

Bylaw 17335 Closure of vehicular access - 75 Street NW between McIntyre Road NW and Wagner Road NW

Recommendation:

That Transportation Committee recommend to City Council:

That Bylaw 17335 be given the appropriate readings.

Purpose

To close vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17335, to 75 Street NW from a titled parcel located at 5815 75 Street 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 17335 is ready for three readings after the non-statutory public hearing has been held. Bylaw 17335 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 17335 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 17335 proposes to remove the existing vehicular access, as more particularly depicted in Schedule “A” to Bylaw 17335, to 75 Street NW from the titled parcel legally described as Lot 3, Block 1, Plan 0420486 (the “Subject Property”). The Subject Property is an industrial property. The access in question is located on the east side of 75 Street NW between McIntyre Road NW and Wagner Road 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 addition of the Valley Line to existing City roadways increases opportunities for conflict between trains, pedestrians, and other roadway users along the alignment.

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FOR FUTURE MEETINGS**

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In the vicinity of the Subject Property, the Valley Line will run along the east side of 75 Street NW, transitioning from an elevated structure to street level. Moving from north to south, the LRT tracks will descend from an elevated structure towards street level and there will be inadequate vertical clearance to allow vehicles to cross under the LRT tracks at the location of the proposed access closure.

The closure of the vehicular access depicted in Schedule "A" of Bylaw 17335 is required to eliminate the conflict of the existing access location with the ramp that will carry the LRT tracks as they transition from an elevated structure to street level.

Alternate access to the Subject Property is available through existing accesses to 75 Street NW and McIntyre Road NW.

The City acquired a portion of the Subject Property by way of expropriation. The Owner has retained legal counsel. Administration has made the Owner and their legal counsel aware of the proposed access closure and Administration continues to work with the Owner to mitigate potential impacts to the Subject Property as a result of the expropriation and the proposed access closure.

In July 2015, the Owner and their legal counsel were notified of the date and time of the Non-Statutory Public Hearing before Transportation Committee in respect of the proposed access closure and of their ability to address Transportation Committee at this time. The Owner and their legal counsel have 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.

Justification of Recommendation

A bylaw affecting the closure of the access depicted in Schedule “A” must be passed by City Council to allow for the physical closure of this access in furtherance of the objective of promoting the safe interaction of trains, vehicles and pedestrians along the Valley Line.

Attachments

1. Bylaw 17335

Others Reviewing this Report

- K. Rozmahel, General Manager, Corporate Services