

Bylaw 19591

Closure of Vehicular Access to Titled Parcels for 127 Avenue Rehabilitation Project

Recommendation

That Executive Committee recommend to City Council:

That Bylaw 19591 be given the appropriate readings.

Purpose

To close vehicular accesses along 127 Avenue NW from the titled parcels located at 8603 - 127 Avenue NW and 8735 - 127 Avenue NW, in support of the 127 Avenue Rehabilitation Project.

Readings

Bylaw 19591 is ready for three readings.

Advertising and Signing

This Bylaw is not required to be advertised and can be signed and, thereby, passed following third reading.

Position of Administration

Administration supports this Bylaw.

Position of Landowner

Administration has initiated communications with the impacted landowner of this bylaw and will continue to engage and follow up with them, as required. It should be noted that properties 8603 - 127 Avenue NW and 8735 - 127 Avenue NW are under single ownership.

Report Summary

The report requests City Council's approval for Bylaw 19591.

Report

Bylaw 19591 recommends closing the following vehicular accesses from the titled parcels, legally described as:

- **Access #1**
 - Lot 16A, Block 60A, Plan 2020201 to 127 Avenue at 8603 - 127 Avenue NW
 - Lot 14, Block 60A, Plan 0520041 to 127 Avenue at 8735 - 127 Avenue NW

Roadway rehabilitation of 127 Avenue between 82 Street and 97 Street is planned for 2021. This project presents an opportunity to facilitate design changes that are more compatible with the current land use and operation and comply with the City’s design standards and guidelines.

The proposed access closure location is shown in Attachment 1. Access #1, proposed to be closed, is an existing shared access, located between the property of 8603 - 127 Avenue NW and 8735 - 127 Avenue NW. This access is currently not in use and blocked off with a chain link fence and is the only access for property located at 8735 - 127 Avenue NW. However, access to the property is available from the adjacent property located at 8603 - 127 Avenue NW. Currently, these two parcels, along with the adjacent site to the west, operate as one comprehensive site.

The proposed access closure will reduce the number of direct access points to 127 Avenue which is a major arterial road. The closure will improve traffic flow and enhance safety for all road users in this area.

Corporate Outcomes and Performance Management

| Corporate Outcome(s): Goods and Services move efficiently | | | |
|---|---|---|---|
| Outcome(s) | Measure(s) | Result(s) | Target(s) |
| Goods and services move efficiently | Travel time and reliability of goods and services movement (time in minutes and seconds to drive 10-km route) | 10:09 - 50% of time 13:35 - 85% of time (2017) | 12:30 - 50% of time 16:00 - 85% of time (2018) |
| 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 infrastructure, amenities and services that improve quality of life (percent of | 68% (2017) | 70% (2018) |

| | | | |
|--|--|--|--|
| | survey respondents who agree / strongly agree) | | |
|--|--|--|--|

Risk Assessment

| Risk Element | Risk Description | Likelihood | Impact | Risk Score (with current mitigations) | Current Mitigations | Potential Future Mitigations |
|---------------------------------------|---|-------------------|---------------|--|---|--|
| Public Liability-closure not approved | Potential pedestrian and vehicle conflicts within road right-of-way if the access remains | 1 - Rare | 1 - Minor | 1 - Low | The current design identifies removal of access, eliminating conflict | If access is not closed now, it would be reviewed through any future re-development permit and the developer could be required to remove access at that time |

Public Engagement

On October 26, 2020, Administration initiated contact with the property owner for 8603 - 127 Avenue NW and 8735 - 127 Avenue NW (these properties are under single ownership) regarding the proposed access closure. The letters were mailed using registered mail service. However, Administration did not receive a response back from the property owner. As a result, a second follow up letter was mailed on January 22, 2021, also by registered mail, informing the property owner of the date this access closure bylaw report would be presented to the Executive Committee. To date, no response has been received.

Legal Implications

- The proposed access closure(s) must be carried out in accordance with the *Alberta Highways Development and Protection Act*.
- Section 28(1) of the *Highways Development and Protection Act* provides that City Council may close a physical means of access to or from a controlled street by passing a bylaw.
- 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.
- Provided alternate access to the titled parcel exists or is provided, no compensation is payable pursuant to section 29(1) of the *Highways Development and Protection Act*.

Attachments

1. Access Closures Location
2. Access Closure Bylaw 19591

Others Reviewing this Report

- G. Cebryk, Deputy City Manager, City Operations
- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- C. Owen, Deputy City Manager, Communications and Engagement
- K. Fallis-Howell, Acting City Solicitor