

BYLAW 20322

Revision to Bylaw 20151, Closure of Portions of the Road Right-of-Way at 23 Avenue NW and East of 199 Street, Riverview Neighbourhood #3 (River's Edge)

RECOMMENDATION

That Bylaw 20322 be given the appropriate readings.

Purpose

To correct a non-substantive error found on Attachment 1 of the closed road Bylaw 20151. Attachment 1 includes an error within the legal description of the road to be closed for Bylaw 20151.

Readings

Bylaw 20322 is ready for three readings.

A majority vote of City Council on all three readings is required for passage of Bylaw 20322.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 20322 be considered for third reading."

Advertising and Signing

Bylaw 20322 does not require advertising or a public hearing as the revisions proposed are non-substantive in nature. Bylaw 20322 can be signed and thereby passed following third reading.

Position of Administration

Administration supports this Bylaw.

Report Summary

Bylaw 20151 proposed to close portions of the road right-of-way at 23 Avenue NW and east of 199 Street. The City entered into a sale agreement to sell the road closure lands to the adjacent landowner. Pursuant to the sale agreement, the road closure lands will be consolidated with the

Bylaw 20322 - Revision to Bylaw 20151, Closure of Portions of the Road Right-of-Way at 23 Avenue NW and East of 199 Street, Riverview Neighbourhood #3 (River's Edge)

buyer's adjacent development site to the north and to the south, allowing for the development of various residential housing. After Bylaw 20151 was passed, a non-substantive error was identified in the legal description to Attachment 1 of Bylaw 20151.

REPORT

Bylaw 20151 (given three readings on June 22, 2022), proposed to close portions of the road right-of-way at 23 Avenue NW and east of 199 Street. The closure areas will be consolidated with the adjacent development site to the north and to the south, allowing for the development of various residential housing.

Bylaw 20151 was received by the applicant's lawyer for review before being submitted to the Land Titles Office for the North Alberta Land Registration District (the "Land Titles Office") for the purposes of registration and issuance of a certificate of title for the road closure land. In September 2022, the applicant's lawyer informed Administration there was an error between the Road Closure plan and Bylaw 20151 because the legal description in Attachment 1 stated the road closure area was in SE of Section 5 instead of the SW of Section 5. A revision bylaw is required to revise Attachment 1 of Bylaw 20151 to correct the road closure area as being within the SW of Section 5.

Legal Implications

Pursuant to the *Municipal Government Act* City Council may, by bylaw make any non-substantive revisions to its bylaws, including any changes which do not materially effect the bylaw. Prior to first reading of the revision bylaw, the City Manager, or its designate, must certify that the revisions were prepared in accordance with the *Municipal Government Act*. The City Manager's bylaw revision certification authority has been delegated to the City Solicitor and the Director, Solicitors Section, Legal Services. The Director, Solicitors Section, Legal Services certification is attached as Attachment 3.

Provisions of a revised bylaw that replace a previous bylaw, operate retrospectively and prospectively. All revisions made to a bylaw using this process are deemed to be made in accordance with all bylaw requirements, such as advertising and public hearings.

Once a bylaw is revised the title of the bylaw must include the words "revised bylaw".

ATTACHMENTS

1. Signed Bylaw 20151
2. Revision Bylaw 20322
3. Certification by Director, Solicitors Section, Legal Services

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor