schedule A

Bylaw 29/2019



Part of  
Road Plan 6079MC  
0.28 ha ±

McKENNEY AVENUE

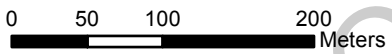
ROSE GATE

RANKIN DRIVE



HOGAN ROAD

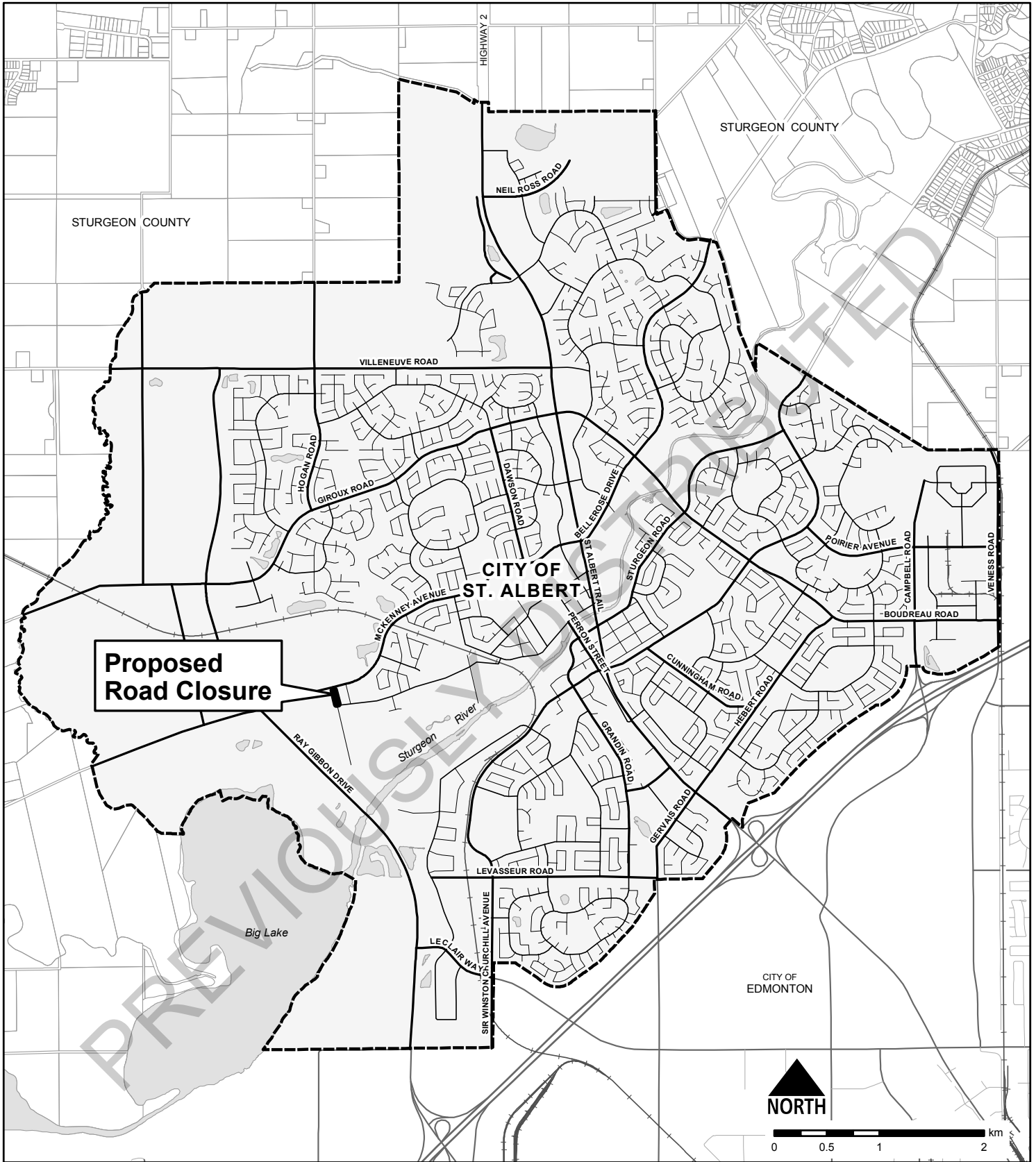
RAY GIBBON DRIVE

WHITE  
SPRUCE  
FOREST



**PROPOSED ROAD CLOSURE**

-  Part of Plan 6079MC
-  All that portion of road lying within Area 'A', Plan 192 \_\_\_\_\_

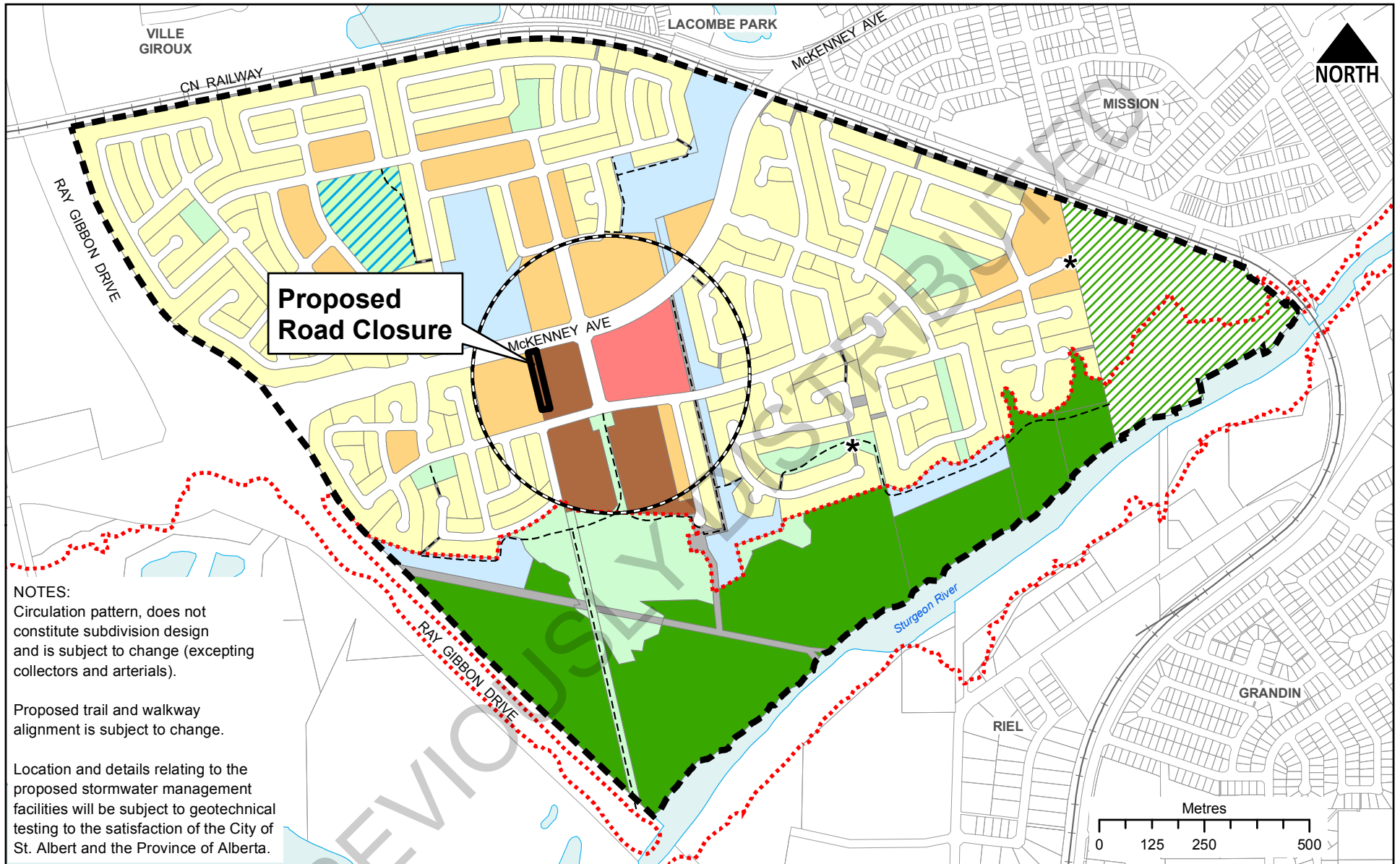


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## Location Map

### Proposed Road Closure

Figure 1



NOTES:  
Circulation pattern, does not constitute subdivision design and is subject to change (excepting collectors and arterials).

Proposed trail and walkway alignment is subject to change.

Location and details relating to the proposed stormwater management facilities will be subject to geotechnical testing to the satisfaction of the City of St. Albert and the Province of Alberta.

- |                                   |  |                                     |
|-----------------------------------|--|-------------------------------------|
| Low Density Residential           | Environmental Reserve                    | Emergency / Service Link            |
| Medium Density Residential        | Park                                     | Trail                               |
| Medium / High Density Residential | Heritage Park & Meadowview Ball Diamonds | Designated Flood Line               |
| Commercial                        | Stormwater Management Facility           | Neighbourhood Activity Centre (NAC) |
| School / Park                     | Public Utility Lot                       | ASP Boundary                        |

Figure 2  
**Future Land Use**  
Riverside Area Structure Plan