



**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, OCTOBER 21, 2002***

**COMMENCING AT 7:00 P.M.**



- (1) Confirmation of the Minutes of the regular meeting of Monday, October 7, 2002.
  
- (2) **UNFINISHED BUSINESS**
  
- (3) **PUBLIC HEARINGS**
  
- (4) **REPORTS**
  - 1. Engineering Services Manager – Re: *Pines Subdivision Road and Lane Barriers* . .1
  
  - 2. Engineering Services Manager – Re: *Revision to Council Policy 4512 – Encroachments into City Property* . .22

Agenda - Regular Meeting of Red Deer City Council  
Monday, October 21, 2002  
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- (5) **CORRESPONDENCE**
- (6) **PETITIONS AND DELEGATIONS**
- (7) **NOTICES OF MOTION**
- (8) **WRITTEN INQUIRIES**
- (9) **BYLAWS**



**Engineering Services**

Date: October 16, 2002  
To: City Clerk  
From: Engineering Services Manager  
**Re: Pines Subdivision Road and Lane Barriers**

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**A. History**

Drawing 1 is attached for overall reference to the Pines Subdivision.

**July 1979** - A petition was received from the residents on Page Avenue indicating that they counted 1,882 vehicles in a 12-hour period and requested the north end of this roadway be turned into a cul-de-sac due to the high traffic volume. The Engineering Department counted an average daily volume of 2,347 vehicles/day during a 24 hour, 7-day machine count. Page Avenue was designed and constructed to a residential collector standard capable of supporting transit buses and traffic volumes up to 5,000 vehicles/day.

**October 1979** - In view of the number of trucks and apparent shortcutting traffic as part of the Page resident traffic count, the City Manager and the City Engineer met with the Pines Community Association and agreed to install temporary barriers at Page Avenue and 74 Street to try to prohibit right turns westbound to northbound into the Northlands Industrial Subdivision and the reverse movement southbound to eastbound into the Pines residential Subdivision.

**November 1979** - A petition was received from the Northlands Industrial Subdivision opposing the newly installed barriers, as they have caused immeasurable hardship on numerous businesses by access interference and requested that these barriers be removed and they were removed.

**November 1979** - Council resolved that no further action be taken regarding restricting traffic on Page Avenue, except for the immediate installation of traffic signals at Gaetz Avenue and 74 Street.

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**May 1980** - New traffic signal installed at the Gaetz Avenue and 74 Street intersection. Traffic counts on Page Avenue in 1980 increased 10% to 12% since first counted in 1979.

**December 1980** - A letter from the Pines Community Association was received requesting that a permanent close be created at the north end of Page Avenue and to incorporate a bus gate if necessary.

**March 1981** - Council approved a resolution to construct a close at the north end of Page Avenue with minimal dollars and to provide for the northbound transit buses only.

- The Engineering Department recommended against this action indicating that the traffic volumes were not that high as collectors are designed to handle 5,000 vehicles/day and that any action to reduce volumes on Page Avenue would be to the detriment of other citizens of the City of Red Deer.
- The Engineering Department indicated that part of the problem was a lack of traffic light synchronization along Gaetz Avenue, the lack of internal stop signs along Pameley Avenue and Page Avenue, and the lack of a Truck Route By-law, which would prohibit heavy trucks from using Page Avenue.
- The City Manager recommended against this action citing in his report to Council that if this access is closed or restricted there would be only two remaining accesses for the complete Subdivision. A serious fire occurred in the Pines at that time and difficult access for emergency services arose, as one of the remaining accesses was completely blocked.
- The RCMP recommended against the roadway restriction, as it would require continuous enforcement.
- The Mayor recommended that Page Avenue be preserved as a residential roadway and in view of the potential increase in shortcutting traffic that may be generated by the anticipated 67 Street River Bridge, recommended to Council that a close be constructed at the north end of Page Avenue but still allowing for the northbound movement of Transit buses.

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**March 1981** - City installed the temporary precast concrete barriers (as per attached drawing 2), at the north end of Page Avenue, which still exists today after 21 years.

**May 1982** - After a trial period, the Engineering Department recommended alternative design 2 (drawing 3 attached) to Council as a permanent fix for the north end of Page Avenue at an estimated cost of \$42,000. The design would accommodate transit buses, would provide a third access for the Pines Subdivision, and would eliminate the shortcutting traffic to the Northlands Industrial Area. The Engineering Department pointed out to Council an emerging problem with increased traffic flows in the back lanes as a result of the temporary barriers placed at the north end of Page Avenue. Full support was received from the Transit, RCMP, and Emergency Services Departments. Page Avenue residents did not support this change in road alignment. Council did not allocate funds for converting the temporary installation to a permanent installation.

**July 1982** - A petition from a number of Pines residents calling for the restoration of the Pines road system to its original configuration was considered by Council. A number of resolutions were considered but all were defeated with no direction given to the Administration.

**August to November 1982** - Based on petitions received from residents in the Pines Subdivision, precast concrete barriers were installed in three lane locations around Phelan Crescent (see diagram 4) due to increased traffic in the lanes. One petition makes reference to 207 vehicles being counted in the lane in a 10-hour period.

- In June 1982, the Engineering Department conducted a 24 hour, two-way count in the area and found 300 vehicles/day using the lane east of Phelan Close and 350 vehicles/day using Page Avenue.

**December 6, 1982** - Council denied a Pines Subdivision resident's request to remove the existing precast concrete barriers at the north end of Page Avenue and directed that no changes be made at this time.

**June 1984** - Pines resident Bill Bodnaruk submitted a 17 page, 585-name petition requesting the removal the existing precast barriers and restoration of the three accesses for the Pines Subdivision. On the petition, 346 names were from single family residences, 10 were from out of the Pines Subdivision, and 232 were from apartments and seniors housing. Council denied the petition.

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**November 1989** - A petition presented by the Pines Community Association, from the residents living along Pamily Avenue and Piper Drive, indicated that traffic had increased by 100% since the opening of the new 67 Street River Bridge. Part of the traffic volume was due to the closure of the third Subdivision access point at the north end of Page Avenue.

- The Engineering Department counted an average weekday traffic volume of 4,150 vehicles/day on Piper Drive east of Gaetz Avenue and 4,175 vehicles/day on Pamily Avenue south of Piper Drive.
- This problem was studied by the Traffic Consultant as part of the 1990 General Transportation Plan.
- The recommendations approved by Council in April 1990 were to make provision to widen the Piper Drive/Gaetz Avenue intersection and bulb the West Gaetz Avenue Service Road by Kipp Scott, install "local traffic only" signs, install an advanced left turn arrow at the Gaetz Avenue and Piper Drive intersection, install turn prohibition signs at Pamily Avenue and 67 Street, and to consider a diagonal diverter or barrier from the southwest to the northeast direction through the middle of the Pamily Avenue and Piper Drive intersection in conjunction with removing the existing barrier at the north end of Page Avenue.
- The right of way has not been available to improve the Gaetz Avenue Piper Drive intersection.
- The "local traffic only" signs are installed.
- The advanced left turn phases have been installed at the traffic signals.
- The turn prohibition signs were not successful and removed shortly after installation, based on a further request by the Pines Community Association (see attached diagram 5).

**October 1991** - A request received from the Pines Community Association to remove the lane barrier 2 installed north of Phelan Close. Council passed a resolution removing this barrier.

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**September 1993** - A petition was received from the residents of Page Avenue and Pameley Avenue requesting that barrier 2 be re-installed to eliminate the increased in property theft from rear yards and the dust and noise nuisance from the increased lane traffic.

**November 1993** - Council passed a resolution denying the re-installation of barrier 2 due to the long travel distances for some residents to get to their rear yard. The barrier, while appearing to correct a problem for some, creates a problem for others, and the acts of vandalism are an enforcement problem rather than a traffic access problem.

**May 1994** - Letters were received from the residents of Phelan Close requesting barrier 2 be re-installed and barrier 1 further north off Parke Avenue be removed.

**June 22, 1994** - Council passed a resolution authorizing \$4,000 for the Engineering Department to meet with the Pines Community to review the option of separating the residential area from the Northlands Industrial Subdivision by reconnecting the north end of Page Avenue to Parke Avenue (see attached diagram 6).

**October 27, 1994** - A public meeting was to be held in the Pines School Gym. On October the 20, 1994, The City received a letter from the Pines Community Association President not supporting the realignment of the north end of Page Avenue to Parke Avenue, unless the northbound bus movement was removed or a bus trap installed. Accordingly, the public meeting was cancelled.

**January 12, 1995** - A public meeting was held in the Pines School Gym to discuss the diagonal traffic diverter (see diagram 7) at the intersection of Pameley Avenue and Piper Drive, as was recommended in the 1990 General Transportation Study. The Pines Community Association initially supported this concept. The results of the meeting were as follows:

- 34% said leave the lane barriers and the restriction at the north end of Page Avenue as is.
- 34% said remove all lane barriers and the restriction at the north end of Page Avenue.
- 34% said replace lane barrier 2 north of Phelan Close.

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- 47% said realign the north end of Page Avenue to connect to the north end of Parke Avenue, but remove the northbound transit bus movement or install a bus trap or pit.
- There was little support and a bit of aggression against the diagonal traffic diverter proposal at the Piper Drive and Pameley Avenue intersection. It was not supported by the Emergency Services or Public Transit Departments.

**April 1995** - An 80-name petition was received from the residents along Page Avenue requesting that the barriers at the north end of Page Avenue be made permanent.

**April 1995** - A 344-name petition was received indicating that 98% did not favor the diagonal diverter at the intersection of Pameley Avenue and Piper Drive. Eighty-three percent requested the removal of the traffic restriction at the north end of Page Avenue. It should be noted that there was little representation from Page Avenue on this petition.

**April 1995** - Council passed a resolution leaving lane barriers 1 and 3 in place and retaining the restriction at the north end of Page Avenue.

**August 1995** - A letter to the Mayor from a resident of Phelan Close requesting the re-installation of lane barrier 2 north of Phelan Close due to the excessive traffic volumes in the lane. Council's April 1995 resolution was used as a basis to deny the request.

**August 2001** - The Engineering Department counted the traffic volume in the lane north of Phelan Close. An average of 450 vehicles/day over a three-day period was using this lane. A normal maximum in a residential lane is in the order of 100 vehicles/day.

**September 2001** - A petition was received from the resident of Phelan Close requesting that lane barrier 2 be reinstated. Twenty-one of 24 residents or 88% signed the petition.

**September 2001** - A letter from the Pines Community Association was received confirming that, providing there is no significant opposition from the residents of Phelan Close, the Association would support the reinstallation of this lane barrier.

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**September 2001** - After a report to Council outlining the recent events, lane barrier 2 was installed north of Phelan Close for a trial period.

**July 2002** - Based on number calls and at least three written letters to remove lane barrier 2, after consulting with the City Manager we endeavored to contact the 24 residents of Phelan Close to see if their opinions had changed over the trial period. We received eight written responses to remove lane barrier 2, nine written responses to retain this barrier, and eight no responses. Of the 17 responses, nine indicated that all lane barriers and the restriction at the north end of Page Avenue should be removed and the road system restored to the way it was when the Subdivision was developed.

**B. Summary**

At this point, there is no longer a clear consensus to retain lane barrier 2. There is considerable aggression on the part of those residents who have rear yard garages to remove this barrier to avoid the long drive using Gaetz Avenue to get from their front yard to their rear yard. They indicate that they have paid for the lane in their lot purchase and annually pay for the lane maintenance in their property taxes and they are entitled to reasonable lane access. They want barrier 2 removed immediately!

- We still have two opposing sides relative to the barriers; more or less equal support to remove lane barrier 2 and similar support to leave lane barrier 2.
- Of the nine supporting keeping barrier 2, three properties do not have rear garages, five properties have access to their garages from the front, and one has a long devious access to their garage.
- Of the eight supporting removal of barrier 2, five have a long devious access to their garages and three do not have rear garages.

We have two opposing sides relative to removing the temporary restriction at the north end of Page Avenue. Not factored into their positions is the extra traffic and hardship on the Piper Drive residents due to closure of one of the three Pines Subdivision accesses.

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The level of dissatisfaction with The City of Red Deer's response to date is rapidly escalating. At this point there doesn't appear to be a positive decision that can be reached through more community meetings.

### **C. Current Development**

A meeting with the City Manager was held on October 7, 2002 where three options were discussed.

1. Remove lane barrier 2 considering that
  - resident support for installing lane barrier 2 has changed after a 10-month trial period from 88% in favour to 53% in favour.
  - of the 53% in favour of retaining the barrier, 89% are not inconvenienced by lane barrier 2 as five have access to their garages from the front and three do not have a rear garage.
  - the attached letter from the Pines Community Association clearly states that they will support the installation of barrier 2 only if there is a clear majority of the residents of Phelan Close in favour. This has now changed.
  - safety should be considered should a fire occur to a rear yard garage in this area, Emergency Services could be delayed if all lane accesses are blocked with barriers.
  - the flying gravel complaint at the intersection of the lane and Phelan Close could be addressed by paving the lane from the back of walk east 20 m (estimated cost \$ 2,000).
  - the remaining lane and Page Avenue barriers would remain in place.
2. Remove all barriers on Page Avenue and in the lanes and open roadways and lanes to normal residential traffic. "No Heavy Truck" and "Local Traffic Only" signs would be installed on Page Avenue similar to Pameley Avenue and Piper Drive. Traffic counts would be taken to monitor the traffic volumes on Page Avenue. If they approached 5,000 vehicles/day,

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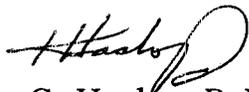
Option 3 would be implemented. If traffic volumes were within normal collector roadway standards, no further work would be required. This would be a low cost solution likely not acceptable to some Pines residents, especially those on Page Avenue.

3. Reconstruct the north end of Page Avenue to connect with the north end of Parke Avenue, thus removing the link to the Northlands Industrial Subdivision. By removing the previous shortcutting route, lane barriers could be removed and normal residential access within the Subdivision restored. The Pines Subdivision would then have the three access points that were originally designed for this Subdivision. This option would reduce the traffic demand at the existing two access points. This would be a high cost solution due to road construction (estimated at \$115,000) and the impact on public transit (estimated at \$286,000 annually), which may not be acceptable to City Council. A report from the Transit Manager will go into more detail relative to the impact on the Transit budget.

#### **D. Recommendation**

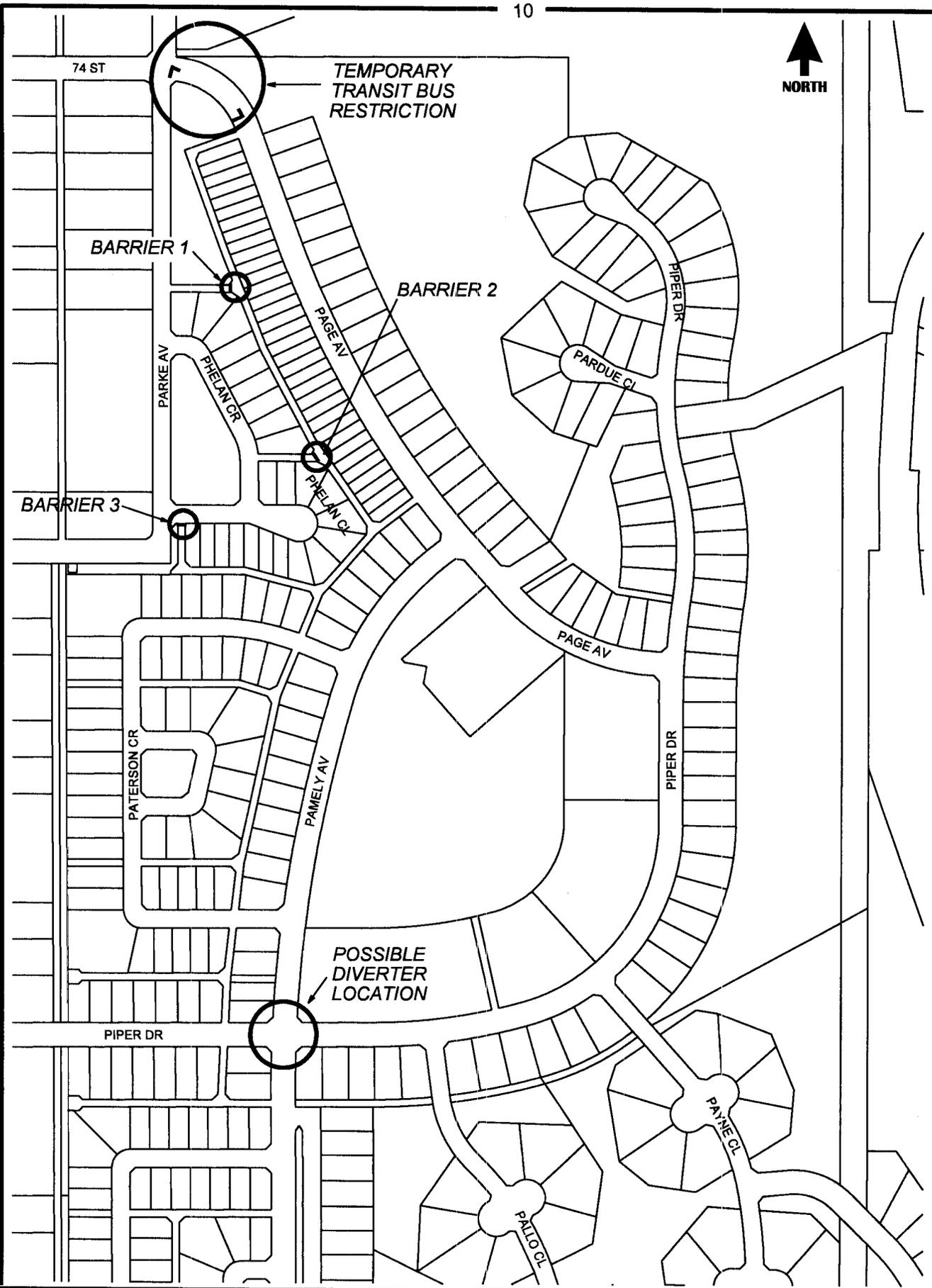
It is clear from the lengthy history of work with the Pines Community that seeking a consensus from the community prior to taking the next step would be very difficult, if not impossible. We believe that Option 1 has merit and at this time is the most preferable due to the points noted above. This will not be acceptable to nine Pines residents, but we believe that the higher traffic volumes in the lane are more of a noise, dust, and flying rock nuisance rather than a safety issue. The legal speed limit in a city lane is 20 km/hour. In our opinion, residents are entitled to reasonable access to their rear garages and expect reasonable access by emergency equipment should such a situation arise.

In view of the above, we would respectfully recommend that Council consider removing lane barrier 2 at this time and paving of the 20 m section of lane east of Phelan Close.



Ken G. Haslop, P. Eng.  
Engineering Services Manager

KGH/emr  
Att.



**PINES SUBDIVISION  
 OVERALL LOCATION PLAN**



Date: October, 2002

Scale: N.T.S.

Drawn by: MR





74 STREET

SIGNALS

LOCATION #4



PINES SUBDIVISION,  
RESIDENTS SIGNING PETITION  
13-JUN-1994 SCALE 1/2500

FIGURE #1

-  RESIDENTS IN FAVOR OF REMOVING BARRIER AT LOCATION #1 AND INSTALLING BARRIER AT LOCATION #2
-  RESIDENTS OPPOSED TO REMOVING BARRIER AT LOCATION #1 AND INSTALLING BARRIER AT LOCATION #2

GAETZ AVENUE

PARKE AVENUE

PHELAN CR

PAGE AVENUE

PARDUE CL

PHELAN STREET

PHELAN

LOSE

#4

86

85

84

83

82

81

80

NO ANSWER

79

78

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76

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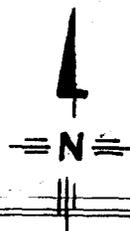
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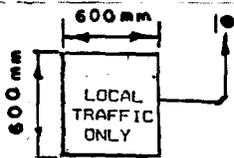
13

KIPP SCOT

14



PIPER DRIVE



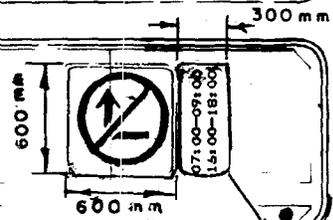
PINES PLAZA

GAETZ AVENUE

PAMELY AVENUE



BONANZA



67 ST.

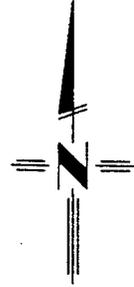
00:18T-00:19T  
00:160-00:170



#5  
SEARS

WOOLCO





INSTALL LANDSCAPED MEDIAN

MOVING VAN

TRANSIT BUS

PIPER DRIVE

BARRICADE LANE

PAMELY AVENUE

DRAWN BY:

I.W.W.

DATE:

MAR. 1995

SCALE:

1:750

THE CITY OF RED DEER  
ENGINEERING DEPARTMENT

PIPER DRIVE @ PAMELY AVENUE  
PERMANENT  
INTERSECTION CONSTRUCTION

APPROVED BY:

ENGINEER

DRAWING NO.

#7

REVISION

September 5<sup>th</sup>, 2001

SEP - 6 2001

*Sept 6  
Hand delivered 11-15  
77.97.  
Ken*

ATTENTION: Gail Surkan

City of Red Deer  
PO Box 5008  
Red Deer, AB  
T4N 3T4

RE: Closing of the alley connecting Phelan Crescent to Page Avenue and Patterson Crescent

Dear Gail:

As per your requirement for the closing of the alley connecting Phelan Crescent to Page Avenue and Patterson Crescent, the executive of the Pines Community association decided to endorse this decision conditional on the support of the residents on Phelan Crescent.

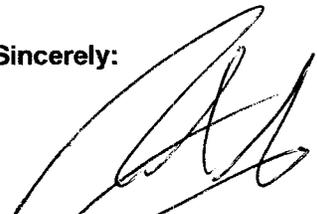
Its recognized that there are stakeholders that will see a loss in benefit from this action. Specifically:

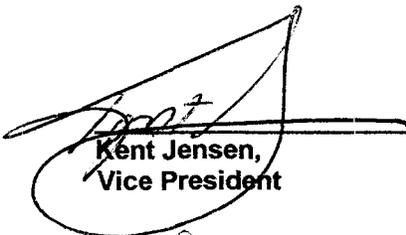
- residents of the Pines will no longer be able to short cut the access to Gaetz Avenue near 74th street,
- the majority of residents along Phelan crescent will have to travel extra distance to access their alley garages.

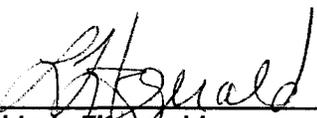
In whole it is acknowledged that the reduction in traffic through the Pines, specially past the school and play ground zone, the reduction of traffic along Phelan and the elimination of flow through traffic in the alley is a net benefit to the community.

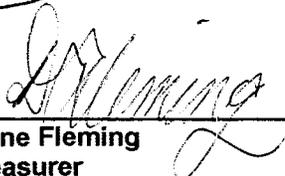
As per the process established in the September 4<sup>th</sup> meeting, we are also expecting the residents of Phelan to be signing off on this action. Provided there is no significant opposition from these stakeholders, we support the closing of this alley.

Sincerely:

  
 \_\_\_\_\_  
 Raymond Lee,  
 President

  
 \_\_\_\_\_  
 Kent Jensen,  
 Vice President

  
 \_\_\_\_\_  
 Linda Fitzgerald  
 Secretary

  
 \_\_\_\_\_  
 Diane Fleming  
 Treasurer

**Date:** October 10, 2002  
**Memo To:** City Clerk  
**Memo Fr:** Transit Manager  
**Subject:** The Pines Area Transportation Proposal

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The roadway proposal being considered to alleviate the concerns of residents within the Pines area has cost and other implications on public transit service. Generally speaking this change requires an additional bus to provide service to the Normandeau Area as this change means the Pines and Normandeau can not be served with the same route. The identified cost for the additional bus is a projected worst-case situation. A complete review of area route structures and timing is still required and this may show that some efficiencies (cost savings) may be possible.

#### Background

An additional bus will be needed to service the Normandeau Area between Nolan Street and Niven Street to Northey Avenue at a maximum annual cost of \$286,000. This includes capital and operating costs for full transit service 362 days per year. We have an available bus and could respond to staff resource needs. If implemented in late August the cost estimate for 2003 is \$96,000. The current route does not have enough time to manage this change and take in Normandeau. This cost is indicated in gross terms, as this change will likely not generate any new revenues, at least in the short term. This is an additional bus providing service to the same customer base. Service could be reduced in Normandeau, along Nolan Street, to avoid this additional cost but this can not be recommended as this area generates higher ridership from the immediate area and from further north. If service is moved from Nolan Street to Niven Street walking distance, for customers north to 76 Street, is also increased on average to 900 meters from 480 meters. Nash Street would also be needed to complete a loop to or from Niven Street. Nash Street may also require upgraded asphalt to support public transit use.

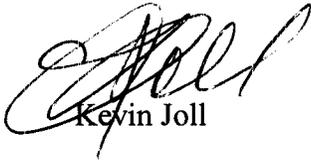
An important factor to be aware of is that if other growth in Kentwood, or another area to the north, generates the need for another route the cost for this change could be absorbed within that growth. Actual need for this is likely 2 to 3 years away and is subject to overall planning decisions in the north end of the city.

Access distance for a substantial customer base from Cosmos Industries is increased with this proposal and a sidewalk and safe pedestrian crossing at 74 Street and 49 Avenue will need to be considered. Forty-ninth Avenue roadway structure from Phelan Street (71 Street) to 74 Street must be confirmed for public transit use along with parking considerations. This area is heavily congested with parked vehicles. Parking will need to be removed for transit zones and perhaps completely along one side of the road if the roadway width proves inadequate.

There are other aspects with this change including better service to the densely populated area along Parke Avenue; and increased longevity of the current route time schedule by not serving the Normandean Area with the same bus. In other words the Pines route will not require additional expenses to manage 30-minute frequency in the immediate future.

### Summary

This report has been provided for City Council's information, to outline the implications of this situation with respect to transit service.



Kevin Joll

/kj

Attachment

Area Map with Transit Routes



*Comments:*

We agree with the recommendations of the Engineering Services Manager.

"G.D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

October 16, 2002

Dear \_\_\_\_\_ :

**Re: Pines Subdivision Road and Lane Barriers**

Please be advised that the attached report will be presented to City Council on Monday, October 21, 2002 at 7:15 p.m. Council Chambers are located on the second floor of City Hall and access will be via the west doors (City Hall Park side) after 7 p.m.

Yours truly,

Ken G. Haslop, P. Eng.  
Engineering Services Manager

KGH/emr

Att.

c. City Clerk

Mr. Kevin Acion 3 Phelan Close Red Deer, Alberta T4P 1J6	Ms. Cheryl Anne Andrews 27 Phelan Close Red Deer, Alberta T4P 1J6	Ms. Betty Marie Austin 59 Phelan Close Red Deer, Alberta T4P 1J6
Gerald and Alvina Brandon 95 Phelan Crescent Red Deer, Alberta T4P 1J9	Mr. John Cardinal 65 Phelan Crescent Red Deer, Alberta T4P 1J9	Mr. Brett Edginton 51 Phelan Close Red Deer, Alberta T4P 1J6
Mr. Marvin John Heinzlmeir 11 Phelan Close Red Deer, Alberta T4P 1J6	Patrick Lloyd and Margaret Marie Johnston 71 Phelan Crescent Red Deer, Alberta T4P 1J9	Kimberly Dawn and Steven Roy Kirk 7 Phelan Close Red Deer, Alberta T4P 1J6
Ms. Verna Ann Kovacs 47 Phelan Close Red Deer, Alberta T4P 1J6	Ms. Maureen Celia Lowry 31 Phelan Close Red Deer, Alberta T4P 1J6	James and Frances Lyons 83 Phelan Crescent Red Deer, Alberta T4P 1J9
Ms. Margaret Minet 87 Phelan Crescent Red Deer, Alberta T4P 1J9	Ms. Mary Morran 67 Phelan Crescent Red Deer, Alberta T4P 1J9	Steven and Karen Mydland 39 Phelan Close Red Deer, Alberta T4P 1J6
Edward and Martin Schulte 91 Phelan Crescent Red Deer, Alberta T4P 1J9	Donald and Peggy Schweitz 15 Phelan Close Red Deer, Alberta T4P 1J6	Rudy and Glenda Snopek 43 Phelan Close Red Deer, Alberta T4P 1J6
Mr. Ron Spafford 79 Phelan Crescent Red Deer, Alberta T4P 1J9	Mr. Lyle Stonehouse 19 Phelan Close Red Deer, Alberta T4P 1J6	Benjamin Michael Webber and Toni Candice Miller 35 Phelan Close Red Deer, Alberta T4P 1J6
Gary Marvin and Lorraine Josephine Wester 55 Phelan Close Red Deer, Alberta T4P 1J6	Derek Shaw and Sharon Wilkie 23 Phelan Close Red Deer, Alberta T4P 1J6	Barbara Zakaluk and James Fulton 75 Phelan Crescent Red Deer, Alberta T4P 1J9
Ms. Renee McIntosh 107 Patterson Crescent Red Deer, Alberta T4P 1J4 (neighbour informed her about petition and Ms. McIntosh would like a reply to her response on the petition)	Mr. Raymond Lee President Pines Community Association 239 Piper Drive Red Deer, Alberta T4P 1L5	

MAUREEN LOWRY  
31 Phelan Close  
Red Deer, AB. T4P 1J6  
Ph. 403-346-5922

June 21, 2002

Mr. Ken Haslop, Engineering Manager  
City of Red Deer  
P.O. Box 5008, 4914 - 48 Ave.  
Red Deer, AB T4N 3T4

Dear Mr. Haslop:

Re: Barricade In Alley - Pines District - Phelan Cres./Phelan Close

I have had many conversations with several people at City Hall regarding the placement of a cement barricade in the alley behind #55 Phelan Close that have dated back many months. My next door neighbour has also voiced his disapproval and concern to the City over this blockage.

Mr. Wester and his girlfriend/ wife were soliciting the neighbourhood obtaining signatures for a petition to have the alleyway blocked off. They actually had to do this twice as the first one was not a proper city petition. Upon the second time Mr. W. visited me I refused to sign the petition as it would interfere with access to my garage. My next door neighbour also refused to sign as it meant access restriction to his garage as well. (Mr. W. got huffy when I wouldn't sign.)

Mr. Wester was telling each of us that "**everybody** else has signed it but **you**". (Which was not true.) Mr. Wester told neighbours that I only use my garage once every 6 months (not true), so it didn't matter to me about the closure (not true) and that I signed the petition (not true). He told me that my neighbour (Ben) signed it. This is not true. Neither Ben Webber/Toni Miller nor I signed it. Mr. Wester doesn't have any right telling people untrue statements such as these! These were high degree and untrue pressure tactics to obtain signatures.

Some people who signed the petition are not close to or at all affected by closing the alley at this location, so they signed because it didn't involve or inconvenience them. Many do not have garages or live on the part of the street or alley so it wouldn't affect them.

The barricade was placed partway down the alley so that the Westers can have access to **their** garage though. (Just around the corner for them). They can easily get to and from **their** garage! How did that happen? Why should others who have garages be inconvenienced and not them?! Something seem unfair about this?? The barricade should have been placed at the **BEGINNING** of the entrance to the alleyway so they couldn't have access to their garage either.

A counter was placed to determine the traffic flow. I've lived at this address for 10 years and I have never heard any complaints of traffic and I certainly hardly see any vehicles going down their back alley. A resident said she saw the Wester's taxi cab going back and forth several times over the counter. (So I guess the count you received isn't really a very accurate one.) Furthermore, we **all** have dust from back alleys. I'm sorry if she can't sleep because of cars going by (get a day job then). Neither can I. Cars, barking dogs, birds--**they** all wake me up too. Both the Westers ride noisy motorbikes. They wake me up. I don't like the loud rumble from their bikes. How do I barricade their noise? Should I start a petition to 'ban the bikes'?

con't.

Mr. Ken Haslop  
Page 2  
June 21, 2002

I believe that the owner of #39 Phelan Close (Steven Mydland) is not happy with the barricade either. I believe they did sign the petition, but weren't aware of what the outcome was to be.

I'm blocked off at 3 locations and this last barricade has gone beyond my tolerance. I can't go or come in to my garage from the north because there is a barricade on Page. That barricade is also totally ridiculous. If that wasn't there the back alley traffic would not be as much as it is. (Page Ave. was designed and constructed as a through street...if they want to have the solitude from traffic, then purchase a home on a crescent.) Instead, put up signs on Page Ave. 'Local Residents Only' and 'No Commercial Through Traffic'. Also put up signs at the beginning and end of each alley involved 'Local Residents Only'. I have to travel 1.4 km one way from my front driveway to my garage and another 1.4 km back. This is a total of almost 3 km to get to my garage and back. This is just not acceptable. One night I had to take a couple of loads of tree branches to the landfill and I had to travel 6 km just going between my front driveway and back driveway! I have to go west to Gaetz service road (2 blks.), then south way down to end of Kipp Scott (71 St. to 68 St - 3 blks.), then back east 2 blks, then back north again 3 blks to the alley turn off by the clubhouse, then into the other alley behind my home. I have to travel an equivalent of 10 blocks one way to get from my front yard to my garage. That is a distance of 20 blocks round trip! Would any member of the City council or any of the City's employees like to travel this far? Perhaps the City would like to reimburse me for the extra gas that I've had to use for this preposterous inconvenience. There is also the time factor. During higher traffic periods, it is extremely difficult to get from the service road onto Piper Dr. If I were to go onto Gaetz, then there is the time factor of waiting for two sets of lights each way. I have trailers in the back driveway and yard and having to go this distance from my front door to my driveway/garage has proven very inconvenient. People cannot get to my back area by direction because it is a too far and round about way to even attempt to explain. They have to come to my front and I have to physically go with them by car to take them to my back area. (I've sold items stored in my garage and they have to come to pick them up from the garage at the back - they get lost on their own. Try to explain to them they have to go about 10 blocks around to get there.) People can't believe what I have to go through to get to my garage. They're shocked.

I am a taxpayer and should not be denied reasonable access to my back driveway and garage. Also, this new inconvenience of the great distance and poor access from front to back/garage reduces the value of my property. Many people would not want to buy a home that requires that great a distance and inconvenience to access their garage. Perhaps a refund of some of my taxes from the date this barricade was placed might also be in order.

If all the above reasons aren't enough, let's also consider the factor of accessibility of emergency vehicles (eg. fire engines should my neighbour or myself ever experience a fire in the garage or if there were ever a grass fire in the alley). I'm sure this is also an inconvenience to the garbage & recycle trucks and graders.

I consider the placement of this barricade very poor judgment and was placed with a total lack of investigation. I was not contacted by the City to see if I would object to such a placement, and I don't believe my neighbour was either. Did the councilors that passed this approval ever think to find out if this action would inconvenience anyone?! Did they go out to actually investigate the location and what the consequences would be to the other residents (taxpayers) living there? I can't believe the City would do such a thing without finding out if anyone was opposed to it or if there would be inconveniences or hardships to the other residents.

con't.

Mr. Ken Haslop  
Page 3  
June 21, 2002

One thing I'd also like to question is ... 'were two signatures obtained for one family residence (a Mr. and the Mrs.)'? If so, this doesn't really seem fair. Might as well get the kids to sign too. Ya, that would make the list of signatures longer.

Considering the petition signatures were not obtained in an honest and fair manner (and some don't even apply), the factor regarding the 'traffic count', and the other factors mentioned, I ask to have this barricade in the alley removed. I don't think it has reduced the amount of vehicles travelling the alley behind Page Ave. I appeal to you to have the barricade removed immediately as it is causing more inconvenience and danger (and expense to some of us) than it is any good.

Oh, what happened to a trial period? Time's up. It's time to get that obstruction out of there.

My neighbour and myself are very busy people and it is also a time consuming inconvenience to have to put all this in writing as was required because our verbal concerns were not sufficient. I've spent many, many hours of my time on this matter and my time is precious and valuable.

Thank you Mr. Haslop, for your consideration regarding this matter.

Sincerely,



Maureen Lowry

Copy: Mr. Norbert Van Wyk, City Manager  
✓Mr. Kelly Kloss, City Clerk

**FILE**



Council Decision – October 21, 2002

City Clerk's Department

**DATE:** October 22, 2002  
**TO:** Engineering Services Manager  
**FROM:** City Clerk  
**SUBJECT:** Pines Subdivision Road and Lane Barriers

---

*Reference Report:*

Engineering Services Manager, dated October 16, 2002.

*Resolutions:*

*Resolved* that Council of the City of Red Deer, having considered the report from the Engineering Services Manager, dated October 16, 2002, re: Pines Subdivision Road and Lane Barriers, hereby directs the Administration to provide a detailed design and costs on Drawing No. 6, in the above noted report with no access South of 74 Street on to Parke Avenue with barriers #1, #2 and #3 being removed.

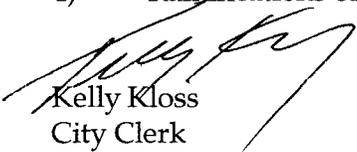
*Resolved* that Council of the City of Red Deer, having considered the report from the Engineering Services Manager, dated October 16, 2002, re: Pines Subdivision Road and Lane Barriers, hereby agrees that the barriers referred to in the above noted report not be removed at this time.

*Report Back to Council:* Yes

*Comments/Further Action:*

A detailed design and costs on Drawing No. 6, as referred to in the report dated October 16, 2002, is to be brought back to Council in approximately 8 weeks. Also please include in your report consideration of the following:

- 1) A bus trap
- 2) Red Light Camera idea instead of a bus trap
- 3) Pedestrian access through to the school
- 4) Ramifications of removing barriers 1, 2 and 3 if the design is built.

  
Kelly Kloss  
City Clerk

/chk

c Director of Development Services  
Transit Manager



Engineering Services

1005-058

Date: October 7, 2002  
To: City Clerk  
From: Engineering Services Manager  
Re: **Revision to Council Policy 4512**

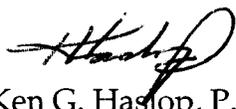
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The revisions to this Policy have been made in consultation with the Land & Economic Development Manager and our Customer Service Administrator.

These revisions are due to the need to allow minor encroachments into utility right of ways without the requirement of a formal contractual process, which is cumbersome and time consuming. This addition to the Policy will complement the existing process for minor encroachments onto City owned lands.

**RECOMMENDATION**

Council's consideration of this revised Policy is respectfully requested to provide a more positive direction to the Administration in providing a consistent and satisfactory level of service to our customers.

  
Ken G. Haslop, P. Eng.  
Engineering Services Manager

KGH/nrc  
Att.  
c. Land & Economic Development Manager  
Customer Service Administrator



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b> <b>(To repeal &amp; replace 4303)</b>	<b>Page 1 of 2</b>
<b>TITLE:</b>	<b>Encroachments into City Property</b>	<b>Date of Approval: December 18, 2000</b>
<b>SECTION:</b>	<b>Development Services (Land &amp; Economic Development)</b>	<b>Dates of Revision:</b>

**POLICY STATEMENT**

**Background**

1. As a matter of law, no one other than The City has the right to construct or maintain any development on City land. A development that encroaches on City land, if permitted to continue, may interfere with the ability of The City or of members of the public to use those lands. It may also carry with it a risk that The City may be found liable if the encroachment causes injury or damage to anyone. However, encroachments which are minor in nature may not interfere with the use of the land or present any risk.
2. It is desirable that The City should deal with the various encroachments in a consistent manner. To achieve this, The City should establish a policy to govern the circumstances in which encroachments onto City lands may be permitted to continue.

**Policy**

1. The standard policy of The City is that encroachments onto City lands are not permitted and must be removed.
2. Notwithstanding this, an encroachment may be permitted to continue to exist provided that, in the opinion of the City Manager:
  - (a) it does not substantially interfere with the use of the land by The City or members of the public;
  - (b) it does not present an unacceptable level of risk; and
  - (c) the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to The City.
3. The City Manager may dispense with the need for an Encroachment Agreement in the case of minor encroachments which do not substantially interfere with the use of the land by The City or members of the public or which do not present a significant risk to The City. Examples of such minor encroachments include:



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b> <b>(To repeal &amp; replace 4303)</b>	<b>Page 2 of 2</b>
<b>TITLE:</b>	<b>Encroachments into City Property</b>	<b>Date of Approval: December 18, 2000</b>
<b>SECTION:</b>	<b>Development Services (Land &amp; Economic Development)</b>	<b>Dates of Revision:</b>

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- fences, to a maximum distance of 300 mm (1.0 ft)
- non-permanent sheds (no foundation), to a maximum distance of 300 mm (1.0 ft);
- lamp posts, signs, or other similar obstructions, to a maximum distance of 300 mm (1.0 ft);
- driveway edgings, planter borders, or other similar obstructions, provided the structure does not exceed 6 inches in height;
- retaining walls, provided the structure does not exceed 150 mm (6 inches) in height where it meets with the sidewalk;
- concrete/asphalt driveways, aprons or parking pads, to a maximum distance of 300 mm (1.0 ft), and provided the structure does not exceed 150 mm (6 inches) in height,
- retaining walls running parallel to the property line, to a maximum distance of 300 mm (1.0 ft), and provided they do not exceed a maximum height of 900 mm (3 ft.).



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b>	<b>Page 1 of 2</b>
<b>TITLE:</b>	<b>Encroachments into City Property/Utility Rights of Way</b>	<b>Date of Approval: December 18, 2000</b>
<b>SECTION:</b>	<b>Development Services (Land and Economic Development and Engineering Services)</b>	<b>Dates of Revision:</b>

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**POLICY STATEMENT**

**Purpose**

This policy relates to land owned by the City and private land that the City has been granted an easement to. The purpose of this policy is to:

1. Control any development on these lands;
2. Provide authority to the Director of Development Services to approve encroachments under certain conditions;
3. Ensure City and public access to these lands;
4. Ensure encroachments do not present a risk to the City or public.

**Policy**

1. Encroachments onto City lands or easements granted to The City are not permitted unless an encroachment, in the opinion of the Director of Development Services,
  - (a) does not substantially interfere with the use of the land by The City, its agents, or members of the public;
  - (b) does not present an unacceptable level of risk; and
  - (c) the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to The City.



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

**POLICY NO.** 4512 *Page 1 of 2*  
*(To repeal & replace 4303)*

**TITLE:** *Encroachments into* *Date of Approval:*  
*City Property / Utility Rights of Way* *December 18, 2000*

**SECTION:** *Development Services* *Dates of Revision:*  
*(Land & Economic Development* *October 21, 2002*  
*and Engineering Services)*

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**POLICY STATEMENT**

***Purpose***

This policy relates to land owned by the City and private land that the City has been granted an easement to. The purpose of this policy is to:

1. Control any development on these lands;
2. Provide authority to the Director of Development Services to approve encroachments under certain conditions;
3. Ensure City and public access to these lands;
4. Ensure encroachments do present a risk to the City or public.

***Policy***

1. Encroachments onto City lands or easements granted to The City are not permitted unless an encroachment, in the opinion of the Director of Development Services,
  - (a) does not substantially interfere with the use of the land by The City, its agents, or members of the public;
  - (b) does not present an unacceptable level of risk; and
  - (c) the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to The City.



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b>	<b>Page 1 of 2</b>
<b>TITLE:</b>	<b>Encroachments into City Property/Utility Rights of Way</b>	<b>Date of Approval: December 18, 2000</b>
<b>SECTION:</b>	<b>Development Services (Land and Economic Development and Engineering Services)</b>	<b>Dates of Revision:</b>

**POLICY STATEMENT**

**Purpose**

This policy relates to land owned by the City and private land that the City has been granted an easement to. The purpose of this policy is to:

1. Control any development on these lands;
2. Provide authority to the Director of Development Services to approve encroachments under certain conditions;
3. Ensure City and public access to these lands;
4. Ensure encroachments do not present a risk to the City or public.

**Policy**

1. Encroachments onto City lands or easements granted to The City are not permitted unless an encroachment, in the opinion of the Director of Development Services,
  - (a) does not substantially interfere with the use of the land by The City, its agents, or members of the public;
  - (b) does not present an unacceptable level of risk; and
  - (c) the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to The City.



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b>	<b>Page 2 of 2</b>
<b>TITLE:</b>	<b>Encroachments into City Property/Utility Rights of Way</b>	<b>Date of Approval: December 18, 2000</b>
<b>SECTION:</b>	<b>Development Services (Land and Economic Development and Engineering Services)</b>	<b>Dates of Revision:</b>

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2. The Director of Development Services may dispense with the need for an Encroachment Agreement in the case of minor encroachments, which in the opinion of the Director do not substantially interfere with the use of the land or that do not present a significant risk. Examples of such minor encroachments include:
- (a) fences and retaining walls, to a maximum distance of 300 mm (1.0 ft);
  - (b) non-permanent sheds (no foundation), to a maximum distance of 300 mm (1.0 ft);
  - (c) lamp posts, signs, or other similar obstructions, to a maximum distance of 300 mm (1.0 ft);
  - (d) encroachments of foundations, decks, or overhangs (or any such similar construction) of 100 mm or less into a utility right of way.
- But does not include:
- (a) structures on boulevards adjacent to roadways or sidewalks that may present a danger to users of the roadway or sidewalk;
  - (b) structures constructed at right angles to the property line adjacent to the boulevard.
3. This Policy does not permit encroachments on municipal or environmental reserve lands, the use of which is regulated by and must conform to the provisions of the Municipal Government Act.

*Comments:*

We agree with the recommendations of the Engineering Services Manager.

"G.D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



*Bring Forward*

1005-058

Engineering Services

**Date:** May 30, 2002  
**To:** City Solicitor  
Land and Economic Development Manager  
Customer Service Administrator  
**From:** Engineering Services Manager  
**Re:** **Encroachments into City Property Policy 4512**

---

I would appreciate your review of the attached revised Council Policy 4512 prior to it being forwarded to City Council for its approval.

Your comments prior to June 10 would be appreciated.

*Haslop*  
Ken G. Haslop, P. Eng.  
Engineering Services Manager

/emr

Att.

c. City Clerk



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b>	<b>Page 1 of 3</b>
<b>TITLE:</b>	<b>Encroachments into City Property</b>	<b>Date of Approval:</b>
<b>SECTION:</b>	<b>Development Services (Land and Economic Development)</b>	<b>Dates of Revision: May 29, 2002</b>

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**POLICY STATEMENT**

**Background**

1. As a matter of law, no one other than The City has the right to construct or maintain any development on City owned land. A development that encroaches on City land, if permitted to continue, may interfere with the ability of The City or of members of the public to use those lands. It may also carry with it a risk that The City may be found liable if the encroachment causes injury or damage to anyone. However, encroachments that are minor in nature may not interfere with the use of the land or present any risk.
2. As a matter of law, no one other than The City has the right to construct or allow the construction of or maintain any development or improvement on an easement granted to The City on privately owned lands. A development that encroaches on a City easement, if permitted to continue, may interfere with the ability of The City or its designates to use the easement area. However, encroachments of a minor nature may not interfere with the use of the land or present any risk.
3. It is desirable that The City should deal with the various encroachments in a consistent manner. To achieve this, The City should establish a policy to govern the circumstances in which encroachments onto City owned lands and easements granted to The City may be permitted to continue and those circumstances when the encroachment must be removed



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4512</b>	<b>Page 2 of 3</b>
<b>TITLE:</b>	<b>Encroachments into City Property</b>	<b>Date of Approval:</b>
<b>SECTION:</b>	<b>Development Services (Land and Economic Development)</b>	<b>Dates of Revision: May 29, 2002</b>

---

**Policy**

1. The standard policy of The City is that encroachments onto City lands or easements granted to The City are not permitted and must be removed.
2. Notwithstanding this, an encroachment may be permitted to continue to exist provided that, in the opinion of the Director of Development Services,
  - a. it does not substantially interfere with the use of the land by The City, its agents, or members of the public;
  - b. it does not present an unacceptable level of risk; and
  - c. the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to The City.
3. The Director of Development Services may dispense with the need for an Encroachment Agreement in the case of minor encroachments that do not substantially interfere with the use of the land or that do not present a significant risk. Examples of such minor encroachments include
  - a. fences and retaining walls, to a maximum distance of 300 mm (1.0 ft);
  - b. non-permanent sheds (no foundation), to a maximum distance of 300 mm (1.0 ft);
  - c. lamp posts, signs, or other similar obstructions, to a maximum distance of 300 mm (1.0 ft).



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

**POLICY NO.**

**4512**

**Page 3 of 3**

**TITLE:**

**Encroachments into City  
Property**

**Date of Approval:**

**SECTION:**

**Development Services  
(Land and Economic  
Development)**

**Dates of Revision:  
May 29, 2002**

---

But does not include

- a) structures on boulevards adjacent to roadways or sidewalks that may present a danger to users of the roadway or sidewalk;
  - b) structures constructed at right angles to the property line adjacent to the boulevard.
4. This Policy does not permit encroachments on municipal or environmental reserve lands, the use of which is regulated by and must conform to the provisions of the Municipal Government Act.

# MEMO

---

**DATE:** April 29, 2002  
**TO:** KELLY KLOSS, City Clerk  
**FROM:** GREG SCOTT, Manager  
Inspections & Licensing Department  
**RE:** ENCROACHMENT ON CITY UTILITY RIGHT OF WAYS

---

In response to your memo of April 10, 2002 regarding the above, this would be an Engineering agreement and not one for the Inspections and Licensing Department.

Our Department works closely with Engineering on Encroachment Agreements and if the policy is satisfactory to Engineering, it is fine with our Department.

  
GREG SCOTT  
Manager

INSPECTIONS & LICENSING DEPARTMENT

GS/jo

**DATE:** April 10, 2002

**TO:** Engineering Services Manager  
Land & Economic Development Manager  
Inspections & Licensing Manager

**FROM:** City Clerk

**RE:** Request for Comments – By April 30, 2002  
Procedure: Encroachment on City Utility Right of Ways

---

Please review the attached letter from the City Solicitor regarding a procedure for Encroachment on City Utility Right of Ways.

I would appreciate your comments by Tuesday, April 30, 2002.



Kelly Kloss  
City Clerk

KK/chk  
/attch.

# CHAPMAN RIEBEEK

Barristers & Solicitors

THOMAS H. CHAPMAN, Q.C. (Counsel)  
DONALD J. SIMPSON  
GARY W. WANLESS\*  
NANCY A. BERGSTROM\*  
JASON R. SNIDER

NICK P. W. RIEBEEK\*  
T. KENT CHAPMAN\*  
LORNE E. GODDARD, Q.C.  
GAYLENE D. BOBB

208, 4808 Ross Street  
Red Deer, Alberta  
T4N 1X5

TELEPHONE (403) 346-6603  
FAX (403) 340-1280  
e-mail: [info@chapmanriebeek.com](mailto:info@chapmanriebeek.com)

\*Denotes Professional Corporation

Your file:

Our file: 26,570 DJS

February 15, 2002

City of Red Deer  
P.O. Box 5008  
Red Deer, AB T4N 3T4

FAX: 346-6195

Attention: Kelly Kloss  
City Clerk

Dear Sir:

## Procedure – Encroachment on City Utility Right of Ways

In connection with a land exchange which the City did with the owners of the Parkland Mall, the City took back a Utility Right of Way along the western boundary (Gaetz Avenue side) of the Parkland Mall. The Utility Right of Way agreement was duly signed and registered against the title. However, a subsequent real property report has disclosed the fact that a pylon sign constructed by the Mall encroaches a half a metre into part of the Utility Right of Way.

In the past, the City's standard practice would have been to deal with this by means of an Encroachment Agreement which would give the owners of the Mall the right to leave their pylon sign where it was. That agreement would contain a financial charge so that the City could register the agreement against the land owner's title.

However, that procedure is relatively cumbersome and we have determined that it is more appropriate for the City to enter into an amendment to the original Utility Right of Way agreement. This allows us to register our interest against the title without the need of an additional financial charge and is a simpler procedure.

However, in the course of examining this question, an issue which has arisen is the power of the City to agree to minor encroachments onto its Utility rights of way without the need for any formal contractual process. This procedure would mirror the one recommended in respect of encroachments onto City owned lands.

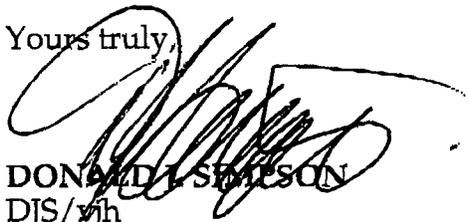
I am not aware as to whether or not the City has, in fact, passed any policy with respect to these encroachments, but it seems to me that encroachments onto land and encroachments onto Utility Rights of Way should be dealt with in a similar manner. That is to say, in both cases, where the encroachment is minor the Administration should have the ability to allow those encroachments to continue without the need for any formal documentation.

Attached to this letter is a copy of a revised draft policy with respect to encroachments. Originally, I had prepared this draft following a discussion with members of the Land and Economic Development, as the concern at that time was encroachments onto land. The Parkland Mall situation has raised this same concern with respect to Utility Rights of Way and, accordingly, I would recommend that the City consider modifying this policy.

Finally, an additional issue which has come up is the question of encroachments onto City owned reserve land. As the uses of reserve land are governed by statute, (MGA) encroachments onto reserve land cannot be permitted. I have, therefore, suggested revisions to the policy to accommodate that situation.

I would appreciate your advice in due course as to whether or not the City will be implementing this policy or one similar to it.

Yours truly,



DONALD L. SIMPSON

DJS/yjh

Enclosure

- c.c. Howard Thompson via fax: 342-8200
- c.c. May Mitchell via fax: 342-8200
- c.c. Brian Johnson via fax: 342-8211
- c.c. Paul Meyette via fax: 346-1570

POLICY NO. Page 1 of 1

TITLE: ENCROACHMENTS INTO CITY PROPERTY Date of Approval:

SECTION: DEVELOPMENT SERVICES  
(Land & Economic Development)

### POLICY STATEMENT

#### Background

A. As a matter of law, no one other than the City has the right to construct or maintain any development on City land, including City-owned easements or rights of way. A development which encroaches on City land, if permitted to continue, may interfere with the ability of the City or of members of the public to use those lands. It may also carry with it a risk that the City may be found liable if the encroachment causes injury or damage to anyone. On the other hand, encroachments which are minor in nature may not interfere with the use of the land or present any risk.

B. It is desirable that the City should deal with the various encroachments in a consistent manner. To achieve this, the City should establish a policy to govern the circumstances in which encroachments onto City lands (including City-owned easements or rights of way) may be permitted to continue.

#### POLICY

1. The standard policy of the City is that encroachments onto City lands are not permitted and must be removed.
2. Notwithstanding this, an encroachment may be permitted to continue to exist provided that, in the opinion of the City Manager:
  - a) it does not substantially interfere with the use of the land by the City or members of the public;
  - b) it does not present an unacceptable level of risk; and
  - c) the landowner responsible for the encroachment enters into an Encroachment Agreement satisfactory to the City.
3. The City Manager may dispense with the need for an Encroachment Agreement in the case of minor encroachments which do not substantially interfere with the use of the land by the City or members of the public or which do not present a significant risk to the City. Examples of such minor encroachments include:
  - \* fences, to a maximum distance of 300 mm (1.0 ft)
  - \* non-permanent sheds (no foundation), to a maximum distance of 300 mm (1.0 ft)

- \* lamp posts, signs, or other similar obstructions, to a maximum distance of 300 mm (1.0 ft)
- \* driveway edgings, planter borders, or other similar obstructions, provided the structure does not exceed 6 inches in height
- \* retaining walls, provided the structure does not exceed 150 mm (6 inches) in height where it meets with the sidewalk
- \* concrete/asphalt driveways, aprons or parking pads, to a maximum distance of 300 mm (1.0 ft), and provided the structure does not exceed 150 mm (6 inches) in height.
- retaining walls running parallel to the property line, to a maximum distance of 300 mm (1.0 ft), and provided they do not exceed a maximum height of 900 mm (3 ft.).

4. This policy does not permit encroachments on municipal or environmental reserve lands, the use of which is regulated by and must conform with the provisions of the Municipal Government Act.



**FILE**

Council Decision – October 21, 2002

City Clerk's Department

**DATE:** October 22, 2002  
**TO:** Engineering Services Manager  
**FROM:** City Clerk  
**SUBJECT:** Revision to Council Policy 4512 – Encroachments into City Property

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*Reference Report:*

Engineering Services Manager, dated October 7, 2002.

*Resolutions:*

*Resolved* that Council of the City of Red Deer, having considered the report from the Engineering Services Manager dated October 7, 2002, re: Revision to Council Policy 4512, hereby approves the revised Council Policy 4512 as presented to Council on October 21, 2002.

*Report Back to Council:* No

*Comments/Further Action:*

This office will amend and distribute the revised copies of Council Policy 4512 - Encroachments into City Property in due course.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss  
City Clerk

/chk

c Director of Development Services  
Land & Economic Development Manager



**FILE**

City Clerk's Department

**DATE:** September 19, 2002

**TO:** Councillor Dawson  
Councillor Flewwelling  
Councilor Higham  
Councillor Hughes  
Councillor Moffat  
Councillor Pimm  
Councillor Rowe  
Councillor Watkinson-Zimmer

**FROM:** Kelly Kloss  
City Clerk

**RE:** IMPORTANT DATES TO KNOW

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Attached is a listing of **Important Dates** for the coming year. Please take note of these dates when you are planning your holidays for the next year.

Also attached is a listing of Council Meeting Dates for 2002 – 2003.

Please do not hesitate to contact this office should you require any further information.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss  
City Clerk

/chk  
attach.

## IMPORTANT DATES TO KNOW

DATE	DESCRIPTION
<b>OCTOBER 4, 2002</b> (By Noon)	<b>Submit Information to City Clerk's Office Regarding Committee Preferences and Minutes &amp; Agendas Distribution</b>
<b>OCTOBER 9, 2002</b>	<b>Riverside Meadows &amp; UDI Tour</b>
<b>OCTOBER 21, 2002</b> (4:30 P.M. to 6:00 P.M.) (7:00 to 9:00 Regular Meeting)	<b>Council Organizational Meeting</b>
<b>THIRD &amp; FOURTH WEEK OF JANUARY, 2003</b> (5 - 6 Days) (4:30 P.M. TO 9:00 P.M.)	<b>Budget Meetings</b>
<b>MAY 30 - JUNE 2, 2003</b>	<b>FCM Conference: Winnipeg, Manitoba</b>
<b>SEPTEMBER 24 - 27, 2003</b>	<b>AUMA Conference -Calgary</b>

**THE CITY OF RED DEER  
COUNCIL MEETINGS  
November 2002 to December 2003**

Monday,	October 21, 2002	Organizational Meeting
Monday,	November 4, 2002	
Monday,	November 18, 2002	
Monday,	December 2, 2002	
Monday,	December 16, 2002	
Monday,	December 30, 2002	Cancelled
Monday,	January 13, 2003	
Tuesday	January 14, 2003	<i>Budget Meeting - Tentative</i>
Wednesday,	January 15, 2003	<i>Budget Meeting - Tentative</i>
Monday,	January 20, 2003	<i>Budget Meeting - Tentative</i>
Tuesday,	January 21, 2003	<i>Budget Meeting - Tentative</i>
Wednesday,	January 22, 2003	<i>Budget Meeting - Tentative</i>
Monday,	January 27, 2003	
Tuesday,	January 28, 2003	<i>Budget Meeting - Tentative</i>
Wednesday	January 29, 2003	<i>Budget Meeting - Tentative</i>
Monday,	February 10, 2003	
Monday,	February 24, 2003	
Monday,	March 10, 2003	
Monday,	March 24, 2003	
Monday,	April 7, 2003	
Monday,	April 21, 2003	
Monday,	May 5, 2003	
Tuesday,	May 20, 2003	
Monday,	June 2, 2003	Cancelled (FCM)
Monday,	June 16, 2003	
Monday,	June 30, 2003	
Monday,	July 14, 2003	
Monday,	July 28, 2003	
Monday,	August 11, 2003	
Monday,	August 25, 2003	
Monday,	September 8, 2003	
Monday,	September 22, 2003	
Monday,	October 6, 2003	
Monday,	October 20, 2003	Organizational Meeting
Monday,	November 3, 2003	
Monday,	November 17, 2003	
Monday,	December 1, 2003	
Monday,	December 15, 2003	
Monday,	December 29, 2003	Cancelled