

AGENDA

FOR THE **REGULAR MEETING OF RED DEER CITY COUNCIL**

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, SEPTEMBER 10, 2001

COMMENCING AT **4:30 P.M.**

- | | | |
|-----|--|---------------|
| (1) | Confirmation of the Minutes of the regular meeting of Monday, August 27, 2001. | |
| | | <i>Page #</i> |
| (2) | UNFINISHED BUSINESS | |
| (3) | PUBLIC HEARINGS | |
| (4) | REPORTS | |
| 1. | Tax Collector – Re: 2001 Tax Sale | . .1 |
| 2. | Land & Economic Development Manager – Re: Road Closure Bylaw 3288/2001 – Partial Road Closure – Road Plan 4067 J – Edgar Industrial Park
(Consideration of 3 Readings) | . .5 |
| 3. | Parkland Community Planning Services – Re: Land Use Bylaw Amendment 3156/EE-2001 / Lots 40 & 41 MR, Block 12, Plan 822 1750 / NE ¼ Sec. 16-38-27-4 / R1 Residential Low Density to P1 Parks & Recreation / Michener Hill Area / City of Red Deer (Consideration of 1st Reading) | . .12 |
| (5) | CORRESPONDENCE | |
| (6) | PETITIONS AND DELEGATIONS | |

(7) **NOTICES OF MOTION**

1. City Clerk Re: ***Councillor Hull – Notice of Motion***
– Re: Entrance Signs to City . .15

(8) **WRITTEN INQUIRIES**

(9) **BYLAWS**

1. ***3156/EE-2001*** – Land Use Bylaw Amendment / Lots 40 & 41 MR,
Block 12, Plan 822 1750, NE ¼ Sec. 16-38-27-4 / R1 Residential
Low Density to P1 Parks & Recreation / Michener Hill Area / City
of Red Deer (1st Reading) . .17
. .12
2. ***3288/2001*** – Road Closure Bylaw / Partial Road Closure / Road
Plan 4067 J / Edgar Industrial Park (3 Readings) . .19
. .5

DATE: August 29, 2001
TO: City Clerk
FROM: Tax Collector
RE: 2001 TAX SALE

The attached report contains an itemized list of properties that are eligible for the 2001 Tax Sale. Section 419 of the Municipal Government Act states:

“The Council must set:

- a) For each parcel of land to be offered for sale at a public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel, and
- b) any conditions that apply to the sale.”

For Council's convenience, the suggested reserve bid is indicated in the report along with the terms and dates that are applicable for the various advertisements.

We respectfully request that Council approve and pass the Resolution as required to facilitate the tax sale for 2001.



Norman Ford
Tax Collector

NF/ngl

Enc.

2001 TAX SALE SCHEDULE

1. Payment of all tax arrears prior to August 31, 2001.
2. Council Resolution to be in for September 24, 2001, meeting.
3. Alberta Gazette - October 15, 2001, issue. Advertisement to be at City Clerk's by September 21, 2001.
4. Copy of advertisement mailed by Registered Mail to registered owners (anyone having an interest in the property) with taxes outstanding as of October 26, 2001.
5. Advertisement in the Red Deer Advocate November 16, 2001, to be at City Clerk's by November 13, 2001. Send letter and copy of the advertisement to registered owners. (Mortgage Companies)
6. Tax Sale:

Time:	11:00 a.m.
Date:	December 4, 2001
Location:	City Hall Council Chambers

PROPOSED 2001 TAX SALE

Advertisement in the Alberta Gazette	:	October 15, 2001
Advertisement in the Red Deer Advocate	:	November 16, 2001
Tax Sale	:	December 4, 2001
Terms	:	Cash or Certified Cheque

Roll #	Lot/Bk/Plan	Assessed Value	Tax Arrears	Suggested Reserve Bid
0940495	23/10/5162HW	\$ 96,600	\$ 4,292.90	\$105,000
1610830	11/10/5897HW	\$ 112,600	\$ 3,680.49	\$123,000

Comments:

We agree with the recommendations of the Tax Collector.

“G. D. Surkan”
Mayor

“N. Van Wyk”
City Manager

Council Decision – Monday September 10, 2001

DATE: September 11, 2001
TO: Tax Collector
FROM: City Clerk
RE: 2001 Tax Sale

FILE

Reference Report:

Tax Collector, dated August 29, 2001

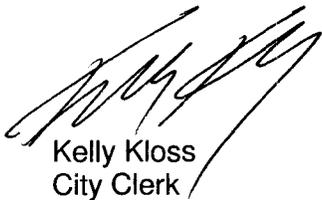
Resolutions:

Resolved that Council of the City of Red Deer, having considered the report from the Tax Collector dated August 29, 2001, re: 2001 Tax Sale, hereby approves the proceeding with the tax sales for properties known as Roll No. 0940495; Roll No. 1610830; subject to the following conditions:

1. That said sale be held in the Council Chambers of City Hall, Red Deer, Alberta, December 4, 2001 at 11:00 a.m.,
2. Terms to be cash or certified cheque,
3. The minimum sale price for each parcel and the terms and dates that are applicable for the various parcels advertised, are to be as outlined in the above noted report from the Tax collector.

Report Back to Council:

Comments/Further Action:


Kelly Kloss
City Clerk

/chk
attchs.

c

TWELVE

DATE: September 4, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **Partial Road Closure**
Road Plan 4067 J – Edgar Industrial Park

Background:

Prior to the relocation of the CP rail yards, 76th Street in Road Plan 4067 J, extended west to Highway 2. Since the relocation of the rail yards and development of Edgar Industrial Park, the portion of road west of the main CP Rail line is no longer required. City Council previously approved closure of that portion of road between Highway 2 and Edgar Industrial Drive, in 1999 when that land was optioned to Collicutt Hanover Services.

City Council then passed Road Closure Bylaw 3249/99 on January 17, 2000, which intended for the entire portion of 76th Street between Edgar Industrial Drive and the CP Rail main line to be closed and incorporated into the adjacent industrial development area. A copy of the report, dated December 1, 1999 is attached for Council's information, along with the map used to advertise the road closure.

We have now learned from Bemoco Land Surveying that contrary to the intent of the Bylaw, only a portion of the road was closed when Plan 002 1937 was registered for Edgar Industrial Bend. This was due to the wording of the Bylaw and the phasing of Edgar Industrial Park in which the boundary between Edgar Industrial Bend (developed in 2000) and Edgar Central (developed in 2001) bisects the road at an angle. In order for the current plan of subdivision to be registered for Edgar Central, the crosshatched area of the road must also be closed as described in the attached letter and map from Bemoco.

Therefore, as the intent was to close the entire portion of road between Edgar Industrial Drive and the CP Rail main line and the advertising was previously completed, we recommend that City Council approve all three readings of the Road Closure Bylaw at one meeting of Council. Also, time is of the essence to complete the Plan of Subdivision in order to finalize several pending land sales and allow development to occur before the onset of frost.

RECOMMENDATION

That City Council approve all three readings of the following Partial Road Closure Bylaw:

"All that portion of Road Plan 4067 J lying to the west of the westerly limit of Railway Plan 892 1354 and east of the northerly limit of Lot 6, Block 5, Plan 002 1937."



Howard Thompson

Att.

HIGHWAY 11A

EDGAR INDUSTRIAL CRESCENT

EDGAR IND. CL.

SOLD OUT

DETECTION POND

EDGAR IND. PL.

OPTION PENDING

EDGAR IND. BRN

EDGAR IND. WY

EDGAR INDUSTRIAL DR.

KENT ST

AGRI PARTNERS INTERNATIONAL INC.

EDGAR INDUSTRIAL WAY

NOWSCO

EDGAR IND.

EDGAR INDUSTRIAL WAY

23.80ac (9.55ha)

LINK

EDGAR CENTRAL

CANADIAN PACIFIC RAILWAY

11.90ac (4.81ha)

OPTION PENDING

EDGAR BEND

Road Plan 4067 J CENALTA

76th St.

77 ST

HIGHWAY 2

COLLICUT HANOVER SERVICES

EDGAR

ND. BEND

N. 1/2 SEC. 30

12.18ac (4.93ha)

OPTION PENDING

EDGAR INDUSTRIAL DR.

JOHNSTONE DRIVE (future)

JEWELL ST

DETECTION POND

MR

BRUINS / SHUNDA

WEIGH SCALE

ATHLETIC PARK

SNOW DUMP

JOHNSTONE DRIVE

67 AVE

DETECTION POND

MR

BRUINS / SHUNDA

SNOW DUMP

RED DEER BOTTLING

68 AVE

DIAMLER CHRYSLER

DETECTION POND

67 STREET



NORTH

EDGAR INDUSTRIAL PARK

-OVERALL-

Legend:

 Available for sale

 Proposed - extension of services required

NOTE:
Subdivision is preliminary plan only.
No legal plan available at this time.
Property lines and lot sizes to be adjusted in accordance with purchaser's requirements.

LOT DIMENSIONS and AREAS should be VERIFIED with REGISTERED PLANS and CERTIFICATE of TITLE documentation.

MEMO

DATE: December 1, 1999

TO: Kelly Kloss, City Clerk

FROM: Alan Scott, Land and Economic Development Manager

RE: **Partial Road Closure**
Road Plan 4067 J

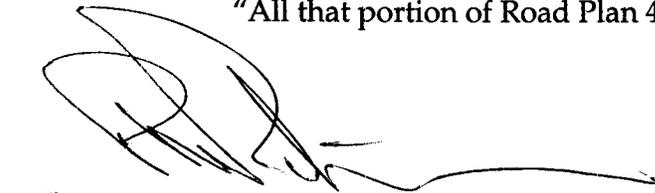
A survey has been requested for various parts of the Edgar Industrial Subdivision and the Engineering Department has determined that the above Road Plan between the CP Rail main line and Edgar Industrial Drive, as indicated on the attached maps, is no longer required.

Prior to the relocation of the rail yards, 76 Street, which is part of Road Plan 4067 J, was designed to be a main thoroughfare from Gaetz Avenue to Highway 2, as development moved west. Since the relocation of the rail yards and the main CP Rail line, this portion is no longer required as roadway. City Council has previously approved closure of that portion of Road Plan 4067 J between Highway 2 and Edgar Industrial Drive, when this land was optioned to Collicutt Hanover Services.

RECOMMENDATION

The Land and Economic Development Department recommends that Red Deer City Council approve the following Partial Road Closure Bylaw:

"All that portion of Road Plan 4067 J lying within the Limits of Plan _____"



Alan V. Scott

PAR/mm

Att.

LOT 7
BLOCK 1
PLAN 992 4947

Remainder of
LOT 1
BLOCK 4
PLAN 812 1569

DRIVE

ROAD PLAN 4067 J

PORTION OF ROAD PLAN
TO BE CLOSED AND
REDEDICATE AS
EDGAR INDUSTRIAL DRIVE

PORTION OF ROAD PLAN
TO BE CLOSED AND
CONSOLIDATED WITH LOT 5

INDUSTRIAL

Remainder of
N.W. 1/4 Sec. 30-38-27-4

SCALE = 1 : 2000

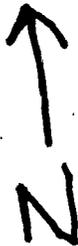
R/W PLAN
902 1946

892 1353

PLAN

RAILWAY

EDGAR



Bemoco Land Surveying Ltd.

Subdivision Consultants ★ Land Surveyors

VIA FAX: 342-8200

Our File: S-021-01

August 28, 2001

City of Red Deer
Land & Economic Development
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

Attention: Howard Thompson

Dear Sir:

RE: Edgar Central
Road Plan 4067J

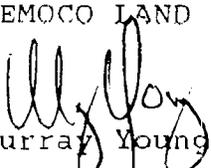
Further to our meeting of today's date, please find the following description for the Road Closure Bylaw:

"All that portion of Road Plan 4067J lying to the west of the westerly limit of Railway Plan 892 1354 and east of the northerly limit of Lot 6, Block 5, Plan 002 1937."

Trusting you find the above in order, I remain

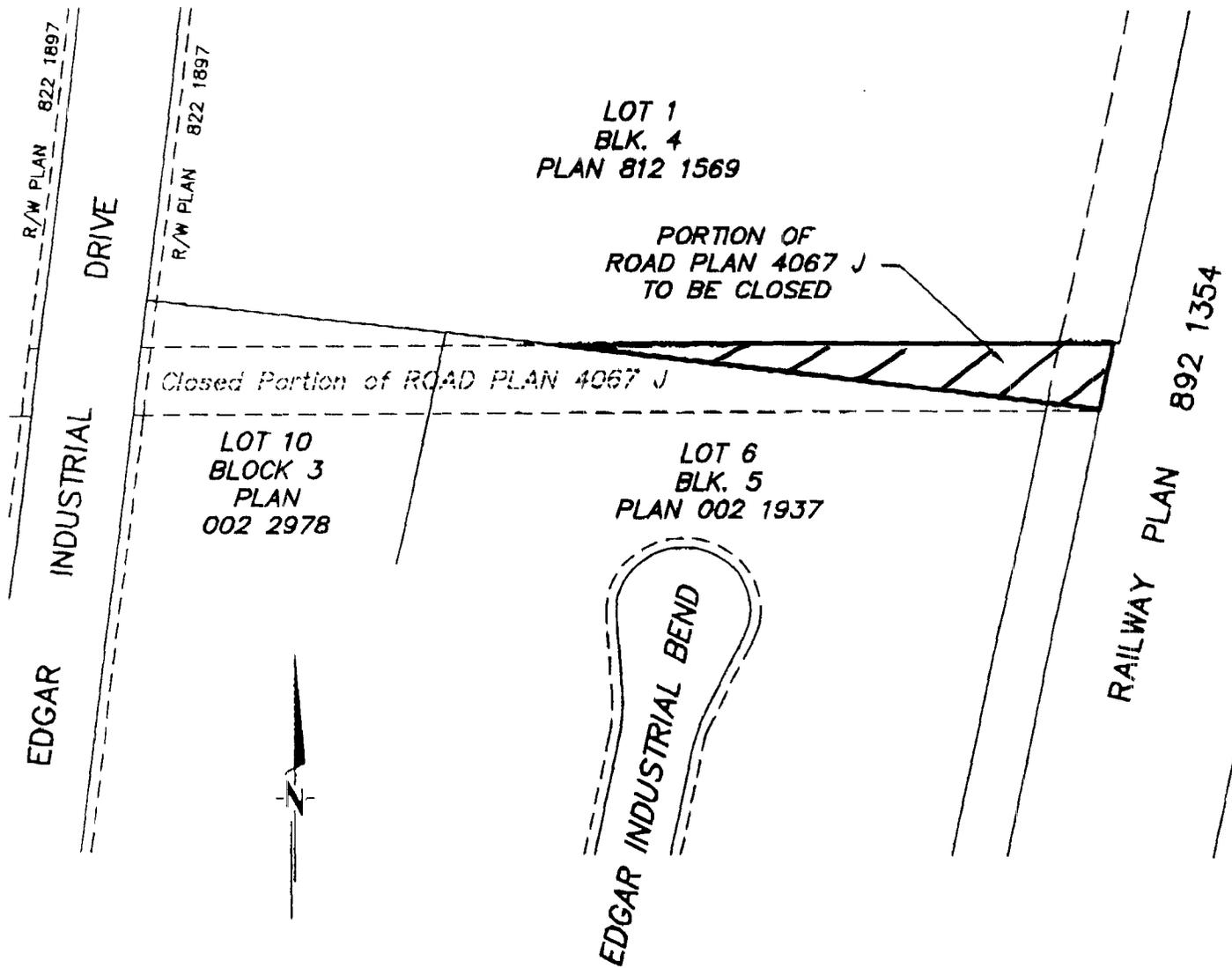
Yours truly,

BEMOCO LAND SURVEYING LTD.


Murray Young, A.L.S.

MY/dpv

Encl



Comments:

We agree with the recommendations of the Land & Economic Development Manager.

“G. D. Surkan”
Mayor

“N. Van Wyk”
City Manager

Council Decision – Monday September 10, 2001

DATE: September 11, 2001
TO: Land & Economic Development Manager
FROM: City Clerk
RE: Road Closure Bylaw 3288/2001
Partial Road Closure – Road Plan 4067 J – Edgar Industrial Park

FILE

Reference Report:

Land & Economic Development Manager, dated September 4, 2001.

Bylaw Readings:

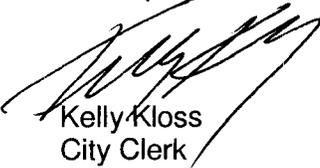
Road Closure Bylaw 3288/2001 was given three readings. A copy of the bylaw is attached.

Resolutions:

Report Back to Council: NO

Comments/Further Action:

Road Closure Bylaw 3288/2001 provides for the closure of the remaining portion of 76th Street between Edgar Industrial Drive and CP Rail main line and be incorporated into the adjacent industrial development area. A certified copy of the Road Closure Bylaw is attached for your information.



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Community Services
Director of Corporate Services
Director of Development Services
Inspections & Licensing Manager
Parkland Community Planning Services
D. Kutinsky, Engineering Services
J. Olson, Clerk Steno

BYLAW NO. 3288/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

“All that portion of Road Plan 4067 J lying to the west of the westerly limit of Railway Plan 892 1354 and east of the northerly limit of Lot 6, Block 5, Plan 002 1937.”

READ A FIRST TIME IN OPEN COUNCIL this 10th day of September 2001.

READ A SECOND TIME IN OPEN COUNCIL this 10th day of September 2001.

READ A THIRD TIME IN OPEN COUNCIL this 10th day of September 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 10th day of September 2001.

MAYOR

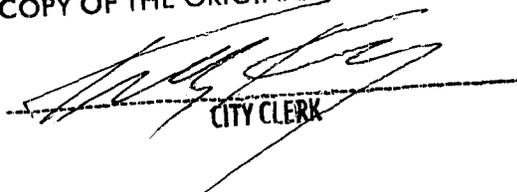


CITY CLERK



CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL BYLAW.

CITY CLERK





Item No. 3

**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca

Date: September 4, 2001
To: Kelly Kloss, City Clerk
From: Frank Wong, Planning Assistant
Re: Land Use Bylaw Amendment 3156/EE-2001
Lots 40 & 41 MR, Block 12, Plan 822 1750
NE ¼ Sec. 16-38-27-4
Michener Hill Area
The City of Red Deer

The City of Red Deer is proposing to rezone the rear 21.35m (70 feet) of Lot 40 from R1 Residential Low Density to P1 Parks and Recreation. This will result in the residential lot being a rectangular shape and the portion of land that is rezoned being consolidated with the adjacent park (Lot 41 MR, the former Woodlea Ski Hill). The residential lot (remainder of Lot 40) with the existing dwelling will be sold.

Background Information

The site was purchased by the City in 1999. The subdivision will create a rectangular residential lot while incorporating the remaining land into the park. In order to ensure that there is no contamination on the property, the City hired Mancroft-EBA Consultants Ltd. to assess the site for traces of tebuthiuron (a herbicide) which was used to control vegetation on the adjacent EL&P substation site. The consultants found no traces of Tebuthiuron within detection limits. Alberta Environment have accepted the Mancroft-EBA report.

Staff Recommendation

Planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/EE-2001.

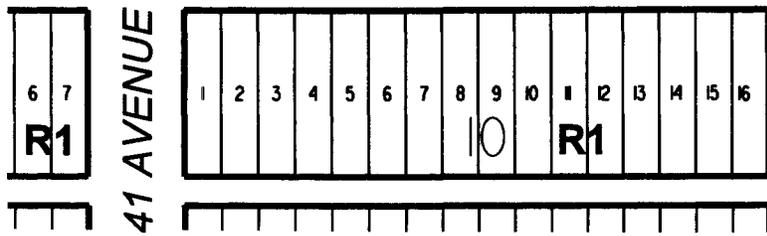
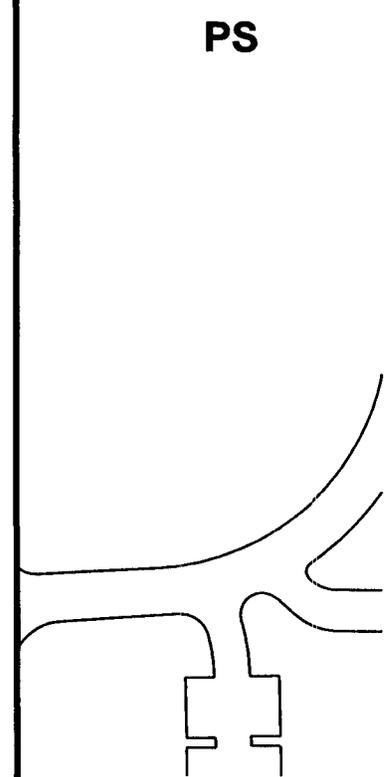
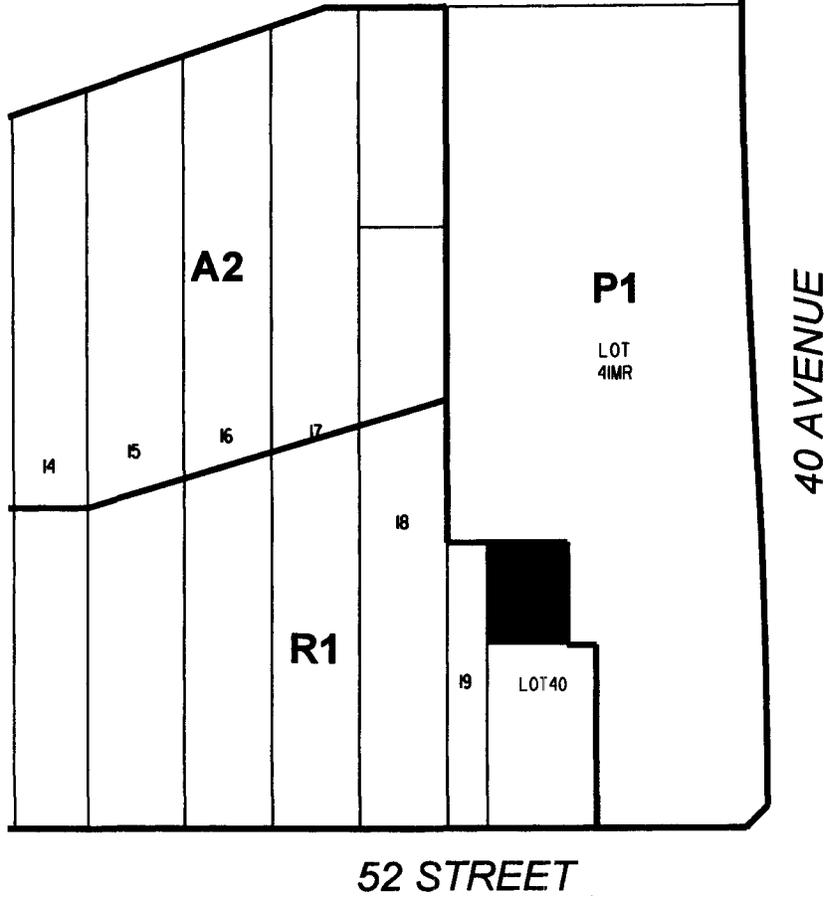
Sincerely,


Frank Wong,
Planning Assistant

Attachment

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change From :

R1 to P1 XXXXXXXXXX

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

P1- Parks & Recreation

MAP No. 24/ 2001

BYLAW No. 3156 / EE - 2001

Comments:

We agree with the recommendation of Parkland Community Planning Services that Council proceed with First Reading of this Land Use Bylaw Amendment. A Public Hearing would be held on Tuesday, October 9, 2001 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"
Mayor

"N. Van Wyk"
City Manager

Council Decision – Monday September 10, 2001

DATE: September 11, 2001
TO: Frank Wong, Parkland Community Planning Services
FROM: City Clerk
RE: Land Use Bylaw Amendment 3156/EE-2001
Lots 40 & 41 MR, Block 12, Plan 822 1750
NE ¼ Sec. 16-38-27-4
Michener Hill Area / City of Red Deer

FILE

Reference Report:

Parkland Community Planning Services, dated September 4, 2001.

Bylaw Readings:

Land Use Bylaw Amendment 3156/EE-2001 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes. A Public Hearing is scheduled for Tuesday, October 9, 2001 at 7:00 p.m. in Council Chambers during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/EE-2001 provides for the rezoning of the rear 21.35m (70 feet) of Lot 40 from R1 Residential Low Density to P1 Parks and Recreation. The subdivision will create a rectangular residential lot while incorporating the remaining land into the park. The remainder of Lot 40 (residential lot) with the existing building will be sold. This office will now proceed with the advertising for Public Hearings. The City will be responsible for the costs of advertising in this instance.



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
C. Denis, Assessment & Tax
C. Adams, Administrative Assistant
J. Olson, Clerk Steno

BYLAW NO. 3156/EE-2001

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map H9" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 24/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 10th day of ~~September~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

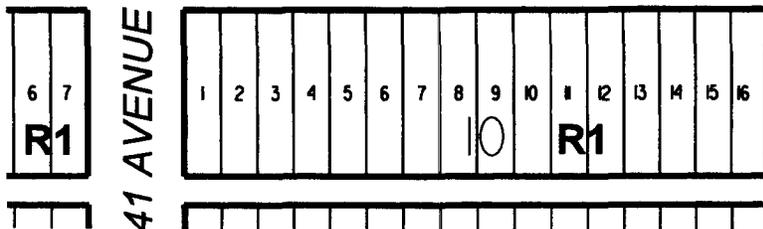
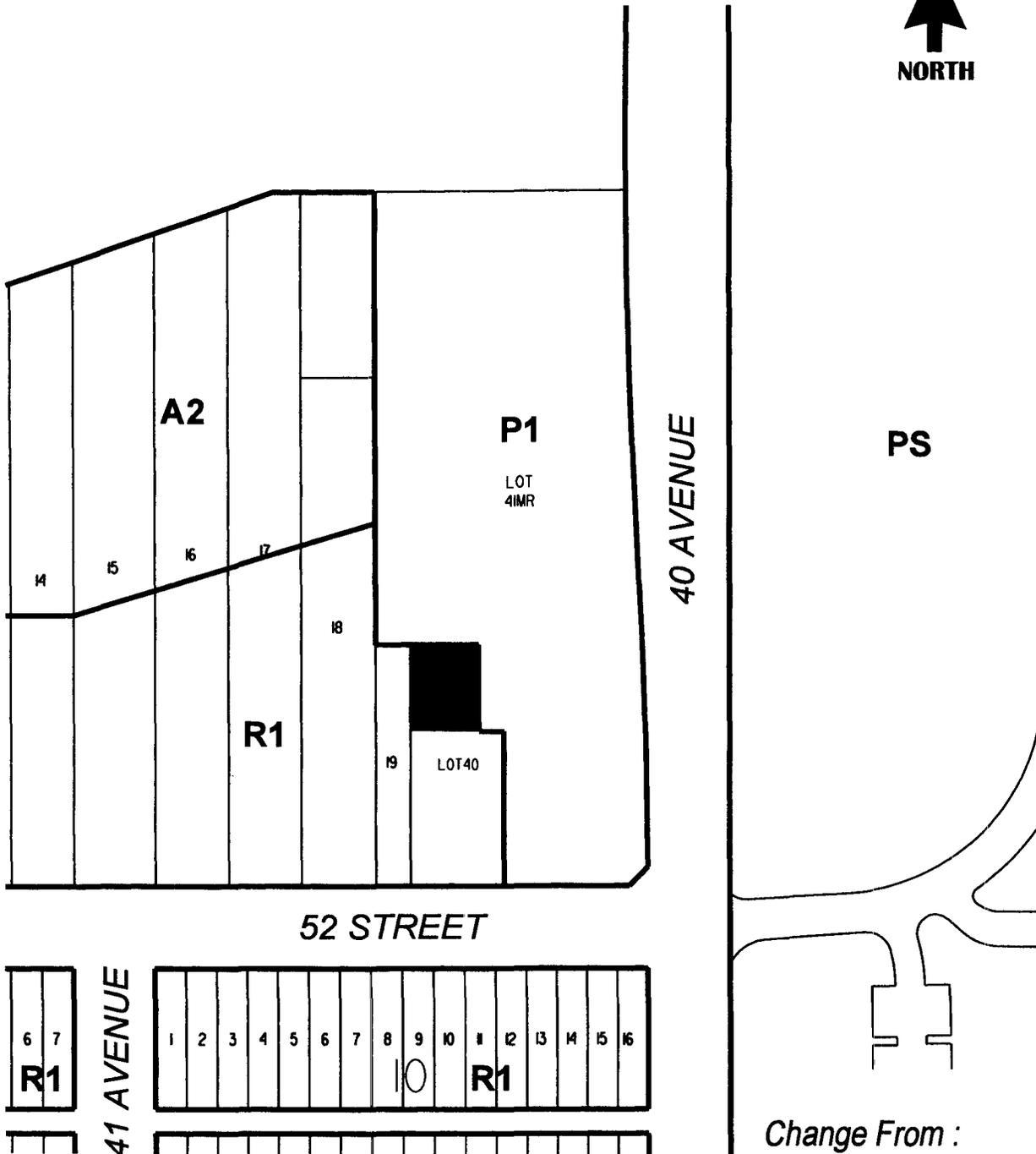
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change From :

R1 to P1 

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

P1- Parks & Recreation

MAP No. 24/ 2001

BYLAW No. 3156 / EE - 2001

DATE: September 4, 2001
TO: City Council
FROM: City Clerk
RE: Councillor Hull - Notice of Motion
Re: Entrance Signs to City

The following Notice of Motion regarding Entrance Signs to The City of Red Deer was submitted by Councillor Hull:

WHEREAS, The City of Red Deer is a thriving city that reflects vitality and promotes the spirit of opportunity to its citizens and business alike; and

WHEREAS, The City of Red Deer is a progressive city that looks for new and innovative ways to promote the city; and

WHEREAS, visitors and residents gain their first impression of the city by way of three main entry points to the city; and

WHEREAS, The City of Red Deer has signs at these major entrances to the city that provide a welcome and first impression of the city;

NOW THEREFORE BE IT RESOLVED, that The City administration be directed to explore innovative major entrance features, including signage, that reflect the vitality of Red Deer and promote it as a city of opportunity, and bring back recommendations to Council.



Kelly Kloss
City Clerk

/attach.

Comments:

The existing entrance signs have been in place for some time and may not reflect the image of The City of Red Deer today. There are some new and interesting designs to city entrance features appearing throughout Western Canada such as the entrance signs to The City of Airdrie. These reflect that community's progressive approach to marketing itself. We suggest that staff bring back an entrance feature that would cost in the range of \$20,000 per sign as had been recommended in the 2001 budget, however not approved. This amount would provide an attractive entrance feature for those entering The City. The investment in new signage would also allow the relocation of entrance features in a more suitable area given the fact that the boundaries of The City have expanded significantly past the existing locations. Should Council agree with the intent of this motion, any additional direction Council may have with respect to the types of design features to be considered would be appreciated.

"G. D. Surkan"
Mayor

"N. Van Wyk"
City Manager

Council Decision – Monday September 10, 2001

DATE: September 11, 2001
TO: Director of Development Services
FROM: City Clerk
RE: Notice of Motion – Councillor Bill Hull
Re: Entrance Signs to City

FILE

Reference Report:

Resolutions:

WHEREAS, The City of Red Deer is a thriving city that reflects vitality and promotes the spirit of opportunity to its citizens and business alike; and

WHEREAS, The City of Red Deer is a progressive city that looks for new and innovative ways to promote the city; and

WHEREAS, visitors and residents gain their first impression of the city by way of three main entry points to the city; and

WHEREAS, The City of Red Deer has signs at these major entrances to the city that provide a welcome and first impression of the city;

THEREFORE BE IT RESOLVED, that The City administration be directed to explore innovative major entrance features, including signage, that reflect the vitality of Red Deer and promote it as a city of opportunity, and bring back recommendations to Council.

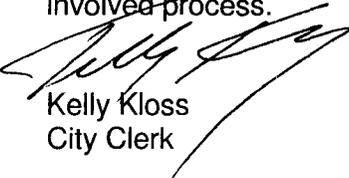
Council further agrees that the recommendations provide consideration of the deletion of the nuclear free zone slogan on the entrance signs.

Report Back to Council: Yes.

Comments/Further Action:

City administration is to bring back to Council an entrance feature that would cost in the range of \$20,000 per sign as had been recommended in the 2001 budget but not approved. The investment in new signage would allow the relocation of entrance features in a more suitable area given the fact that the boundaries of The City have expanded significantly past the existing locations.

It may be necessary to discuss this at an SMT meeting to develop a coordinated and community involved process.


Kelly Kloss
City Clerk

/chk
attchs.

c Director of Community Services
Director of Corporate Services
Char Rausch, Corporate Planning & Communications

Item No. 1
Bylaws

BYLAW NO. 3156/EE-2001

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map H9" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 24/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

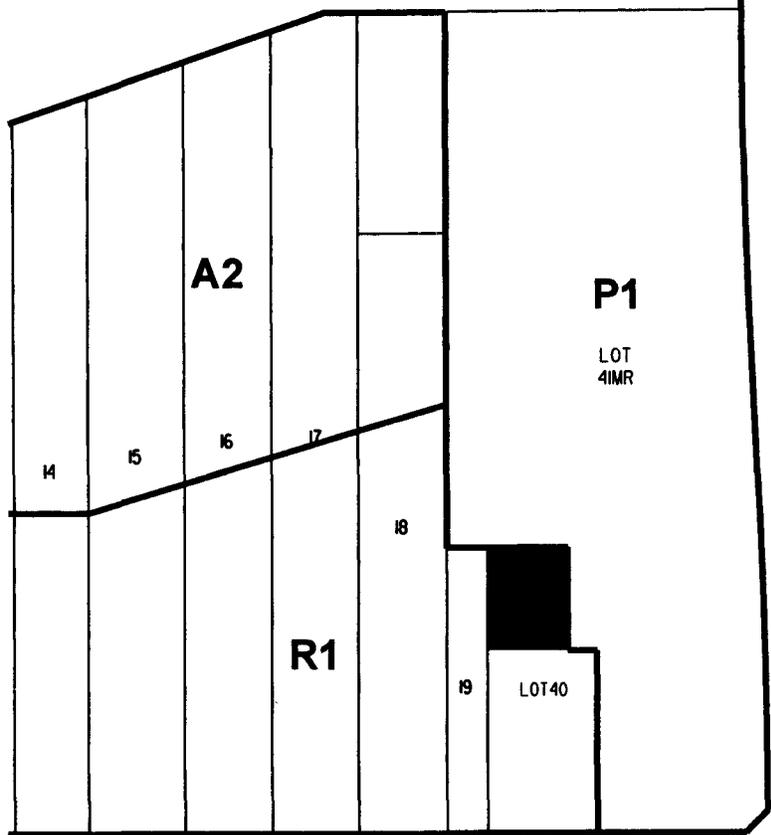
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



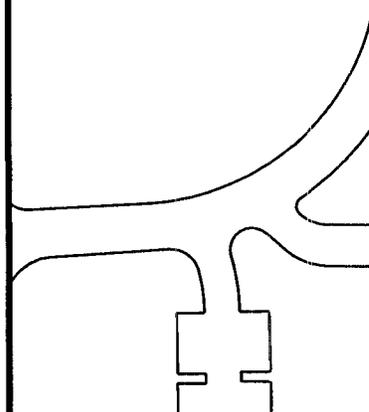
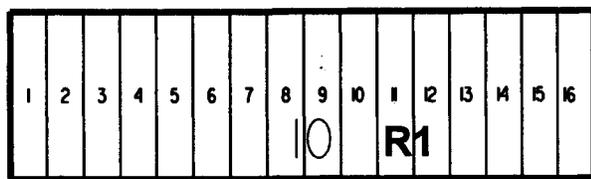
40 AVENUE

PS

52 STREET



41 AVENUE



Change From :

R1 to P1

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

P1- Parks & Recreation

MAP No. 24/ 2001

BYLAW No. 3156 / EE - 2001

BYLAW NO. 3288/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

“All that portion of Road Plan 4067 J lying to the west of the westerly limit of Railway Plan 892 1354 and east of the northerly limit of Lot 6, Block 5, Plan 002 1937.”

READ A FIRST TIME IN OPEN COUNCIL this day of 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

MAYOR

CITY CLERK

**A D D I T I O N A L
A G E N D A**



FOR THE **REGULAR MEETING OF RED DEER CITY COUNCIL**

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, SEPTEMBER 10, 2001

COMMENCING AT **4:30 P.M.**



Page #

(1) **REPORTS**

1. Land & Economic Development Manager – Re:
 - (a) **Rogers/Peterson – Request to Purchase Part of Lane Plan 4596 NY, and Partial Lane Closure – Road Closure Bylaw 3289/2001
(Consideration of 1st Reading)**
 - (b) **Loaves & Fishes – License to Occupy – Part of Lot R, Plan 4596 NY and Partial Disposal of Municipal Reserve**
 - (c) **Land Use Bylaw Amendment 3156/NN-2001 / Rezoning of Lane to R1 and Portion of New Lane and Corner Cutoff From R2 to Lane
(Consideration of 1st Reading)**

..1

(2) **BYLAWS**

1. **3156/NN-2001 – Land Use Bylaw Amendment / Rezoning of Land to R1 and Portion of New Land and Corner Cutoff From R2 to Lane (1st Reading)**

..10

.. 1

██████████

Date: September 4, 2001

To: Kelly Kloss, City Clerk

From: Howard Thompson, Land & Economic Development Manager

**Re: Rogers / Peterson – Request to Purchase Part of Lane Plan 4596 NY, and
Partial Lane Closure
Loaves and Fishes – License to Occupy - Part of Lot R, Plan 4596 NY, and
Partial Disposal of Municipal Reserve
Rezoning Bylaw 3156/NN-2001**

Background:

Dave Rogers and Wendy Peterson are the owners of Lots 3 & 4, Block 16, Plan 7604S (6005-55Ave) in Riverside Meadows. A gas leak and subsequent fire destroyed their house last year and they have applied to the City to purchase the adjacent 20-foot width of lane to the north of their property. Their intent is to consolidate the lane with their existing 66 feet of frontage and re-subdivide the land into two, 43-foot single family lots. The lane, as shown on the attached aerial photograph before the house was destroyed, is not constructed and remains as a grass area. They have subsequently rebuilt their home, within the proposed property lines of the southerly lot and, if successful in purchasing the lane, would sell the house and build again on the northerly lot.

The City circulated the application to the administration for comments resulting in support for the sale, subject to several conditions, however an issue arose related to the adjacent property owner to the east, Loaves and Fishes. From the aerial photograph and legal plans, it was apparent that Loaves and Fishes, or a previous property owner, had at some time in the past, encroached their paved parking lot 20 feet north into the City park (Lot R, Plan 4596 NY). After an extensive search of files and discussions with Loaves and Fishes, no formal agreement with the City had ever been reached to allow this encroachment.

The primary requirement should the lane be sold is the provision for a turn around bulb at the north end of the north south lane to the east of the Rogers/Peterson property. Alternatively, the lane right of way could be replaced by designating a legal lane east across the MR out to 54th Avenue where Loaves and Fishes have encroached. This requirement is based on current design standards for movement of garbage trucks, emergency services, and other vehicles through the lane. As the turn around bulb was deemed intrusive to the park, the extension of the lane right of way east to 54th Avenue was determined to be the best alternative. This new lane would be created by a legal plan of subdivision, however, it would remain unconstructed allowing Loaves and Fishes to continue utilizing the 20-foot strip for parking, while keeping the City's options open should the lane ever be required in the future.

Memo

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Kelly Kloss
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In order to accommodate a win-win solution for both parties, the following was proposed to and accepted by the Board of Loaves and Fishes and the applicants. The City and Loaves and Fishes would enter into a reciprocal agreement to grant Loaves and Fishes a License to Occupy to use the new lane right of way for parking. In exchange Loaves and Fishes would grant the City the benefit of a public right of way easement across the center of their parking lot to allow access between the north south lane and 54th Avenue. In practice, this arrangement already exists, as the general public use the parking lot for this purpose. City Council approval is required to enter into the formal agreement based on no cost to either party, other than Loaves and Fishes providing liability insurance, in the amount of \$1 million, naming the City as 'Additional Insured'. The term of the License to Occupy would run until such time as the City requires a constructed lane for whatever reason.

Other requirements or conditions of this proposal include a 5m X 5m (12.5m² or 134.5 sq. ft.) corner cut off for the new lane that would have to be purchased for the City by the applicants from Loaves and Fishes and subdivided as part of the lane. The Electric, Light and Power Department have a power pole and anchor located in the proposed lane right of way. This pole will remain in its current location. However, should the lane ever be required, the cost to relocate the pole would most likely be the responsibility of the adjacent property owners through a local improvement. All costs associated with the corner cutoff purchase and lane subdivision would be the responsibility of the applicants.

The lane the applicants wish to purchase must be closed and rezoned from lane to R1 to match the current zoning for the Rogers/Peterson property, which is consistent with the principles of the Riverside Meadows Redevelopment Plan. The proposed new lane right of way and corner cutoff require re-zoning from the current designation of R2 to lane. See Bylaw 3156/NN-2001 map attached. Please note that the Land Use Bylaw incorrectly shows the 20-foot strip adjacent to Loaves and Fishes as R2, when it should have been P1. All advertising cost to rezone, dispose or close portions of these lands would be the responsibility of the applicants.

As the new proposed lane is part of the Municipal Reserve Lot R, Plan 4596 NY, a partial disposal of MR is required, with the proceeds of the lane sale to go to the Public Reserve Trust Fund. This item was presented before the Recreation, Parks and Culture Board on April 30th, 2001 where the following resolution was passed:

"RESOLVED that the Recreation, Parks and Culture Board recommends to Council of the City of Red Deer, that part of Lot R, Plan 4596 NY, be leased to Loaves and Fishes in exchange for allowing public traffic to continue through the parking lot, and that all paving and asphalt repairs will be the responsibility of Loaves and Fishes."

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Memo

Kelly Kloss
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As part of City Council's consideration for this sale, Land and Economic Development have conducted an internal analysis of the market value for this portion of lane, consisting of 2,400 square feet (20'X120'). Based on the market values for comparable fully serviced lots in this area, less the applicant's expenses to service, subdivide, and rezone the lot to become fully serviced, the purchase price of \$11,520.00, or the equivalent of \$4.80 per square foot, plus GST was determined to be fair market value. The applicants are prepared to proceed to Council based on this price and the conditions indicated above.

Recommendation:

That City Council;

1. Approve the sale of a portion of lane in Plan 4596 NY, adjacent to Lots 3&4, Block 16, Plan 7604 S, consisting of 2,400 square feet, to Dave Rogers and Wendy Peterson subject to the following conditions:
 - The purchase price of the lane to be \$11,520.00 plus GST.
 - The proceeds of the lane sale to be credited to the Public Reserve Trust Fund.
 - Approval of a plan of subdivision to consolidate the closed lane with Lots 3&4, Block 16, Plan 7604 S to create two single family lots, and the creation of the new lane through Lot R, Plan 4596 NY including the corner cutoff from the Loaves and Fishes property, Lot 27-30, Block 16, Plan 7604S.
 - Loaves and Fishes concurrently entering into a License to Occupy with the City of Red Deer and the City entering into a reciprocal public access agreement with Loaves and Fishes.
 - City Council approval of Bylaw 3156/NN-2001 to rezone the lane to be sold from lane to R1 and the portion of new lane and corner cutoff from R2 to lane.
 - The applicant purchasing a 5m X 5m (12.5m² or 134.5 sq. ft.) corner cut off for the City lane from Loaves and Fishes.
 - All costs associated with the land purchases, subdivision, rezoning, disposal, closure, servicing and advertising would be the responsibility of the applicants.
 - A Land Sale Agreement satisfactory to the City Solicitor.
 - City Council approval for the following lane closure described as,

"All that portion of Lane, Plan 4596 NY lying east of the production northerly of the west boundary of Lot 4, Block 16, Plan 7604 S, and lying west of the production northerly of the east boundary of Lot 4, Block 16, Plan 7604 S, and containing 0.022 hectares more or less".

Memo

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Kelly Kloss
Page 4

- City Council approval of the following partial disposal of Municipal Reserve described as:

“All that portion of Lot R, Plan 4596 NY lying within Plan _____, and containing 0.022 hectares more or less”.

,and

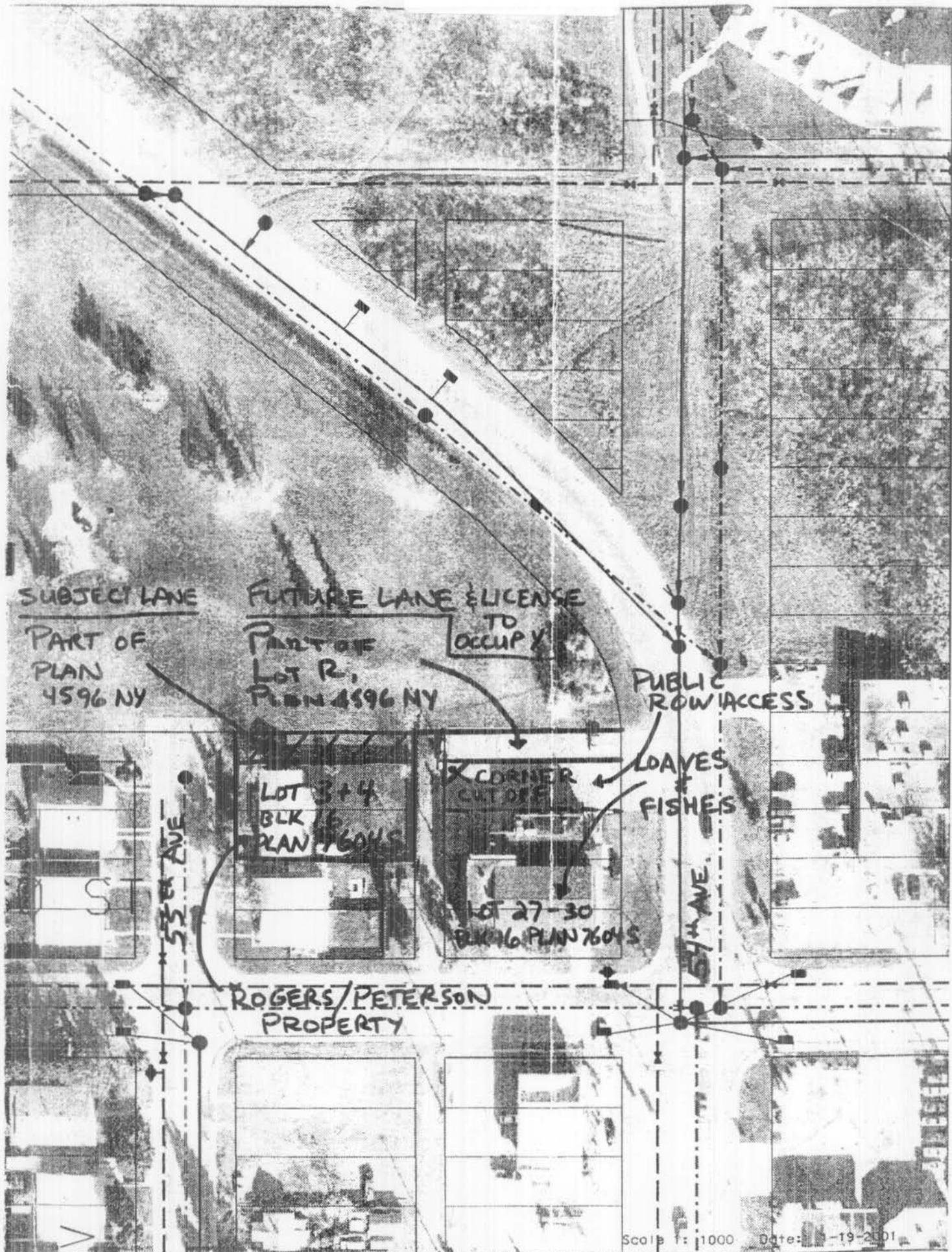
2. Approve entering into a reciprocal agreement to grant Loaves and Fishes a License to Occupy to use the new lane right of way for parking. In exchange Loaves and Fishes would grant the City the benefit of a public right of way easement across the center of their parking lot to allow access between the north south lane and 54th Avenue subject to the following conditions:
 - Neither party shall incur costs other than Loaves and Fishes providing liability insurance, in the amount of \$1 million, naming the City as ‘Additional Insured’.
 - The term of the License to Occupy would run until such time as the City requires the lane for whatever reason, in which case the City may terminate the License to Occupy upon 90 days notice.
 - Rogers/Peterson concurrently entering into a binding land sale agreement with the City for the purchase of lane in Plan 4596 NY.
 - All parking lot paving and asphalt repairs will be the responsibility of Loaves and Fishes.
 - An agreement satisfactory to the City Solicitor.



Howard Thompson

Attach.

- c. Ken Haslop, Engineering Services Manager
Don Batchelor, Recreation, Parks and Culture Manager
Garfield Lee, Senior Distribution Engineer, EL&P
Ryan Strader, Inspections and Licensing Manager



38 - 27 - 4

Produced from
old I.Ps. - R11 and R12

BLOCK Y
PLAN 2376-A.1

61ST. STREET

00 AC

10
25.1
58 E

15
120
27
28
29
30

14

586

LICENSE
TO OCCUPY
RESERVE +
FUTURE
LANE
& CORNER
CUTOFF

SUBJECT

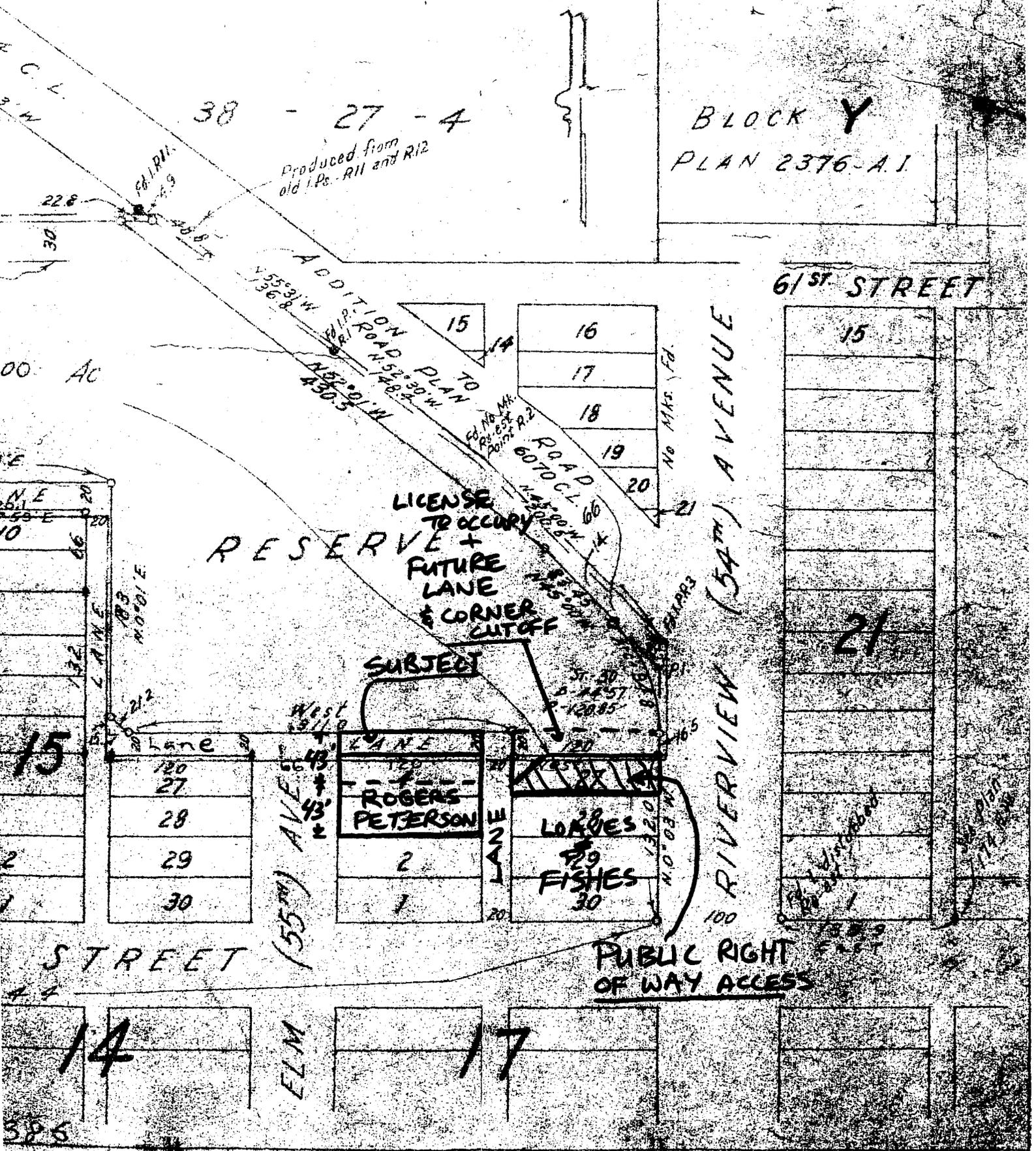
ROGERS
PETERSON

LOGES
FISHES

PUBLIC RIGHT
OF WAY ACCESS

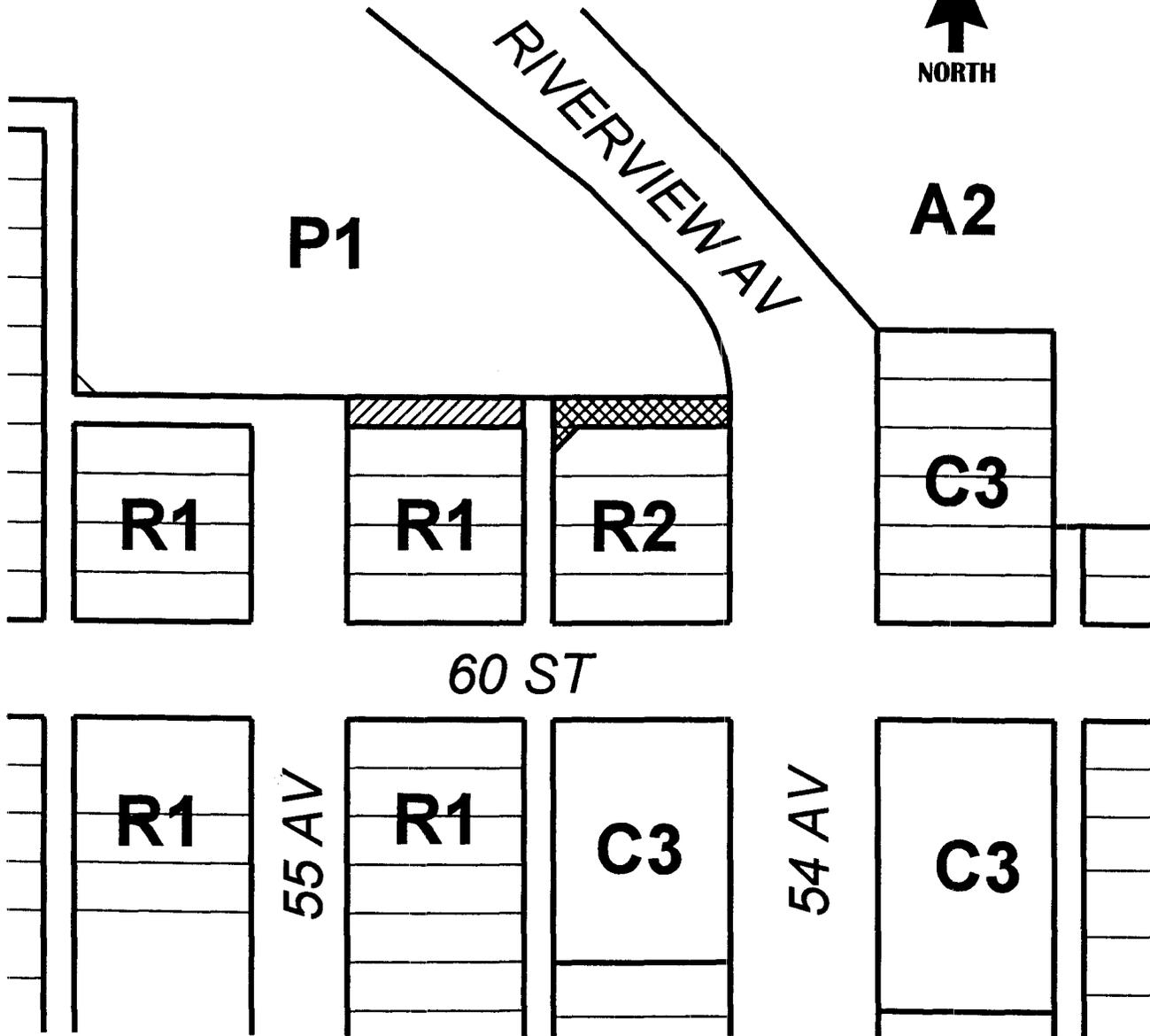
(55TH) AVE

(54TH) AVENUE
RIVERVIEW



The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :

LANE to R1 

R2 to LANE 

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R2 - Residential (Medium Density)

MAP No. 31 / 2001

BYLAW No. 3156 / NN - 2001

Comments:

We recommend that Council proceed with First Reading of the Land Use Bylaw Amendment, Disposal of Municipal Reserve and Road Closure Bylaw and that appropriate agreements be prepared as outlined in the report from the Land & Economic Development Manager, subject to passage of the Land Use Bylaw Amendment, Disposal of Municipal Reserve and Road Closure Bylaw. Public hearings would be held on Tuesday, October 9, 2001 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"
Mayor

"N. Van Wyk"
City Manager

Council Decision – Monday September 10, 2001

DATE: September 11, 2001

TO: Land & Economic Development Manager

FROM: City Clerk

RE: Rogers / Peterson – Request to Purchase Part of Lane Plan 4596 NY, and Partial Lane Closure – Road Closure Bylaw 3289/2001
Loaves and Fishes – License to Occupy – Part of Lot R, Plan 4596 NY, and Partial Disposal of Municipal Reserve
Land Use Bylaw Amendment 3156/NN-2001

FILE

Reference Report:

Land & Economic Development Manager, dated September 4, 2001

Resolutions:

Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated September 4, 2001, re: Rogers/Peterson – Request to Purchase Part of Lane Plan 4596 NY and Partial Lane Closure / Loaves and Fishes – License to Occupy – Part of Lot R, Plan 4596 NY and Partial Disposal of Municipal Reserve, hereby agrees as follows:

- 1) Approve the sale of a portion of lane in Plan 4596 NY, adjacent to Lots 3 & 4, Block 16, Plan 7604 S, consisting of 2,400 square feet, to Dave Rogers and Wendy Peterson subject to the following conditions:
 - a) The purchase price of the lane to be \$11,520.00 plus GST.
 - b) The proceeds of the lane sale to be credited to the Public Reserve Trust Fund.
 - c) Approval of a plan of subdivision to consolidate the closed lane with Lots 3 & 4, Block 16, Plan 7604 S to create two single family lots, and the creation of the new lane through Lot R, Plan 4596 NY including the corner cutoff from the Loaves and Fishes property, Lot 27-30, Block 16, Plan 7604S.
 - d) Loaves and Fishes concurrently entering into a License to Occupy with the City of Red Deer and the City entering into a reciprocal public access agreement with Loaves and Fishes.
 - e) Approval of Land Use Bylaw 3156/NN-2001 to rezone the lane to be sold from lane to R1 and the portion of new lane and corner cutoff from R2 to lane.
 - f) The applicant purchasing a 5m x 5m (12.5m² or 134.5 sq. ft.) corner cut off for the City lane from Loaves and Fishes.
 - g) All costs associated with the land purchases, subdivision, rezoning, disposal, closure, servicing and advertising would be the responsibility of the applicants.
 - h) A Land Sale Agreement satisfactory to the City Solicitor.

- 2) Approve entering into a reciprocal agreement to grant Loaves and Fishes a License to Occupy to use the new lane right of way for parking. In exchange, Loaves and Fishes would grant the City the benefit of a public right of way easement across the centre of their parking lot to allow access between the north south lane and 54th Avenue subject to the following conditions:
- a) Neither party shall incur costs other than Loaves and Fishes providing liability.
 - b) The term of the License to Occupy would run until such time as the City requires the lane for whatever reason, in which case the City may terminate the License to Occupy upon 90 days notice.
 - c) Rogers/Peterson concurrently entering into a binding land sale agreement with the City for the purchase of lane in Plan 4596 NY.
 - d) All parking lot paving and asphalt repairs will be the responsibility of Loaves and Fishes.
 - e) An agreement satisfactory to the City Solicitor.

and:

Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated September 4, 2001, re: Rogers/Peterson – Request to Purchase Part of Lane Plan 4596 NY and Partial Lane Closure / Loaves and Fishes – License to Occupy – Part of Lot R, Plan 4596 NY, and Partial Disposal of Municipal Reserve, hereby agrees that the following resolution be considered at the Council meeting of Tuesday, October 9, 2001 and to allow for the advertising of a Public Hearing to be held on Tuesday, October 9, 2001:

Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated September 4, 2001 re: Rogers/Peterson – Request to Purchase Part of Lane Plan 4596 NY and Partial Lane Closure / Loaves and Fishes – License to Occupy – Part of Lot R, Plan 4596 NY, and Partial Disposal of Municipal Reserve, hereby agrees to the disposal of municipal reserve lands described as:

“All that portion of Lot R, Plan 4596 NY lying within Plan_____, and containing 0.022 hectares more or less.”

Bylaw Readings:

Road Closure Bylaw 3288/2001 and Land Use Bylaw Amendment 3156/NN-2001 were given first reading. Copies of the bylaws are attached.

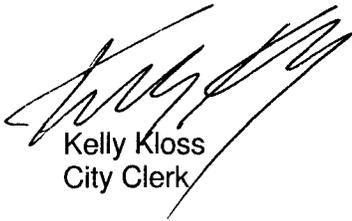
Report Back to Council: Yes.

Public Hearings will be held on Tuesday, October 9, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting.

Comments/Further Action:

The noted Road Closure Bylaw 3288/2001 and Land Use Bylaw Amendment 3156/NN-2001 are related to the sale of a portion of lane in Plan 4596 NY, adjacent to Lots 3 & 4, Block 16, Plan 7604 S, consisting of 2,400 square feet to Dave Rogers and Wendy Peterson. The Road Closure will be part of a consolidation with Lots 3 & 4 to create two single family lots. The Land Use Bylaw Amendment rezones the lane to be sold from lane to R1 and the portion of a new lane and corner cutoff from R2 to lane. As a new proposed lane is part of a Municipal Reserve, a partial disposal of Municipal Reserve is required.

This office will now proceed with the advertising for Public Hearings. Dave Rogers and Wendy Peterson have been advised, via letter, that they will be responsible for advertising costs. I have attached a copy of that correspondence for your information.



Kelly Kloss
City Clerk

/chk
attchs.

- c Director of Development Services
- Director of Corporate Services
- Inspections & Licensing Manager
- F. Wong, Parkland Community Planning Services
- C. Denis, Assessment & Tax
- C. Adams, Administrative Assistant
- J. Olson, Clerk Steno

BYLAW NO. 3289/2001

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All that portion of Lane, Plan 4596 NY lying east of the production northerly of the west boundary of Lot 4, Block 16, Plan 7604 S, and lying west of the production northerly of the east boundary of Lot 4, Block 16, Plan 7604 S, and containing 0.022 hectares more or less.”

READ A FIRST TIME IN OPEN COUNCIL this 10th day of ~~September~~ 2001.
READ A SECOND TIME IN OPEN COUNCIL this day of 2001.
READ A THIRD TIME IN OPEN COUNCIL this day of 2001.
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

MAYOR

CITY CLERK

BYLAW NO. 3156/NN-2001

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map F10" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 31/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 10th day of ~~September~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

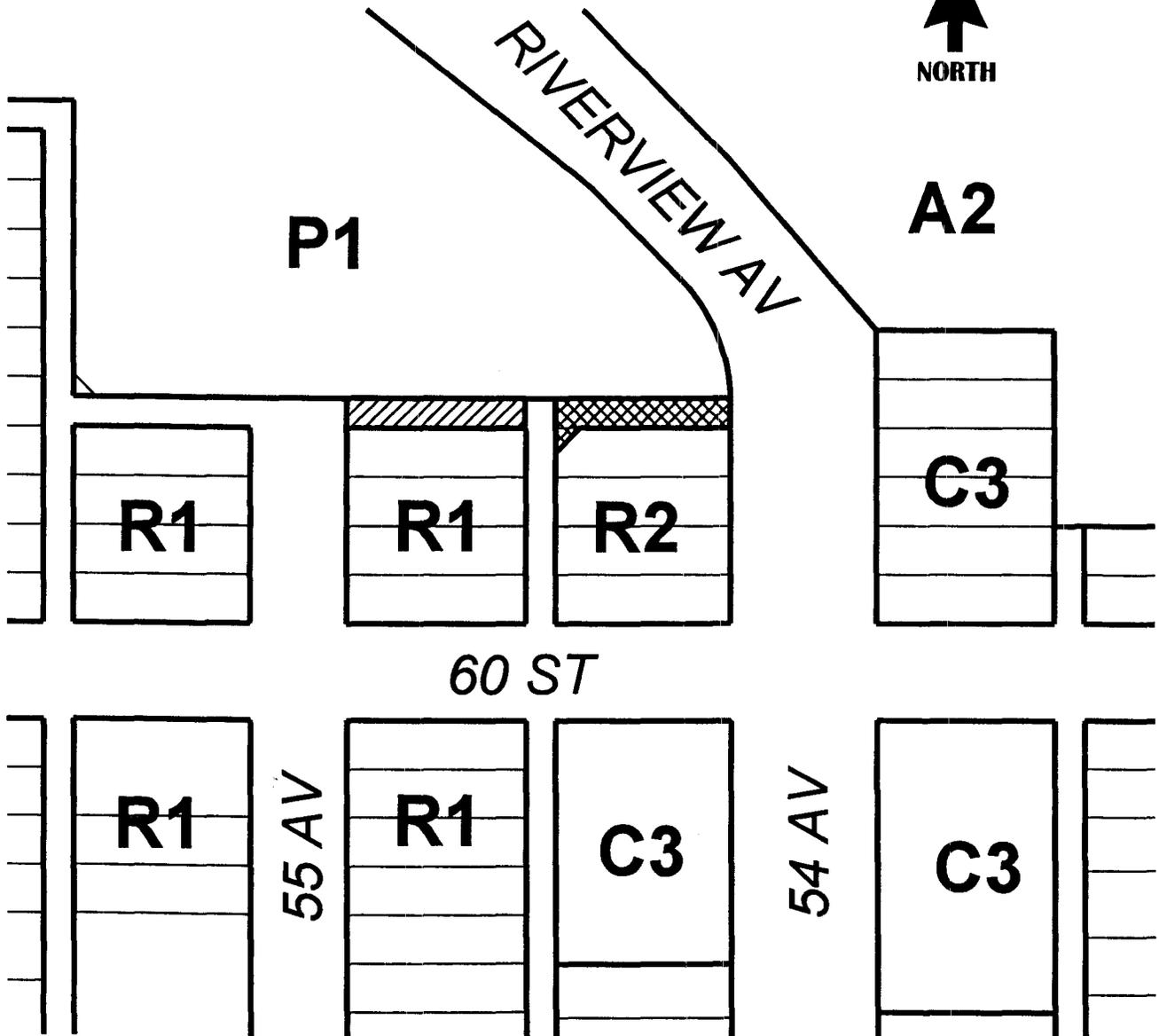
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :

LANE to R1 

R2 to LANE 

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R2 - Residential (Medium Density)

MAP No. 31 / 2001

BYLAW No. 3156 / NN - 2001

FILE

Office of the City Clerk

September 11, 2001

Dave Rogers & Wendy Peterson
6005 – 55 Avenue
Red Deer, AB T4N 4P1

Dear Mr. Rogers & Ms Peterson:

**Re: Rogers/Peterson – Request to Purchase Part of Lane Plan 4596 NY, and Partial Lane Closure – Road Closure Bylaw No. 3289/2001
Loaves and Fishes – License to Occupy – Part of Lot R, Plan 4596 NY, and Partial Disposal of Municipal Reserve
Land Use Bylaw Amendment 3156/NN-2001**

At the City of Red Deer's Council meeting held Monday, September 10, 2001, first reading was given to Road Closure Bylaw 3289/2001, Disposal of Municipal Reserve and Land Use Bylaw Amendment 3156/NN-2001.

The noted Road Closure Bylaw 3288/2001 and Land Use Bylaw Amendment 3156/NN-2001 are related to the sale of a portion of lane in Plan 4596 NY, adjacent to Lots 3 & 4, Block 16, Plan 7604 S, consisting of 2,400 square feet to yourselves. The Road Closure will be part of a consolidation with Lots 3 & 4 to create two single family lots. The Land Use Bylaw Amendment rezones the lane to be sold from lane to R1 Residential Low Density District and the portion of a new lane and corner cutoff from R2 Residential Medium Density District to lane. As a new proposed lane is part of a Municipal Reserve, a partial disposal of Municipal Reserve is required.

This office will now proceed with the advertising for a Public Hearing to be held on Tuesday, October 9, 2001, at 7:00 p.m., in the Council Chambers of City Hall during Council's regular meeting.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400. We require this deposit by no later than 10:00 a.m. Wednesday, September 19, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Kelly Kloss
City Clerk
/chk
/attach.

c Land & Economic Development Manager
F. Wong, Parkland Community Planning Services
C. Adams, Administrative Assistant
J. Olson, Clerk Steno



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer



Land & Economic Development Department

September 11, 2001

Box 5008
Red Deer, Alberta
T4N 3T4

Registered Mail

Dear:

RE: Plans 7604 S and 4596 NY
Red Deer Alberta

Please be advised the City of Red Deer council have approved the official closure of the lane highlighted in pink and the sale of closed lane to the adjacent property owner to the south.

As we will be closing the lane highlighted in pink we will be opening a new east to west lane highlighted in yellow, north of Loaves and Fishes.

Sincerely,

Peter A. Robinson, CRA, A.M.A.A.
Land and Appraisal Coordinator

PAR/kl

cc. Howard Thompson
Kelly Kloss

encl.

*I Advised Pete that
this letter was inaccurate
as I would be sending a
correct letter out to
these people.*

The City of Red Deer

Letter Sent By Mail Merge To:

Ms. Gladys Dann

David Rogers and Wendy Peterson

Loaves and Fishes Benevolent Society

Kevin Clark and Eava Luhtala

Lorne Ellwood

Terrence Huston

Item No. 1
Bylaws

BYLAW NO. 3156/NN-2001

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map F10" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 31/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

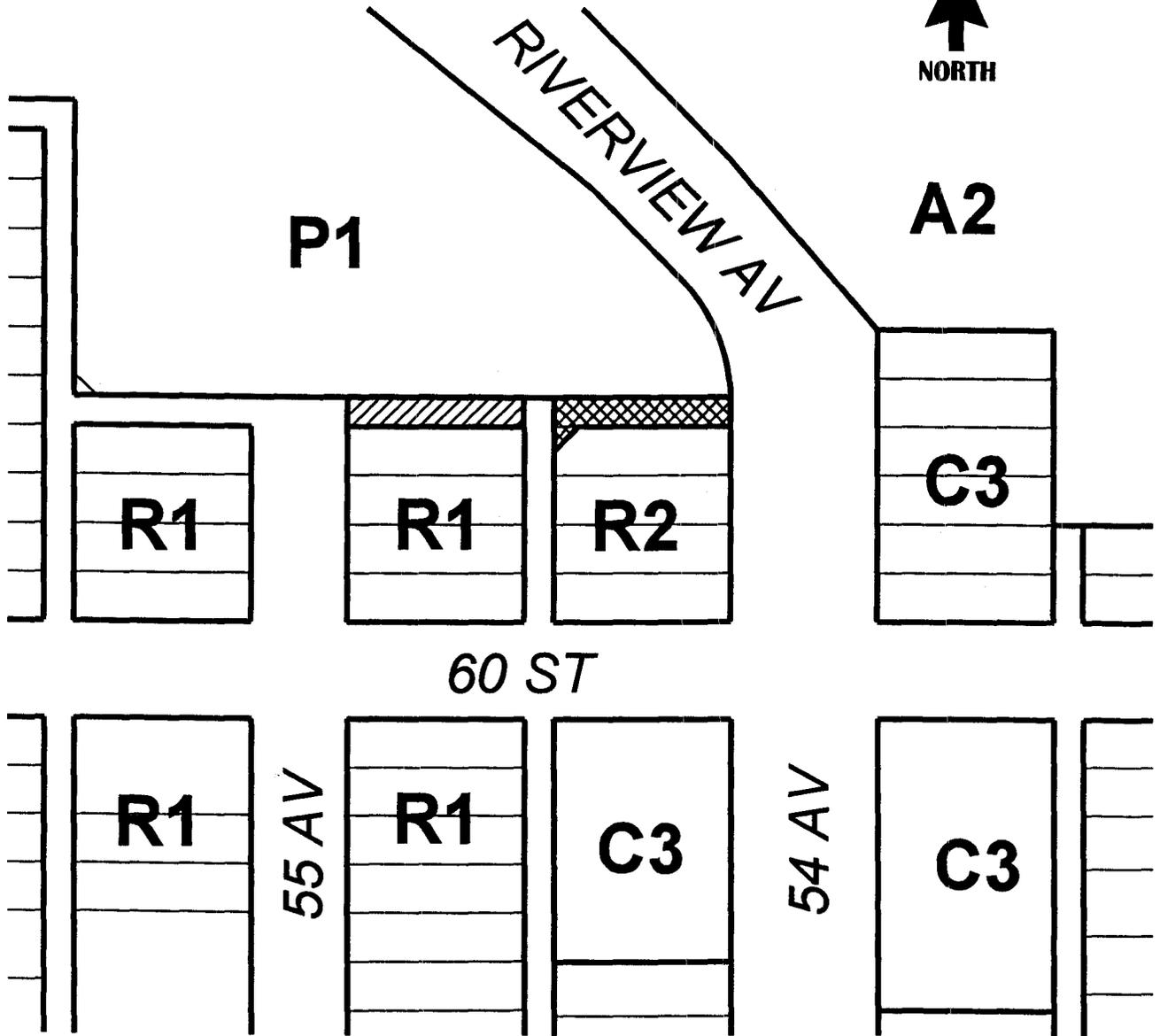
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :

LANE to R1 

R2 to LANE 

AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R2 - Residential (Medium Density)

MAP No. 31 / 2001

BYLAW No. 3156 / NN - 2001

Item No. 2

BYLAW NO. 3289/2001

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All that portion of Lane, Plan 4596 NY lying east of the production northerly of the west boundary of Lot 4, Block 16, Plan 7604 S, and lying west of the production northerly of the east boundary of Lot 4, Block 16, Plan 7604 S, and containing 0.022 hectares more or less.”

READ A FIRST TIME IN OPEN COUNCIL this	day of	2001.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2001.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2001.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2001.

MAYOR

CITY CLERK