



REGIONAL MUNICIPALITY
OF **WOOD BUFFALO**

Council Meeting

Jubilee Centre Council Chamber
9909 Franklin Avenue, Fort McMurray

Tuesday, February 10, 2009
6:00 p.m.

Agenda

Call to Order

Opening Prayer

Adoption of Agenda

Minutes of Previous Meetings

1. Regular Meeting – January 27, 2009

Delegations

Those individuals in attendance at the meeting will be provided with an opportunity to address Council regarding an item on the agenda, with the exception of those items for which a Public Hearing is required or has been held. Consistent with all delegations, each presentation will be allowed a maximum of five minutes.

Public Hearings

2. Public Hearing re: Bylaw No. 09/010 – Closure of Undeveloped Government Road Allowance (Highway 63 Eco-Industrial Park)

Bylaws

3. Bylaw No. 09/010 - Closure of Undeveloped Government Road Allowance (Highway 63 Eco-Industrial Park) (2nd and 3rd readings)
4. Bylaw No. 09/011 – Closure of an Undeveloped Government Road Allowance (Tempo Gas) (1st reading)
5. Bylaw No. 09/012 – Closure of an Undeveloped Government Road Allowance (Longboat Landing) (1st reading)

Reports – None Scheduled

New and Unfinished Business

Updates

- Mayor's Update
- Reporting of Councillors on Boards and Committees
- Administrative Update

Adjournment



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Request To Make A Presentation At A Council Meeting Or Public Hearing

Requests to make a public presentation must be received by 12:00 noon on the Wednesday immediately preceding the scheduled meeting/hearing. ***Presentations are a maximum of 5 minutes in duration.*** Additional information may be submitted to support your presentation.

CONTACT INFORMATION	
Name of Presenter:	Bryan Lutes
Mailing Address:	9011-9915 Franklin Avenue, Fort McMurray AB T9H 2K4
Telephone Number:	780-799-4050 (Day) If we cannot confirm your attendance, your request may be removed from the Agenda.
E-Mail Address (if applicable):	bryan@wbhadc.ca
PRESENTATION INFORMATION	
Preferred Date of Presentation:	Tuesday February 10, 2009
Topic:	Bylaw No. 09/010 - Closure of Undeveloped Government Road Allowance (Hwy 63 Eco-Industrial Park)
Please List Specific Points/Concerns: If speaking at a Public Hearing, clearly state your support or opposition to the bylaw along with any related information:	<ol style="list-style-type: none">1. The Municipality owns the land. Neither the Municipality nor WBHADC see any functional need for the road allowance.2. The subdivision plan has been approved, with good internal and external vehicle access without requiring the road allowance. Furthermore, the Province will be increasing north-south flow via service road running parallel to the expanded Highway 63.3. All lots have adequate road frontage to carry out their intended use.4. Given intended use of lands to east as PUL no future access requirement is anticipated. So, government road allowance is surplus and may therefore be closed.5. The closed road allowance will be consolidated with adjacent industrial park land, increasing the amount of serviced land brought to the local market.
Action Being Requested of Council:	We support the road closure.

As per Procedure Bylaw No. 06/020, a request to make a presentation may be referred or denied.

Please return completed form, along with any additional information, to:

Chief Legislative Officer
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB T9H 2K4
Telephone: (780) 743-7001
Fax: (780) 743-7028

RECEIVED

FEB 04 2009

LEGISLATIVE & LEGAL
SERVICES

Please Note: All presentations are heard at a public meeting; therefore, any information provided is subject to FOIP guidelines and may be released upon request.

Subject: Bylaw No. 09/010 – Closure of Undeveloped Government Road Allowance (Highway 63 Eco-Industrial Park)**APPROVALS:**

Dennis Peck, General Manager, Planning and Development
Kevin Greig, Deputy Chief Administrative Officer
Rodney Burkard, Chief Administrative Officer

Administrative Recommendation(s):

THAT Bylaw No. 09/010, being a bylaw to close a government road allowance, be read a second time;

THAT Bylaw No. 09/010, be read a third and final time; and

THAT the subject property be transferred to the Wood Buffalo Housing and Development Corporation once Bylaw No. 09/010 has received third and final reading.

Summary:

Administration requests that an undeveloped government road allowance in the Highway 63 Eco-Industrial Park be closed to incorporate a portion of the land into the Eco-Industrial Park. Under the Municipal Government Act, any proposed road closure requires Council approval and bylaw adoption.

Background:

Land Services is requesting the closure of an undeveloped government road allowance (Road) within the boundaries of the Highway 63 Eco-Industrial Park (Attachment 2). As part of the development of the Industrial Park, municipal roads are being built to allow access to the site; therefore, the road will no longer be required and future use as a transportation corridor is not anticipated. Development is not permissible on any road plan; consequently, the road must be closed in order for development to occur.

Section 18 (1) of the *Municipal Government Act* states, that a municipality has direction, control and management of all roads within the municipality. The Municipality has administrative control over the undeveloped government allowance, but ownership lies with the Crown. Upon closure of the undeveloped government road allowance, title is transferred from the Minister of Transportation to the Regional Municipality of Wood Buffalo at no cost. Under the terms of the Municipality's amalgamation agreement, the Urban Service Area is recognized as being equivalent to a city for legislative and grant purposes; therefore, Ministerial approval of the proposed closure is not required. The proposed bylaw has been reviewed by Land Titles to ensure the accuracy of legal descriptions (Attachment 1).

Upon closure of the Road, the Municipality intends to transfer the land to Wood Buffalo Housing and Development Corporation (WBHDC) at no cost. WBHDC will in turn consolidate a portion of the land with lots in the Industrial Park. Section 70(2) of the Municipal Government Act permits a municipality to dispose of land at below market value without advertising if it is to be used by a non-profit organization. Wood Buffalo Housing & Development Corporation qualifies as a non-profit organization under Section 241(f) of the Municipal Government Act.

Rationale for Recommendation(s):

The Planning and Development Department supports the closure of the undeveloped government road allowance. The closure will have no impact on Municipality operations as the undeveloped road allowance is not required to access any parcel of land. In addition, the closure will create more lands available for development in the Eco-Industrial Park.

Attachments:

1. Bylaw No. 09/010
2. Subject Area Map

BYLAW NO. 09/010

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING AND CREATING TITLE TO UNDEVELOPED GOVERNMENT ROAD ALLOWANCES

WHEREAS application has been made to the Council of the Regional Municipality of Wood Buffalo to close an undeveloped government road allowance pursuant to the requirements of section 22 of the Municipal Government Act, c.M-26, RSA 2000, as amended;

WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it expedient to provide for the purpose of closing certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same;

WHEREAS, notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act; and

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw,

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Wood Buffalo in the Province of Alberta hereby enact as follows:

1. The following described road allowance is hereby closed for the purpose of creating title subject to the right of access granted by other legislation:

Meridian 4 Range 9 Township 90

All of the original government road allowance adjoining the west boundary of the South West Quarter of Section 5

Excepting thereout all mines and minerals

2. This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Legislative Officer.

READ a first time this 27th day of January, 2009.

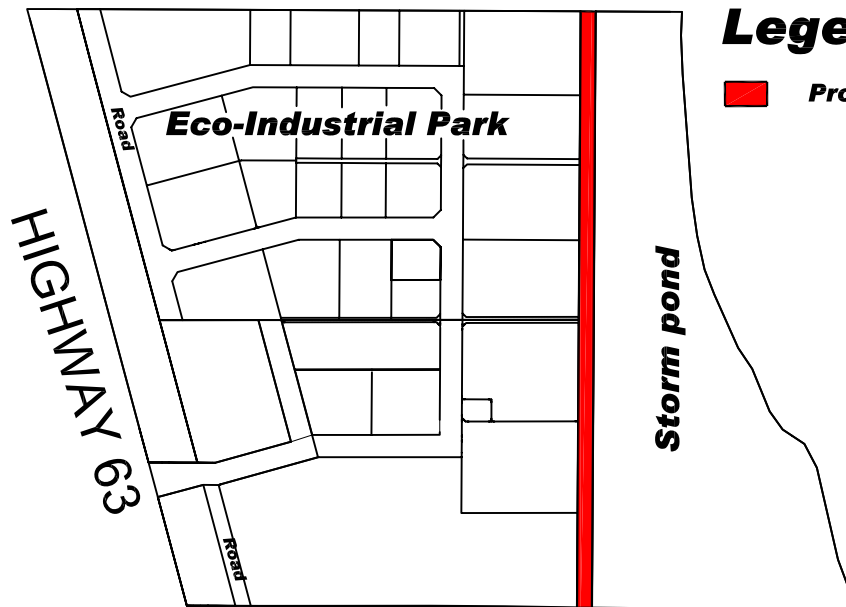
READ a second time this _____ day of _____, 2009.

READ a third and final time this _____ day of _____, 2009.

SIGNED and PASSED this _____ day of _____, 2009.

Mayor

Chief Legislative Officer



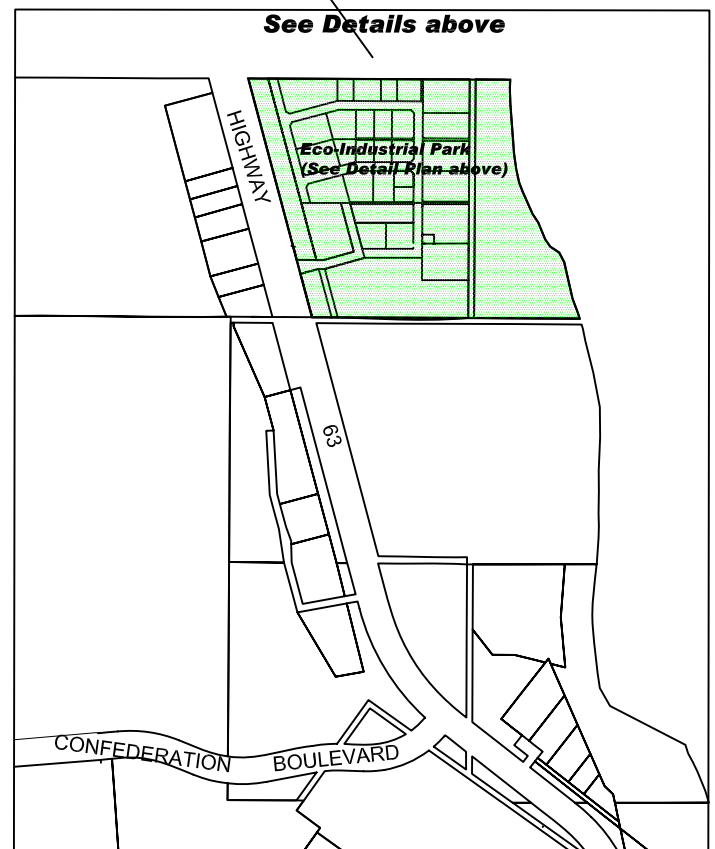
Legend (Detail Plan)

 Proposed Road Closure

Detail Plan

Legend (Key Plan)

 Eco-Industrial Park



Key Plan

**Subject: Bylaw No. 09/011– Closure of Undeveloped Government Road
Allowance (Former Tempo Gas Site)****APPROVALS:**

Dennis Peck, General Manager, Planning and Development
Kevin Greig, Deputy Chief Administrative Officer
Rodney Burkard, Chief Administrative Officer

Administrative Recommendation(s):

THAT Bylaw No. 09/011, being a bylaw to close a government road allowance, be read a first time.

Summary:

Administration proposes to close a portion of Road Plan 032 5018 (the Road) with the intent to exchange the land in order to complete the service road east on the north end of the Urban Service Area of Highway 63. Under the Municipal Government Act, any proposed road closure requires Council's approval and bylaw adoption.

Background:

Administration proposes the closure of the Road adjacent to the former Tempo Gas Station site at the north edge of the Urban Service Area and the Highway 63 Eco-Industrial Park (Attachment 2). As part of the development of the Industrial Park, municipal roads are being built to allow access to the site and the lands as the Road will no longer be required. Development is not permissible on any road plan; consequently, the Road must be closed in order for development to occur.

Section 18 (1) of the *Municipal Government Act* states, that a municipality has direction, control and management of all roads within the municipality. The municipality has administrative control over Road Plan 032 5018 even though ownership lies with the Crown. Upon closure of a road plan, title is transferred from the Minister of Transportation to the Regional Municipality of Wood Buffalo at no cost. Under the terms of the Municipality's amalgamation agreement, the Urban Service Area is recognized as being equivalent to a city for legislative and grant purposes; therefore, Ministerial approval of the proposed closure is not required. The proposed bylaw has been reviewed by Land Titles to ensure the accuracy of legal descriptions (Attachment 1).

Upon closure of the Road, the Municipality intends to exchange this land for land owned by Tempo Gas on the Highway side of the old Tempo Gas Station site. The intent of this exchange is to extend the service road between the Industrial Park and Highway 63 to the entrance to the entire area. The land exchange is dependent on the re-development of the Tempo site and the exchange will be subject to a future Council decision.

Rationale for Recommendation(s):

The Planning and Development Department supports the partial closure of Road Plan 032 5018. The road closure will have no impact on municipal operations and will allow for development in the Eco-Industrial Park. The road right-of-way is not required for access to land parcels and it will also allow the Municipality the option of exchanging the surplus land for a service road extension in the future, which will benefit the Municipality.

Attachments:

1. Bylaw No. 09/011
2. Subject Area Map

BYLAW NO. 09/011

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING AND CREATING TITLE TO UNDEVELOPED GOVERNMENT ROAD ALLOWANCES

WHEREAS application has been made to the Council of the Regional Municipality of Wood Buffalo to close an undeveloped government road allowance pursuant to the requirements of section 22 of the Municipal Government Act, c.M-26, RSA 2000, as amended;

WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it expedient to provide for the purpose of closing certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same;

WHEREAS, notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act; and

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw,

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Wood Buffalo in the Province of Alberta hereby enact as follows:

1. The following described road allowance is hereby closed for the purpose of creating title subject to the right of access granted by other legislation:

Plan 032 5018

All that portion of road lying west of the west boundary of Lots 2 and 3 Block 2 Plan 072 2934 and north of a line drawn from the most easterly south east corner of Lot 2 Plan 012 3419 to the south west corner of said Lot 3 Block 2 Plan 072 2934.

Excepting thereout all mines and minerals

2. This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Legislative Officer.

READ a first time this _____ day of _____, 2009.

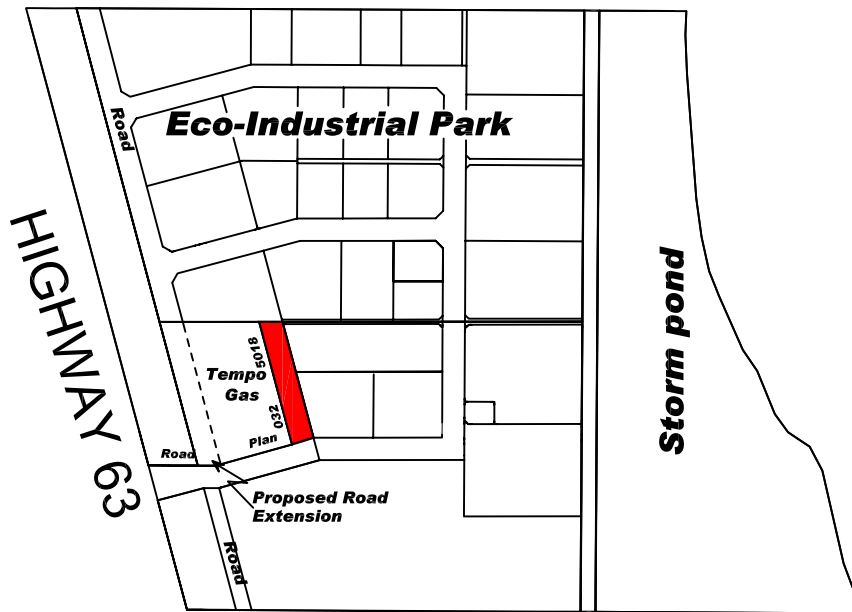
READ a second time this _____ day of _____, 2009.

READ a third and final time this _____ day of _____, 2009.

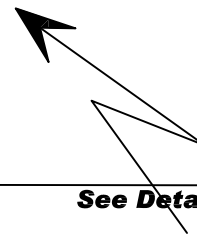
SIGNED and PASSED this _____ day of _____, 2009.

Mayor

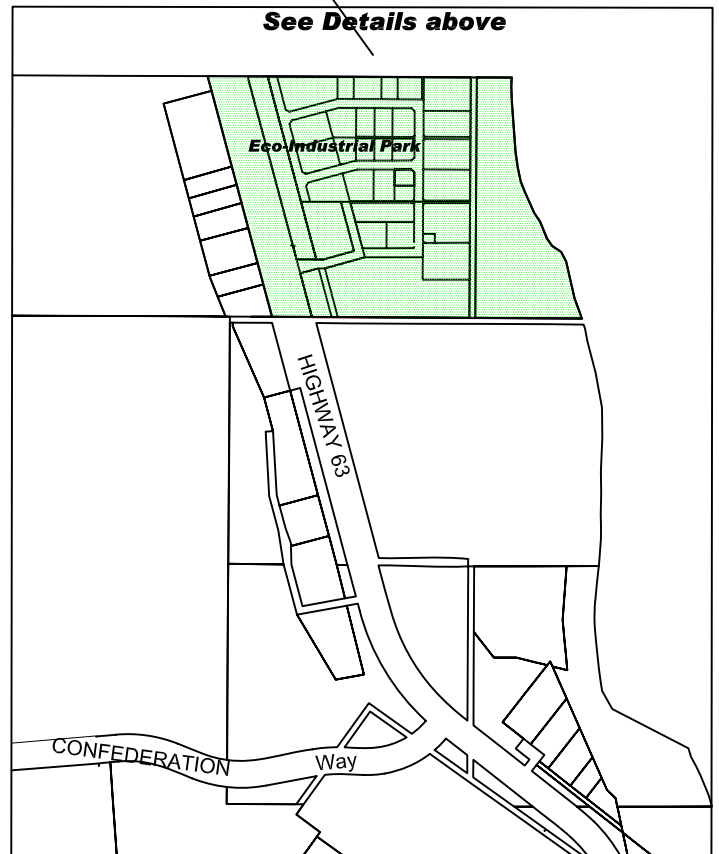
Chief Legislative Officer

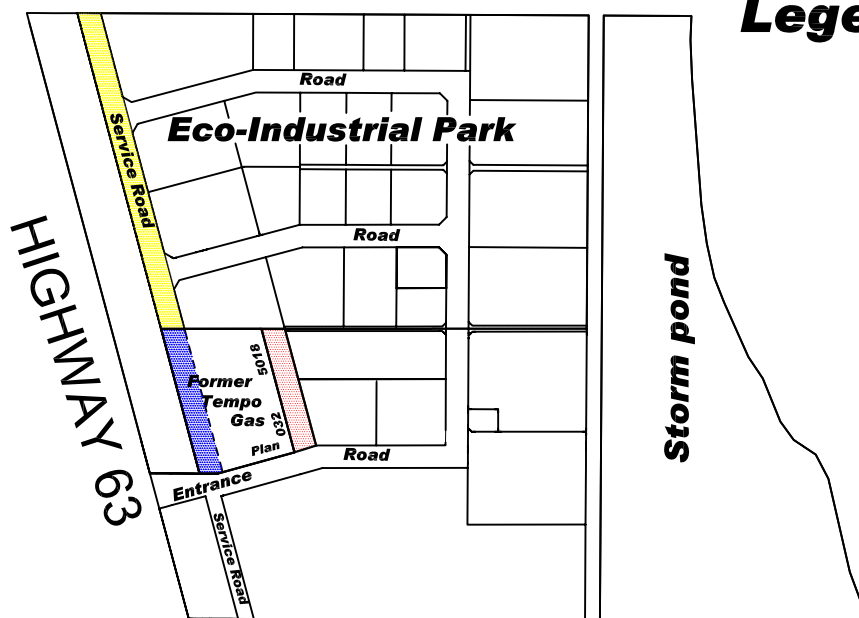


 **Proposed Road Closure
part of Road Plan 032 5018**



See Details above





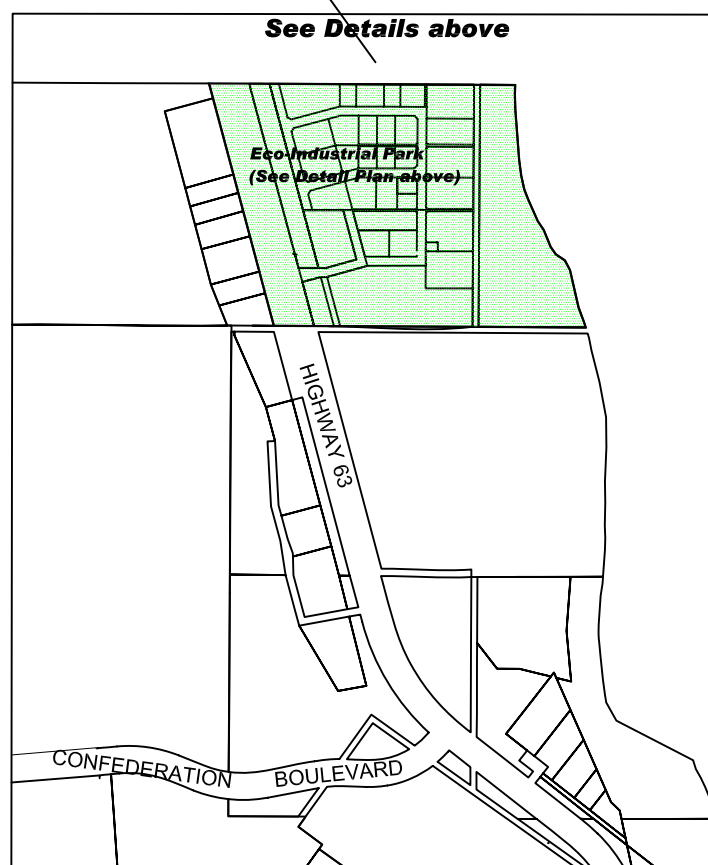
Detail Plan

Legend (Detail Plan)

- Proposed Road Closure part of Road Plan 032 5018
- Proposed Service Road Extension
- Existing Service Road part of Road Plan 032 5018

Legend (Key Plan)

- Eco-Industrial Park



Key Plan

Subject: Bylaw No. 09/012– Closure of an Undeveloped Government Road Allowance (Longboat Landing)**APPROVALS:**

Dennis Peck, General Manager, Planning and Development
Kevin Greig, Deputy Chief Administrative Officer
Rodney Burkard, Chief Administrative Officer

Administrative Recommendation(s):

THAT Bylaw No. 09/012, being a bylaw to close a government road allowance, be read a first time.

Summary:

Administration proposes to close a government road allowance to enable the Municipality to effect an option to purchase agreement with Clearwater Village Inc. as approved by Council on November 24, 2008. Under the Municipal Government Act, any proposed road closure requires Council's approval and bylaw adoption.

Background:

In 2002, Council amended Bylaw 02/002 to create a DC-R4 Direct Control High Density Residential District for the area known as Longboat Landing. In 2005, Council approved development of the Lower Townsite Loop Road, which required a portion of land from Longboat Landing. On November 24, 2008, Council approved the purchase of the then required land for the Loop Road. The terms of the acquisition included providing the seller with an option to purchase a portion of the government road allowance depicted in Attachment 2; however, the road allowance must be closed before the seller can exercise the option to purchase.

Section 18(1) of the *Municipal Government Act* states, that a municipality has direction, control and management of all roads within the municipality. The municipality has administrative control over the undeveloped government allowance, but ownership lies with the Crown. Upon closure of the undeveloped government road allowance, title will be transferred from the Minister of Transportation to the Regional Municipality of Wood Buffalo at no cost. Under the terms of the Municipality's amalgamation agreement, the Urban Service Area is recognized as being equivalent to a city for legislative and grant purposes; therefore, Ministerial approval of the proposed closure is not required. The proposed bylaw has been reviewed by Land Titles to ensure the accuracy of legal descriptions (Attachment 1).

Budget/Financial Implications

If the government road allowance is closed and Clearwater Village Inc. acts on the option to purchase the portion of the government road allowance, the proceeds of the sale will go into the Asset Acquisition Reserve.

Rationale for Recommendation(s):

Planning and Development supports the closure of the government road allowance which will allow for the Municipality to sell a portion of the land to Clearwater Village Inc., as outlined in the land transaction approved by Council on November 24, 2008. The closure will have no impact on municipal operations.

Attachments:

1. Proposed Bylaw No. 09/012
2. Subject Area Map

BYLAW NO. 09/012

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WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it expedient to provide for the purpose of closing certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same;

WHEREAS, notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act; and

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw,

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Wood Buffalo in the Province of Alberta hereby enact as follows:

1. The following described road allowance is hereby closed for the purpose of creating title subject to the right of access granted by other legislation:

Meridian 4 Range 10 Township 89

All that portion of government road allowance adjoining
River Lots 22, 23, and 24, Fort McMurray, Settlement
Shown as Area "A" on Plan 082____.

Excepting thereout all mines and minerals

2. This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Legislative Officer.

READ a first time this _____ day of _____, 2009.

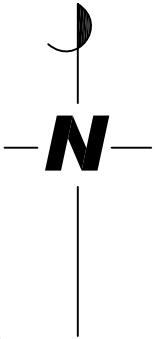
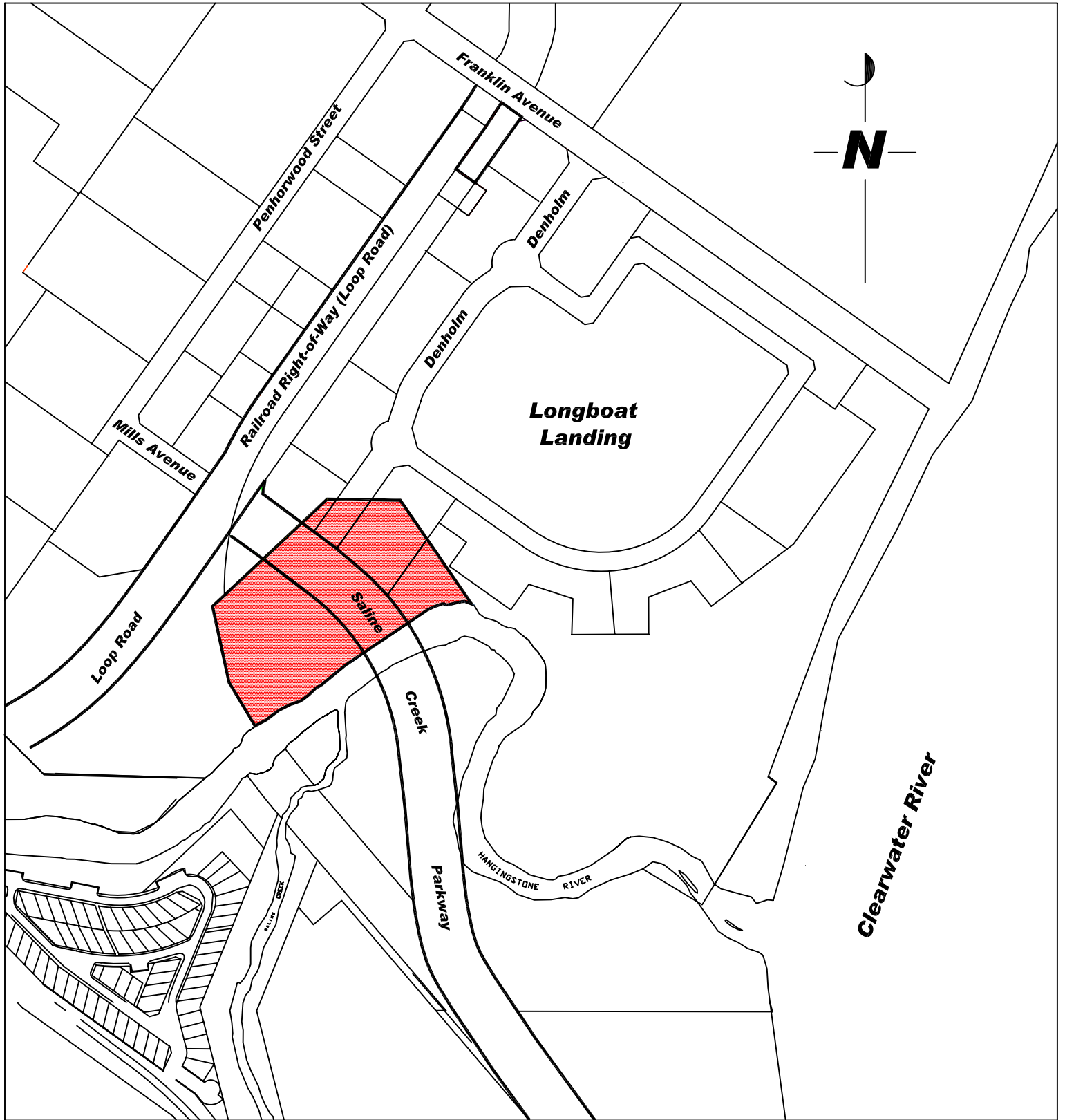
READ a second time this _____ day of _____, 2009.

READ a third and final time this _____ day of _____, 2009.

SIGNED and PASSED this _____ day of _____, 2009.

Mayor

Chief Legislative Officer



Road Closure