

TOWN OF PENHOLD SPECIAL COUNCIL MEETING



DATE: Monday, November 28, 2016
LOCATION: Penhold Town Council Chambers
TIME: 5:45pm

AGENDA

For the purpose of a Public Hearing for BYLAW 731/16:

The closure of sections of road along Boundary Street (Veteran's Way) as identified on the attached map

1. Call the Public Hearing to order.

This Public Hearing is being held pursuant to the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26 - Section 22

2. This bylaw's purpose is intended to:

- Close sections along Boundary Street (Veterans Way) to public travel for the purpose of using these sections for the use of municipal reserve or public utility lots.

In accordance with Section 606 of the Municipal Government Act, notice of this Public Hearing was formally advertised in:

- The Innisfail Province – for (2) consecutive weeks Tuesday November 15, 2016 and Tuesday November 22, 2016.
- Town of Penhold Website
- Posted at the Town Office

3. Section 230 (4) of the Municipal Government Act provides that Council:

- a) Must hear any person, group of persons, or persons representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the Council; and
- b) May hear any other person who wishes to make representations and whom the Council agrees to hear.

4. The order of presentations shall be as follows:

Presentation – Kristina Schmidt, Planning & Development Officer ~ Presentation on the Purpose and Processes done for this bylaw.

- Bylaw 731/16 was given 1st reading by Council on August 8, 2016.
- Bylaw 731/16 proposes to portions of Boundary Street (Veteran’s Way) as identified on the attached map.
- These portions of proposed closure are not currently being utilized as roadway access or use.
- If the road closure is approved, these portions of roadway may be used as public utility lots or municipal reserve.
- Should the road closure be approved, the Town retains ownership of the property by either not registering the approved bylaw or by retaining the title of the newly created parcels.
- Minister of Transportation considers approval prior to Council giving second and third reading to Bylaw 731/16.

Correspondence received:

- i. None

5. Any person(s) wishing to speak in regards to this offsite Bylaw is to direct specific questions to the Chair for a notation and response:

Council at the conclusion will declare the Public Hearing portion of the meeting to be adjourned and closed.

(A statement as to when this issue will be dealt with if there is no further changes, this evening if not) It is intended that 2nd and 3rd Readings will be given after approval has been granted by the Minister of Infrastructure and Transportation.

6. Adjournment

Town of Penhold



REQUEST FOR DECISION

November 28, 2016

TITLE: Bylaw 731/16 – Road Closure Public Hearing

RECOMMENDATION:

1. That Council move forward with second and third reading of the Road Closure Bylaw 731/16 once approved by the Minister of Infrastructure and Transportation

LEGISLATIVE AUTHORITY:

Municipal Government Act, Statutes of Alberta 2000, Chapter M-26 - Section 22 – No road... may be closed except by bylaw...bylaw closing a road must be advertised... has no effect unless it is approved by the Minister of Infrastructure and Transportation before the bylaw receives second reading... a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by the Council.

PURPOSE:

The purpose of this report is to present Bylaw 731/16 for the proposed road closure for the sections of road along Boundary Street (Veteran's Way) as identified on the attached map.

BACKGROUND:

In 2012, Road Closure Bylaw 684/12 for Boundary Street (Veteran's Way) was given consideration for first reading by Council. However, at that period of time there were issues with drainage along a portion of Boundary Street (Veteran's Way). Bylaw 684/12 did not receive second or third reading. As per Section 188(a) of the *Municipal Government Act*, previous readings of a proposed bylaw are rescinded if the proposed bylaw does not receive third reading within 2 years after first reading. Therefore Bylaw 684/12 is no longer in effect and was rescinded.

Bylaw 731/16 was circulated to referral agencies for comment on April 4, 2016, including adjacent landowners, advertised in the Town's local newspaper and posted on the Town's webpage. No comments of concern were received.

Bylaw 731/16 was given first reading at the August 8, 2016 regular Council meeting. Bylaw 731/16 proposes to close portions of Boundary Street (Veteran's Way) as identified on the attached map. These portions of proposed closure do not include the areas identified as having drainage concerns. These portions of roadway are not currently being utilized as roadway access or use. If the road closure is approved, these portions of roadway may be used as public utility lots or municipal reserve.

Honouring the Past ~ Challenging the Future

The process to close a portion of public road allowance/right-of-way is as follows:

- A Bylaw is prepared and given first reading by Town Council;
- A notice is published in the local newspaper and notification is sent to landowners impacted by the proposed closure and utility companies providing and planning to provide service in the area;
- Comments received by the municipality are summarized and forwarded to the Minister of Transportation along with the Town's rationale for proceeding and if there are any objections to the proposed road closure;
- Town Council hosts a meeting to hear presentations and delegations relating to the proposed road closure during a regular council meeting;
- Alberta Transportation considers the road closure and the Minister may or may not approve;
- If the Minister approves, the Town may consider second and third reading of the Bylaw.

DISCUSSION:

Should the road closure be approved, the Town retains ownership of the property by either not registering the approved bylaw or by retaining the title of the newly created parcels. The closure of the identified portions of roadway will allow the Town to utilize the lands for alternative uses.

As part of the concluding steps in the road closure process, Alberta Transportation will consider the Town's rationale and other referral information received with the Minister granting final approval on the formal road closure. Should the Minister of Transportation grant final approval to Bylaw 731/16, the Town may consider second and third reading of the Bylaw.

STRATEGIC PLAN (CATEGORY):

#3 Growth & Development

ALTERNATIVES:

1. Council refers the matter back to Administration for further information prior to giving first reading to Bylaw 731/16.
2. Council may decide not to proceed with the road closure by defeating first reading of Bylaw 731/16.

Presented at the November 28, 2016 regular Council Meeting for the Town of Penhold

Prepared By: Kristina Schmidt, Planning and Development Officer



CAO

TOWN OF PENHOLD
BYLAW NO. 731/16
ROAD CLOSURE OF BOUNDARY ROAD BYLAW

Bylaw number 731/16 of the Town of Penhold, in the Province of Alberta for the purpose of closing to public travel and disposing of portion of a public roadway in accordance with Section 22 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

- WHEREAS** The lands hereafter described are no longer required for public travel, and
- WHEREAS** Application has been made to Council to have a portion of the Roadway closed, and
- WHEREAS** The Council of the Town of Penhold deems it necessary and expedient to provide for a bylaw for the purpose of closing a public travel certain road, or portion thereof, situated in the said municipality, therefore disposing of the same, and
- WHEREAS** Notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and
- WHEREAS** Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw

NOW THEREFORE, be it resolved that the Council of the Town of Penhold, in the Province of Alberta, does hereby close to public travel (and creating title to, and/or disposing of) the following described roadway subject to rights of access granted by other legislation:

1. Plan 2056Q, ALL THAT PORTION OF BOUNDARY STREET WHICH LIES BETWEEN THE PRODUCTIONS SOUTHERLY OF THE EAST AND WEST BOUNDARIES OF LOT 2, BLOCK 12, PLAN 0821812, EXCEPTING THEREOUT ALL MINES AND MINERALS.
2. Plan 2056Q, ALL THAT PORTION OF BOUNDARY STREET WHICH LIES BETWEEN THE PRODUCTIONS SOUTHERLY OF THE EAST AND WEST BOUNDARIES OF LOT 60, BLOCK 12, PLAN 0821812, EXCEPTING THEREOUT ALL MINES AND MINERALS.
3. Plan 2056Q, ALL THAT PORTION OF BOUNDARY STREET WHICH LIES BETWEEN THE PRODUCTIONS SOUTHERLY OF THE EAST AND WEST BOUNDARIES OF LOT 29, BLOCK 13, PLAN 0821812, EXCEPTING THEREOUT ALL MINES AND MINERALS.

Received first reading this 8th day of August, 2016

Mayor

Chief Administrative Officer

Minister of Transportation Officer

Received a second reading this ____ day of _____, 2016

Received a third reading this ____ day of _____, 2016

Mayor

Chief Administrative Officer



Bylaw No. 731/16 SKETCH SHOWING ROAD CLOSURE



LEGAL DESCRIPTION:

- Part A:** All that portion of Boundary Street which lies between the productions southerly of the east and west boundaries of Lot 2, Block 12, Plan 0821812.
 - Part B:** All that portion of Boundary Street which lies between the productions southerly of the east and west boundaries of Lot 60, Block 12, Plan 0821812.
 - Part C:** All that portion of Boundary Street which lies east of the production southerly of the west Boundary of Lot 29, Block 13, Plan 0821812.
- *All portions are excepting thereout all mines and minerals.

