



Memorandum

April 5, 2019

To: Linda Cochrane
City Manager

From: Jessy Inkpen
Barrister & Solicitor

Subject: **Revision to Bylaw 18380 , Closure of a Portion of Road
Right-of-Way West of Meridian Street and North of 69 Avenue
Adjacent to 104-69 Avenue, Maple Ridge Industrial**

UPDATE to March 18, 2019 Memo

Please see attached memo dated March 18, 2019. Subsequent to execution of the City Manager Certification by you, it has come to Law's attention that the title to Bylaw 18380, Closure of a Portion of Road Right-of-Way West of Meridian Street and North of 69 Avenue Adjacent to 104-69 Avenue Maple Ridge Industrial ("Bylaw 18380") is incorrect. Therefore, in addition to revising the legal description contained in Bylaw 18380 (as referenced in the attached memo), the title to Bylaw 18380 must also be revised as follows:

Bylaw Title	
Bylaw 18380 -incorrect title (passed September 17, 2018)	Bylaw 18788, Revision to Bylaw 18380 - correct title (to be brought before Council April 16, 2019)
BYLAW 18380, CLOSURE OF A PORTION OF ROAD RIGHT-OF-WAY WEST OF MERIDIAN STREET AND NORTH OF 69 AVENUE ADJACENT TO 104-69 AVENUE, MAPLE RIDGE INDUSTRIAL	REVISED BYLAW 18380, CLOSURE OF A PORTION OF ROAD RIGHT-OF-WAY WEST OF MERIDIAN STREET AND NORTH OF 69 AVENUE ADJACENT TO 6910 MERIDIAN STREET, MAPLE RIDGE INDUSTRIAL

Because the changes requested are non-substantive and the process for formally amending Bylaw 18380 would require advertising and a non-statutory public hearing, we are recommending treating these changes as revisions permitted by the *Municipal Government Act*. Using this process, non-substantive changes can be made without the otherwise required advertising and hearing processes, as such changes are intended to correct the title of the bylaw.

Prior to amendments to the *Municipal Government Act* that came into force on October 26, 2017, non-substantive changes could be made administratively and were later adopted by Council by bylaw. The amendments removed the ability to make these changes administratively and now require Council to revise its bylaws by passing a revision bylaw. In addition, prior to giving a revision bylaw first reading, the chief administrative officer (City Manager) must certify, in writing, that the revisions were prepared in accordance with the *Municipal Government Act*.

No delegation currently exists for the certification required by the *Municipal Government Act*; however, Law Branch is currently in the process of making necessary amendments to the delegations in order to delegate this authority to the Director of the Solicitor Section of Law Branch.

The revisions to Bylaw 18380 are urgent and are scheduled to go before City Council on April 16, 2019. This date was chosen to accommodate the revised condition removal date in the sale agreement, of April 17, 2019. For this reason, your signature is requested on the attached certification.

Attached are:

- March 18, 2019 memo to the City Manager requesting execution of the City Manager Certification, revising the legal description contained in Bylaw 18380.
- Bylaw 18788 - The revision bylaw that will implement the required revisions to both the legal description contained in Bylaw 18380 as well as the title of Bylaw 18380. This is scheduled for Council on April 16, 2019.
- City Manager Certification - This is required by the *Municipal Government Act* and will be an attachment to the public bylaw report on Council's agenda.

Please sign the the City Manager certification where indicated and return to me. I would be happy to answer any questions you have regarding this process.

Jl



Memorandum

March 18, 2019

To: Linda Cochrane
City Manager

From: Jessy Inkpen
Barrister & Solicitor

Subject: **Revision to Bylaw 18380 , Closure of a Portion of Road
Right-of-Way West of Meridian Street and North of 69 Avenue
Adjacent to 104-69 Avenue, Maple Ridge Industrial**

The City and 7707 Investments Ltd. ("7707") entered into a sale agreement for a portion of road right of way west of Meridian Street and North of 69th Avenue, which will be used by 7707 as part of its redevelopment of the adjacent lands. As part of the sale agreement, 7707 was required to obtain passage of a road closure bylaw, which was passed by Council on September 17, 2018 under Bylaw 18380, Closure of a Portion of Road Right-of-Way West of Meridian Street and North of 69 Avenue Adjacent to 104-69 Avenue Maple Ridge Industrial ("Bylaw 18380").

It has come to the attention of Law Branch that, due to a typographical error on the part of the surveyor preparing the road closure survey, there is a need for non-substantive changes to Bylaw 18380. Specifically, the map appended as Schedule "A" to Bylaw 18380 correctly indicates the physical location of the road to be closed, however, Attachment 1 to Bylaw 18380 references the incorrect plans for the portion of road to be closed. Consequently, the below revision to Bylaw 18380 is required:

Legal Description of Road to be Closed	
Bylaw 18380 - incorrect legal description (passed September 17, 2018)	Bylaw 18788, Revision to Bylaw 18380 - correct legal description (to be brought before Council April 16, 2019)
ROAD PLAN 6324LZ ALL THAT PORTION OF ROAD	ROAD PLAN 4678PX ALL THAT PORTION OF ROAD

WITHIN PLAN 182 <u>18380</u> AS SURVEYED BY RYAN W. SMITH, ALS EXCEPTING THEREOUT ALL MINES AND MINERALS	WITHIN PLAN 192 <u>18380</u> AS SURVEYED BY RYAN W. SMITH, ALS EXCEPTING THEREOUT ALL MINES AND MINERALS
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Because the changes requested are non-substantive and the process for formally amending Bylaw 18380 would require advertising and a non-statutory public hearing, we are recommending treating these changes as revisions permitted by the *Municipal Government Act*. Using this process, non-substantive changes can be made without the otherwise required advertising and hearing processes, as such changes are intended to simply bring out more clearly what is considered to be the meaning of the approved bylaw.

Prior to amendments to the *Municipal Government Act* that came into force on October 26, 2017, non-substantive changes could be made administratively and were later adopted by Council by bylaw. The amendments removed the ability to make these changes administratively and now require Council to revise its bylaws by passing a revision bylaw. In addition, prior to giving a revision bylaw first reading, the chief administrative officer (City Manager) must certify, in writing, that the revisions were prepared in accordance with the *Municipal Government Act*.

No delegation currently exists for the certification required by the *Municipal Government Act*; however, it is the intention of Law Branch to bring forward the necessary amendments to the delegations in order to delegate this authority to the Director of the Solicitor Section of Law Branch.

The revisions to Bylaw 18380 are urgent and are scheduled to go before City Council on April 16, 2019. This date was chosen to accommodate the revised condition removal date in the sale agreement, of April 17, 2019. For this reason, your signature is requested on the attached certification.

Attached are:

- Bylaw 18788 - The revision bylaw that will implement the required revisions. This is scheduled for Council on April 16, 2019.
- City Manager Certification - This is required by the *Municipal Government Act* and will be an attachment to the public bylaw report on Council's agenda.

Please sign the the City Manager certification where indicated and return to me. I would be happy to answer any questions you have regarding this process.

Jl

THE CITY OF EDMONTON
BYLAW 18788
REVISION TO BYLAW 18380, CLOSURE OF A PORTION OF ROAD RIGHT-OF-WAY
WEST OF MERIDIAN STREET AND NORTH OF 69 AVENUE ADJACENT TO 104-69
AVENUE, MAPLE RIDGE INDUSTRIAL

Edmonton City Council enacts:

1. Bylaw 18380, Closure of a Portion of Road Right-of-Way West of Meridian Street and North of 69 Avenue Adjacent to 104-69 Avenue, Maple Ridge Industrial, is revised by this bylaw.
2. The title of the bylaw is deleted and replaced with:

Revised Bylaw 18380, Closure of a Portion of Road Right-of-Way West of Meridian Street and North of 69 Avenue Adjacent to 6910 Meridian Street, Maple Ridge Industrial.
3. Attachment 1 - is revised by deleting:

“Road Plan 6324LZ
All the portion of road within Plan 182__”

and replacing it with:

“Road Plan 4678PX
All that portion of road within Plan 192__”.

Read a first time this day of , A.D. 2019;

Read a second time day of , A.D. 2019;

, A.D. 2019;

, A.D. 2019.

MAYOR

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April 5, 2019

To: City Council

From: Linda Cochrane, City Manager

Subject: **Revision to Bylaw 18380, Closure of a Portion of Road Right-of-Way
West of Meridian Street and North of 69 Avenue Adjacent to
104-69 Avenue, Maple Ridge Industrial**

Pursuant to section 63 of the *Municipal Government Act*, Council may, by bylaw, revise any of its bylaws by making non-substantive changes, including making changes, without materially affecting the bylaw in principle or substance,

- to alter the citation and title of a bylaw,
- to correct clerical, technical, grammatical, or typographical errors in a bylaw,
- to bring out more clearly what is considered to be the meaning of a bylaw, or
- to improve the expression of the law.

Before first reading of a revision bylaw, the City Manager must certify in writing that the proposed revisions have been prepared in accordance with section 63 of the *Municipal Government Act*.

I certify that the revisions proposed in Bylaw 18788, Revision to Bylaw 18380, Closure of a Portion of Road Right-of-Way West of Meridian Street and North of 69 Avenue Adjacent to 104-69 Avenue, Maple Ridge Industrial, were prepared in accordance with section 63 of the *Municipal Government Act* as follows:

Bylaw 18788 Section	Bylaw 18380 Section	Revision
Attachment 1	Attachment 1	The legal description in Attachment 1 is revised to bring out more clearly what is considered to be the meaning of the bylaw.
Section 2	Title	The title to Bylaw 18380 is revised to accurately reflect the the municipal description of the land that is immediately adjacent to the road that has been closed.

Linda Cochrane
City Manager