

Amendment of the Highway Transfer Agreement

Recommendation:

The Transportation and Public Works Committee recommend to City Council:

That the City of Edmonton complete an amendment to the current Highway Transfer Agreement, with the Province of Alberta, to capture the implementation of the Northeast Leg of Anthony Henday Drive, and that the agreement be in a form acceptable to the City Manager.

Report Summary

This report recommends that the existing Highway Transfer Agreement between the City of Edmonton and the Province of Alberta be amended to capture the implementation of the Northeast Leg of Anthony Henday Drive.

Previous Committee/Council Action

- At the September 16, 2009, City Council meeting, the following motion was passed:
 - That the Highway Transfer Agreement between the City of Edmonton and the Province of Alberta, to capture the implementation of the Northwest leg of Anthony Henday Drive, as outlined in Attachment 1 of the July 29, 2009, Transportation Department report 2009TD5471, be approved, and that the amending agreement be in a form acceptable to the City Manager.

Report

- The Highway Transfer Agreement, between the City of Edmonton and the Province of Alberta must be amended to accommodate the construction of the Northeast Leg of the Anthony Henday Drive.
- The Province of Alberta will assume responsibility for the Anthony Henday Drive and some sections of the penetrator highways, roads, and road allowances within the Transportation Utility Corridor between Whitemud Drive and Highway 15 (Manning Drive). Attachment 1 summarizes the amendments required to the Highway Transfer Agreement.

Policy

The content of this report relates to the *Municipal Government Act*.

Legal Implications

- Under section 16(2) of the *Municipal Government Act*, the title to all roads in a city is vested in the city unless another Act or agreement provides otherwise. The Highway Transfer Agreement is the agreement contemplated by section 16(2) that will transfer legal title to these roads to the Province.
- Upon transfer of title, direction, control and management of these roads, the Province will assume liability for the closure of these roads.
- Further amendments to this agreement will be required in the future.

Justification of Recommendation

Approval of the Amendment to the Highway Transfer Agreement is required to formally transfer additional Penetrator Highways and roads from the City of Edmonton to the Province of Alberta, for the implementation of the Northeast Leg of Anthony Henday Drive.

Attachments

1. Amendment to the Highway Transfer Agreement

Others Reviewing this Report

- D. H. Edey, General Manager,
Corporate Services Department