

Bylaw 17322 Closure of vehicular access - 95 Avenue NW between 91 Street NW and 92 Street NW

Recommendation:

That Transportation Committee recommend to City Council:

That Bylaw 17322 be given three readings.

Purpose

To close vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17322, to 95 Avenue NW from a titled parcel located at 9114 95 Avenue NW, so as to promote the safe interaction of trains, vehicles and pedestrians along the Southeast to West LRT (the “Valley Line”) alignment.

Readings

Bylaw 17322 is ready for three readings after the non-statutory public hearing has been held. Bylaw 17322 is authorized under Section 28 of the *Highways Development and Protection Act*, SA 2004, c H-8.5. If Council wishes to give three readings during a single meeting, Council must unanimously agree “That Bylaw 17322 be considered for third reading.”

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on August 19, 2015, and August 26, 2015. The Bylaw can be passed following third reading.

Position of Administration

Administration supports this Bylaw

Report Summary

This bylaw is for closure of vehicular access to construct the Valley Line LRT.

Report

Bylaw 17322 proposes to remove the existing vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17322, to 95 Avenue NW from the titled parcel legally described as Lot 1, Block 4, Plan 8296ET (the “Subject Property”). The Subject Property is a single detached residential property. The access in question is located on the north side of 95 Avenue NW between 91 Street NW and 92 Street NW.

Construction of the Valley Line is scheduled to begin in 2016 and will result in changes to various streets and vehicular access points along the alignment. The Valley Line will be a low-floor LRT system with LRT tracks embedded in the roadway, therefore trains will run at street level at many points along the alignment. The addition of LRT trains running at street level to existing City roadways increases opportunities for conflict between trains, pedestrians, and other roadway users. In order to minimize

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opportunities for conflict, roadway users and pedestrians will only be permitted to cross the LRT tracks at signalized intersections and accesses requiring reverse vehicle movements into the Valley Line corridor will be eliminated.

In the vicinity of the Subject Property, the Valley Line will run at street level along the centre of 95 Avenue NW. The closure of the vehicular access depicted in Schedule "A" of Bylaw 17322 is required to remove a potential non-signalized crossing, and will restrict reverse vehicle movements onto 95 Avenue NW.

Alternate access to the Subject Property is available from the north/south running alley which is located between 92 Street NW and 91 Street NW.

In November, 2014, a letter was sent to the owner of the Subject Property (the "Owner") identifying the location of the access to the Subject Property proposed for closure and providing information regarding the access closure process. This letter included an invitation for the Owner to contact Administration to discuss the proposed access closure and potential impacts, if any.

Since receiving this letter, the Owner contacted Administration to address questions regarding the proposed access closure. In response to the Owner's questions, additional information was provided regarding the proposed access closure.

Administration evaluated the potential impact of the proposed access closure on the Subject Property, including availability of alternate access and potential site use changes the closure could create.

In this case, Administration retained an independent appraiser to assess the difference between the appraised value of the Subject Property, if any, before and after the removal of the means of access, to assess the potential impact to market value of the proposed closure. In July 2015, the Owner was provided with a copy of this appraisal along with a settlement offer based on the findings of the appraisal. Administration is working with the Owner on an ongoing basis to mitigate potential impacts that may result from the proposed access closure.

In August 2015, the Owner was notified of the date and time of the Non-Statutory Public Hearing before Transportation Committee in respect of the proposed access closure, and the Owner was informed of their ability to address Transportation Committee at this time. The Owner has also been notified of the date and time of the City Council meeting relating to the proposed access closure.

Policy

The Way We Grow, Municipal Development Plan:

- 3.5.2.1 Support neighbourhood revitalization that contributes to the livability and adaptability of mature neighbourhoods.
- 4.6.1.3 Support the design of accessible and safe active transportation networks in accordance with best practices in universal design.

- 5.2.1.8 Identify and encourage the creation of key pedestrian streets in each quadrant of the city to provide a focus for a walkable urban lifestyle.

The Way We Move, Transportation Master Plan, September 2009:

- 4.3 Community Building, Transportation Mobility and Access
- 6.1 The City will create a walkable environment.
- 6.4 Safety; The City is committed to providing a safe transportation system for active modes and pursuing initiatives to improve safety

Corporate Outcomes

- “The City of Edmonton has sustainable and accessible infrastructure”, as the need for the access closure relates to the Valley Line LRT being integrated closely into the fabric of the neighborhood
- “Edmontonians use public transit and active modes of transportation”, as the impetus for the Valley Line LRT project is to bring high quality transit service to more areas in the City.
- “Goods and services move efficiently”, as the operations on the adjacent roadways will be improved by the access closure.
- “Edmonton is a safe city”, as the access closure is in line with best practices where transportation design and access control are concerned. The access closure reduces the chance of a vehicular or pedestrian collision at this location.

Public Consultation

Public consultation open houses and workshops have taken place since 2010 as part of the Valley Line concept planning and preliminary design phases. The public has had the opportunity to provide significant input on the major features of the Valley Line, including corridor and alignment, station locations, integration with the transportation network, and integration with communities.

Legal Implications

1. 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.
2. The proposed access closure must be carried out in accordance with the *Highways Development and Protection Act*, SA 2004, c H-8.5.
3. Section 28(1) of the *Highways Development and Protection Act* requires that City Council pass a bylaw in order to permanently close a physical means of access to or from a controlled street
4. If the closure of access to a property causes reduction in the market value of that property, the City is liable to the owner for that loss under section 29(1) of the *Highways Development and Protection Act*.

5. The City has no liability under section 29(1) of the *Highways Development and Protection Act*, however, if a service or frontage road or alternative means of access to the property exists or is provided.
6. If compensation payable for the closure of access cannot be agreed on by the City and the owner, the owner may bring a claim and the matter will be determined by Land Compensation Board.
7. Only registered owners, life tenants, or purchasers of a property may bring a claim for the loss resulting to that person from the removal of a means of access under the section 29 of the *Highways Development and Protection Act*.
8. Compensation payable for the closure of access to a property may not exceed the difference in the market value of the property before and after the removal of the means of access.

Attachments

1. Bylaw 17322

Others Reviewing this Report

- K. Rozmahel, General Manager, Corporate Services