

THE CITY OF EDMONTON

BYLAW 16007

**CLOSURE OF A 0.51 HA PORTION OF 111A STREET SW; LOCATED WEST OF
BLACKMUD CREEK RAVINE AND SOUTH OF ADAMSON DRIVE SW, ALLARD**

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 road within the municipality; and

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

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

Whereas, pursuant to sections 63 and 66 of the *Municipal Government Act*, Council may by bylaw authorize the revision of all or any of the bylaws of a municipality, and any the provisions of the revised bylaws are substituted for the previous bylaws, when they have the same effect, operate retrospectively as well as prospectively and are deemed to come into force on the days on which the corresponding previous bylaws came into force;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- PURPOSE** 1 The purpose of this bylaw is to close a portion of road as set out in Schedule “A” to this bylaw.
- DEFINITIONS** 2 In this bylaw, unless the context otherwise requires:
- (a) “**City**” means the municipal corporation of the City of Edmonton;
 - (b) “**Council**” means the Municipal Council of the City of Edmonton;
 - (c) “**Registrar**” means the Registrar of Titles as defined by the *Land Titles Act*, R.S.A. 2000, c. L-4

PART II - ROAD CLOSURE

- 3 All of that portion of road shown on Schedule “A” and generally described in Attachment 1 attached to and forming part of this bylaw, is hereby closed.

- 4 When the Registrar issues a certificate or certificates of title with respect to the former portion of road closed by this bylaw:
 - (a) the title or titles so issued shall except thereout all mines and minerals and the City will continue to own the mines and minerals if it owned them prior to the creation of the title or titles; and

 - (b) Attachment 1 is deemed to include the full legal description of the lands comprising the portion of road closed by this bylaw.

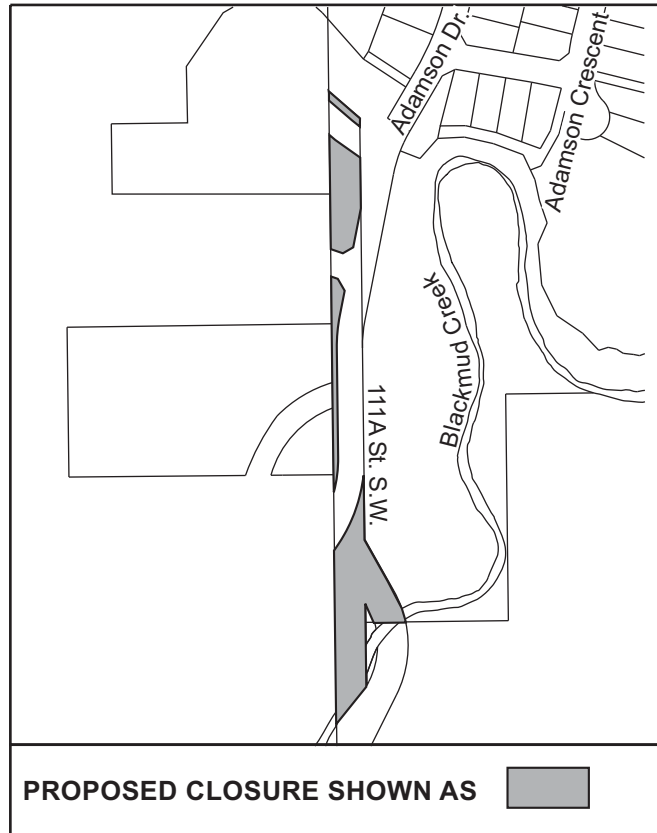
READ a first time this	day of	, A.D. 2012;
READ a second time this	day of	, A.D. 2012;
READ a third time this	day of	, A.D. 2012;
SIGNED and PASSED this	day of	, A.D. 2012.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

BYLAW 16007



ATTACHMENT 1

FIRSTLY

MERIDIAN 4 RANGE 24 TOWNSHIP 53

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING WITHIN THE LIMITS OF PLAN 122 _____, SHOWN AS AREA "A" TO BE SURVEYED BY _____ A.L.S. CONTAINING _____ HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECONDLY

MERIDIAN 4 RANGE 24 TOWNSHIP 53

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING WITHIN THE LIMITS OF PLAN 122 _____, SHOWN AS AREA "B" TO BE SURVEYED BY _____ A.L.S. CONTAINING _____ HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

THIRDLY

MERIDIAN 4 RANGE 24 TOWNSHIP 53

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING WITHIN THE LIMITS OF PLAN 122 _____, SHOWN AS AREA "C" TO BE SURVEYED BY _____ A.L.S. CONTAINING _____ HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

FOURTHLY

MERIDIAN 4 RANGE 24 TOWNSHIP 53

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING WITHIN THE LIMITS OF PLAN 122 _____, SHOWN AS AREA "D" TO BE SURVEYED BY _____ A.L.S. CONTAINING _____ HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

FIFTHLY

PLAN 3575ET

ALL THAT PORTION OF ROAD LYING WITHIN THE LIMITS OF PLAN 122_____, SHOWN AS AREA "D" TO BE SURVEYED BY _____ A.L.S. CONTAINING _____ HECTARES MORE OR LESS

EXCEPTING THEREOUT ALL MINES AND MINERALS

**ATTACHMENT 2
BYLAW 16007
FILE: LDA10-0389
ALLARD**

DESCRIPTION: PROPOSED CLOSURE of a 0.51 ha portion of 111A Street SW;
ALLARD

LOCATION: Located west of Blackmud Creek Ravine and south of Adamson Drive SW, Road Plan 3575 ET

APPLICANT: Stantec Consulting Ltd
10160 – 112 Street NW
Edmonton, Alberta T5K 2L6

OWNER: City of Edmonton

ACCEPTANCE OF APPLICATION: December 22, 2010

EXISTING DEVELOPMENT: Gravel roadway and undeveloped road right-of-way

SUSTAINABLE DEVELOPMENT'S RECOMMENDATION: That Bylaw 16007 to close portions of 111A Street SW road right-of-way be given First and Second Reading.

DISCUSSION

1. The Application

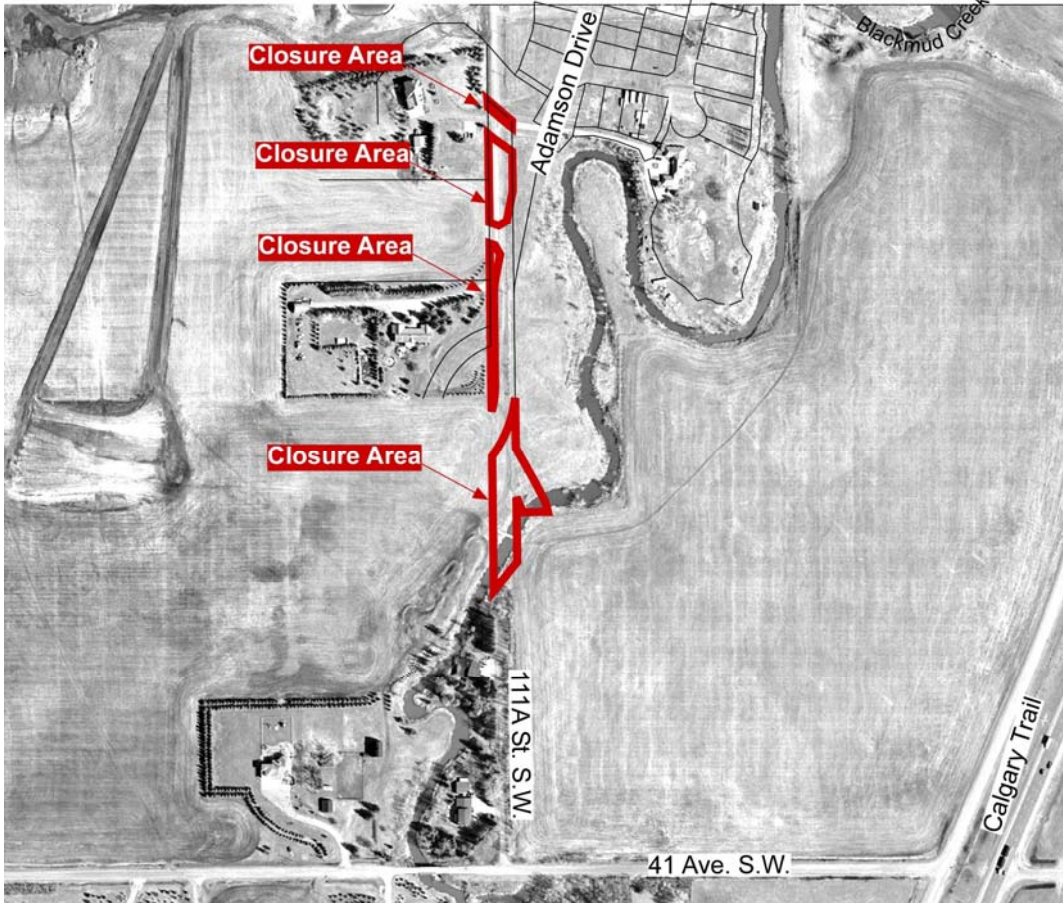
This application proposes to close 0.51 ha of road right-of-way located west of Blackmud Creek Ravine and south of Adamson Drive SW in the Allard Neighbourhood. The closure will allow for the development of land zoned (RSL) Residential Small Lot Zone, (AP) Public Parks Zone, and (A) Metropolitan Recreation Zone, which contains the Environmental Reserve area up to the Top of Bank along Blackmud Creek, in accordance with the Allard Neighbourhood Area Structure Plan (NASP). The closed road is proposed to be replaced in functionality by a new road.

Bylaw 16007 should only receive two readings at this time as servicing agreements to address the road closure have not yet been prepared, but the closure areas have been finalized. These agreements are required to complete the land exchange between the City and the applicant for 0.59 ha of new road area to replace the functionality of this road. Subdivision applications containing conditions for a servicing agreement and dedicating the proposed replacement road have recently been approved. Once the servicing agreement has been signed, this Bylaw will be ready for Third Reading.

2. Site and Surrounding Area

From north to south, the proposed closure area is zoned (RSL) Residential Small Lot Zone, (AG) Agricultural Zone, (A) Metropolitan Recreation Zone, and (AP) Public Parks Zone. On the northern portion of the proposed road closure area, there is a gravel-surfaced road that ends at one residential property to the west, 3750 – 111A Street SW, and the southern portion is vacant land that has not been physically used as a road. The majority of land to the west is vacant except for two Single Detached Houses. Blackmud Creek is located to the east. There is a stormwater management facility being developed to the north.

Land southwest of the closure area contains two Single Detached Houses on land zoned (RR) Rural Residential Zone. Land to the southeast of the closure area is vacant and zoned (AG) Agricultural Zone.



Aerial view of closure area



View of site looking south from Adamson Drive SW

ANALYSIS

1. Compliance with Approved Plans and Land Use Compatibility

The proposed road closure complies with *The Way We Grow* Municipal Development Plan (MDP), which designates this area for “Developing, Planned and Future Neighbourhoods.” This closure supports Policy 3.6.1.6 to support contiguous development and infrastructure in order to accommodate growth in an orderly and economical fashion.

The proposed road closure complies with the Allard NASP by creating land that will be consolidated as one parcel and will ultimately be used for Low Density Residential, Neighbourhood Park, and Environmental Reserve uses.

2. Transportation and Utilities

Transportation Services has expressed no objections to the proposed road closure. They advised that a public access easement will need to be provided by the ultimate owner of the closure areas for access to the home located at 3750 – 111A Street SW to the west.

The Drainage Branch of Infrastructure Services and other Civic Departments and utility agencies expressed no objections to the proposed road closure.

3. Parks and School Boards

The Parks Planning Section of Sustainable Development and the Edmonton Public School Board expressed no objection to the proposed road closure.

4. Disposition

The closure areas are being addressed through a land exchange between the ultimate owner of the closure areas and the City, whereby 0.59 ha of new road to be dedicated through subdivisions will replace the functionality of the 0.51 ha of road proposed to be closed. The land exchange will take place through the servicing agreements for these subdivisions. When ultimately closed by Third Reading of this Bylaw, all the closure areas will become owned by one landowner and the lands will ultimately be consolidated with adjacent land for development of residential, park, and environmental reserve uses.

5. Environmental Site Assessment Requirements

An Environmental Site Assessment was not required for the proposed road closure application.

6. Surrounding Property Owners' Concerns

Sustainable Development sent an advance notice on January 10, 2011, to surrounding property owners and the Blackmud Creek Community League.

In response to the advance notice, one property owner in the area had concerns regarding access to his property from the existing 111A Street SW proposed to be closed. This concern was resolved through discussions involving this resident, the applicant, and the City wherein the applicant provided assurance that access to his property would be maintained during construction of the replacement road and permanently thereafter, a public access easement over a portion of the closure area will be in place.

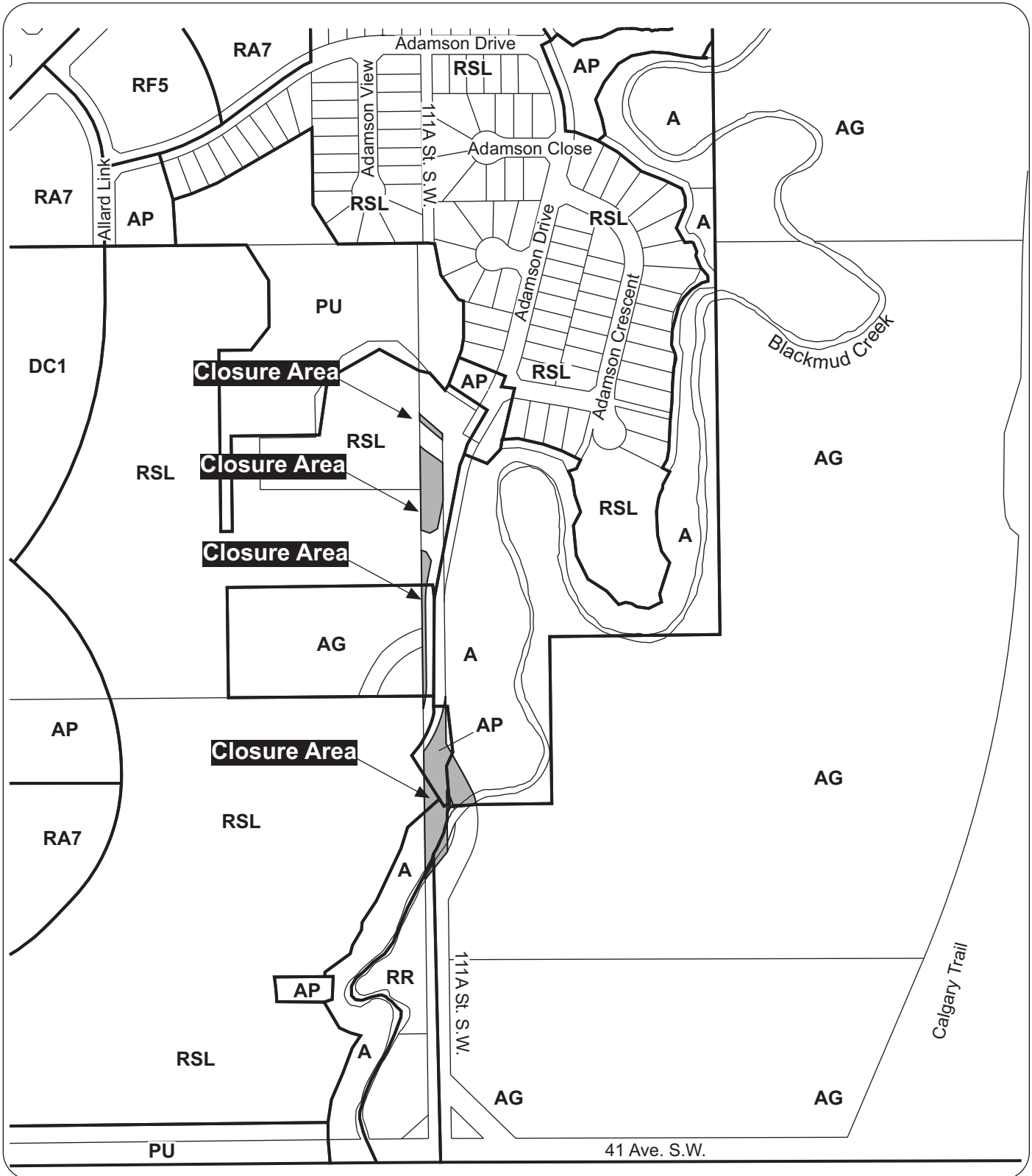
JUSTIFICATION

Sustainable Development recommends that Bylaw 16007 be given First and Second Reading on the basis that the proposed closure area will facilitate future development in conformance with the Allard NASP and is surplus to the City's needs. Once the land transfer has been addressed in the servicing agreement, Bylaw 16007 will be ready for Third Reading, and the technical requirements of the affected City departments will have been met.

ATTACHMENTS

2a Maps

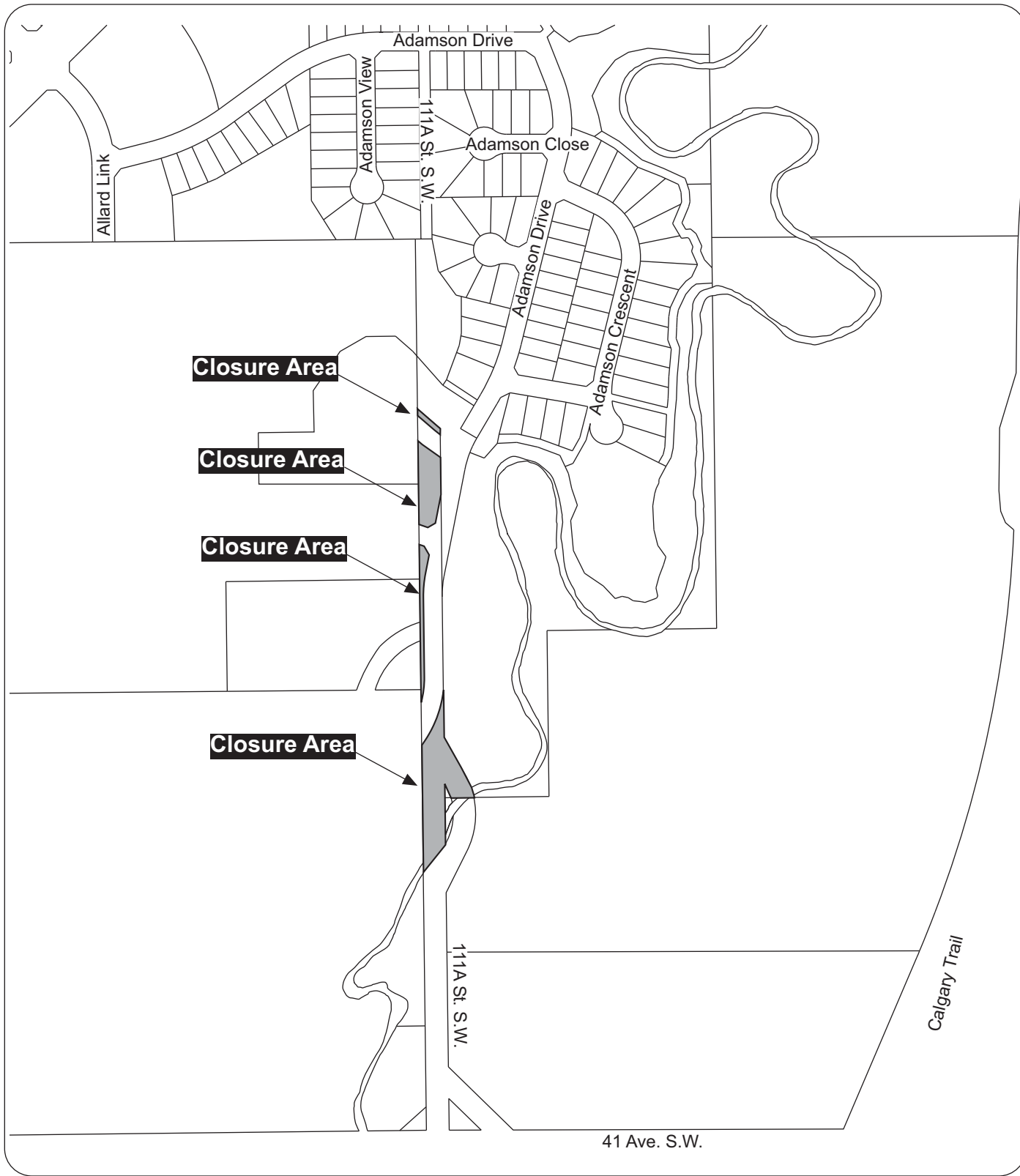
Written by: Daniel MacGregor
Approved by: Cathy Raftis
Sustainable Development
February 27, 2012



SURROUNDING LAND USE ZONES

FILE: LDA10-0389
DATE: February 27, 2012
BYLAW: 16007





PROPOSED CLOSURE

FILE: LDA10-0389
DATE: February 27, 2012
BYLAW: 16007



