

Bylaw 19552

Revision to Bylaw 19134, Closure of a Portion of the Lane East of 101 Street NW and North of 97 Avenue NW, Rosssdale

Purpose

To correct a non-substantive error found on Attachment 1 of the closed road Bylaw 19134. Attachment 1 does not include the full legal description of the road to be closed for Bylaw 19134.

Readings

Bylaw 19552 is ready for three readings.

A majority vote of City Council on all three readings is required for passage of Bylaw 19552.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 19552 be considered for third reading.”

Advertising and Signing

Bylaw 19552 does not require advertising or a public hearing as the revisions proposed are non-substantive in nature. Bylaw 19552 can be signed and thereby passed following third reading.

Position of Administration

Administration supports this Bylaw.

Report Summary

Bylaw 19134, proposed to close a portion of the lane east of 101 Street NW and north of 97 Avenue NW. The City has entered into a sale agreement to sell the road closure land to the adjacent landowner. Pursuant to the sale agreement, the road closure land would be consolidated with the buyer’s adjacent development site to the north, allowing for the development of row housing and an apartment building. The remaining portion would be landscaped by the developer and remain as Road Right of Way. Since Bylaw 19134 was passed, it has been determined that a non-substantive revision is required to correct the legal description in Attachment 1 of Bylaw 19134.

Report

Bylaw 19134, proposed to close a portion of the lane east of 101 Street NW and north of 97 Avenue NW. The closure would be consolidated with the adjacent development site to the north, allowing for the development of row housing and an apartment building. The remaining portion would be landscaped by the developer and remain as Road Right of Way.

Bylaw 19134 was 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 November 2020, the Land Titles Office informed Administration that it had rejected the registration request for Bylaw 19134 because the legal description in Attachment 1 did not include the full legal description of the road closure land as shown on the Schedule "A" map. A revision bylaw is required to revise Attachment 1 of Bylaw 19134 to include the full legal description of the road closure land.

Corporate Outcomes and Performance Management

Corporate Outcome(s): The City of Edmonton has sustainable and accessible infrastructure.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
The City of Edmonton has sustainable and accessible infrastructure.	Edmontonians' Assessment: Access to Amenities and Services that Improve Quality of Life	2019 - 75 percent 2019 Results will be a baseline	2019 - 75 percent 2019 Results will be a baseline

Legal Implications

Due to amendments to the *Municipal Government Act* that came into effect in 2017, there is a new process for making non-substantive changes to bylaws. Prior to the amendments, the City Manager could make minor revisions to bylaws, which were subsequently adopted by Council by bylaw. The current process allows only City Council to make revisions to its bylaws, and such revisions must be done by bylaw. In addition, prior to the first reading of the revision bylaw, the City Manager must certify that the revisions were prepared in accordance with the *Municipal Government Act*. In 2019, the City Manager's bylaw revision certification authority was delegated to the City Solicitor and the Director, Solicitors Section, Legal Services.

Provisions of a revised bylaw that replace a previous bylaw, when they have the same effect, operate retrospectively as well as prospectively. Additionally, revisions made to bylaws using the prescribed process are deemed to have been made in accordance with all requirements, such as advertising and public hearings.

Once a bylaw is revised using this process, the title of the bylaw must include the words “revised bylaw”.

Attachments

1. Signed Bylaw 19134
2. Revision Bylaw 19552
3. Director, Solicitors Section Certification

Others Reviewing this Report

- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- B. Andriachuk, City Solicitor