

# Bylaw 19590

## Closure of Vehicular Access to Titled Parcel for 99 Street Rehabilitation Project

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### Recommendation

That Executive Committee recommend to City Council:

That Bylaw 19590 be given the appropriate readings.

### Purpose

To close vehicular accesses along 99 Street NW from the titled parcel 9845 - 42 Avenue NW in support of the 99 Street Rehabilitation Project.

### Readings

Bylaw 19590 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 initiated communications with the impacted landowner. The landowner is in support of the access closures.

### Report Summary

The report requests City Council's approval for Bylaw 19590.

### Report

Bylaw 19590 recommends closing existing vehicular accesses from the titled parcel, legally described as: Lot 1, Block 5, Plan 1364RS to 99 Street NW at 9845 - 42 Avenue NW.

Roadway rehabilitation of 99 Street between 34 Avenue and Whitemud Drive is planned for 2021. This project presents an opportunity to facilitate design changes that are more compatible with the current land use, operation and comply with the current City design standards and guidelines.

Currently, this property has three accesses along 99 Street (see Attachment 1). Administration is recommending removing two of the accesses. The third access will remain open.

The accesses proposed to be closed do not meet the City’s Access Management Guidelines as they are less than 60 metres apart from each other. Closure of these accesses will reduce the number of direct access points from the property to 99 Street, a major arterial road. The closures will improve traffic flow and enhance safety for all road users along the corridor.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s): Goods and Services move efficiently</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
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 the time (2017)	12:30 - 50% of time 16:00 - 85% of the time (2018)
<b>Corporate Outcome(s): The City of Edmonton has sustainable and accessible infrastructure</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
The City of Edmonton has sustainable and accessible infrastructure	Edmontonians' Assessment: Access to infrastructure, amenities and services that improve quality of life (percent of survey respondents who agree / strongly agree)	68% (2017)	70% (2018)

**Risk Assessment**

<b>Risk Element</b>	<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Risk Score (with current mitigations)</b>	<b>Current Mitigations</b>	<b>Potential Future Mitigations</b>
Public Liability-closure not approved	Potential pedestrian and vehicle conflicts within road right-of-way if the access	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

	remains					developer could be required to remove access at that time
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**Public Engagement**

The property owner (9845 - 42 Avenue NW) indicated support of the proposed access closure on October 30, 2020, via email. There were also follow up phone conversations with the property owner to share the details of when this access closure report will be presented to Executive Committee.

**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 Plan
2. Access Closure Bylaw 19590

**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