

Bylaw 19669

Closure of Vehicular Access to Titled Parcel Located at 8025- 50 Street NW

RECOMMENDATION

That Executive Committee recommend to City Council:

That Bylaw 19669 be given the appropriate readings.

Purpose

To close vehicular access along 80 Avenue NW (Morris Road) from the titled parcel located at 8025 - 50 Street NW in support of the 50 Street Widening and Rail Grade Separation project.

Readings

Bylaw 19669 is ready for three readings.

A majority vote of the City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then before moving third reading, Council must unanimously agree “That Bylaw 19669 be considered for third reading.”

Advertising and Signing

This Bylaw is not required to be advertised and can be signed and, thereby, passed following the third reading.

Position of Administration

Administration supports this Bylaw.

Position of Landowner

Administration initiated communications with the impacted landowner. The landowner is in support of the access closure.

Report Summary

The report requests City Council's approval for Bylaw 19669, which is for the closure of vehicular access to a titled parcel located adjacent to 50 Street NW.

Bylaw 19669 - Closure of Vehicular Access to Titled Parcel Located at 8025- 50 Street NW

REPORT

Bylaw 19669 (Attachment 1) recommends closing existing vehicular access from the titled parcel legally described as Lot K, Plan 3466MC to 80 Avenue NW (Morris Road) at 8025 - 50 Street NW.

Early construction work and utility relocations are now underway for the widening of 50 Street from four lanes to six lanes and grade separation of 50 Street NW over the CP Rail tracks between Sherwood Park Freeway and 90 Avenue NW. The main construction contract is expected to begin in 2022, including significant road work and construction of an overpass with 50 Street passing over the CP Rail crossing. The complexity of the road work in this area and the changes in road alignment and elevation impacts access to some sites.

Currently, 8025 - 50 Street NW (the Property) has two accesses along 80 Avenue NW (Attachment 2), one at the northwest and one at the southwest side of the Property. The roadway grade of 50 Street will be elevated to cross over the CP Rail tracks, which will elevate 80 Avenue at the location of the existing southwest access to the Property. Administration recommends removing the southwest access onto 80 Avenue NW. The northwest access to the Property is not impacted by any change in roadway elevation and will be maintained. The Property will continue to be serviced with two accesses, with a new access constructed on the south side of the Property via a service road.

The access that is proposed to be closed cannot operate with the future elevation of 80 Avenue and must be closed. A new access on the south side of the Property will be constructed to accommodate the current operation and function of the site. Administration has worked with the owner on the design, location, and operation of this new access in lieu of southeast access closure.

COMMUNITY INSIGHTS

Administration has been in discussions with the owner of the property located at 8025 - 50 Street NW regarding the project and changes to site access. The owner is in support of the proposed access closure.

Legal Implications

1. The proposed access closure(s) must be carried out in accordance with the *Alberta Highways Development and Protection Act*.
2. Section 28(1) of the *Highways Development and Protection Act* provides that City Council may close a physical means of access to or from a controlled street by passing a bylaw.
3. The City must ensure that each titled parcel of land has at least one means of access to a controlled street, however indirect or circuitous that access may be, in accordance with the City Streets Access Bylaw, Bylaw 13521.
4. Provided alternate access to the titled parcel exists or is provided, no compensation is payable pursuant to section 29(1) of the *Highways Development and Protection Act*.

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ATTACHMENTS

Bylaw 19669

1. Bylaw 19669
2. Access Closure Location

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor