



City of Prince Albert

RPT 2024-278

TITLE: Bylaw No. 23 of 2024 – Agnew Walkway Closure

DATE: September 6, 2024

TO: City Council

PUBLIC: X

INCAMERA:

RECOMMENDATION:

1. That Bylaw No. 23 of 2024 receive 2nd and 3rd reading; and,
2. That the Mayor and City Clerk be authorized to execute the Sale Agreement, Plan of Survey, and any other required documentation, on behalf of The City, once prepared.

EXECUTIVE SUMMARY:

The Community Development Department is in receipt of a Walkway Closure Application to close the walkway that connects 22nd Street East to Agnew Street. The subject walkway was previously closed under Bylaw No. 32 of 2015, but the property sale and subdivision were never finalized, which led to the expiry of the bylaw in 2017. A new Walkway Closure Application was submitted in April 2024, with the intent to prevent any further nuisances to the abutting properties and surrounding neighbourhood. Although the Walkway Closure Application submitted does not align with the criteria outlined in the Walkway Closure Policy, the circumstances described in this report represent a reasonable departure from the policy.

Bylaw No. 23 of 2024, to close the Agnew Street Walkway was introduced and given 1st reading at the August 19th, 2024, City Council meeting.

For the reasons mentioned above, Administration recommends that Bylaw No. 23 of 2024 receive 2nd and 3rd readings.

BACKGROUND:

As per City Council Resolution No. 0565 dated November 9th, 2015, City Council approved the closure of the subject walkway. As part of the walkway closure approval, the abutting property owners were required to enter into sale agreements with the City and submit a Subdivision

Application. Due to financial constraints, this process was never finalized and the bylaw expired on November 9th, 2017. Please see the attached for a copy of the report and walkway closure bylaw from 2015.

In April 2024, a new Walkway Closure Application was submitted for the subject walkway. On August 19th, 2024, City Council gave 1st reading to Bylaw No. 23 of 2024, which is a bylaw to close a walkway that connects 22nd Street East to Agnew Street. A public notice letter was sent to property owners within 200 metres of the subject walkway on July 16th, 2024, and public notice was issued in the local newspaper and posted on the City bulletin board and City website on September 5th, 2024. Please see the attached for a copy of the Public Notices and the report that requested the 1st reading of Bylaw No. 23 of 2024.

As per Section 201(4) of *The Planning and Development Act 2007* and Section 13 of *The Cities Act*, the closure and sale of walkways require City Council approval.

PROPOSED APPROACH AND RATIONALE:

Consistent with the first walkway closure application, approval of this walkway closure application will support the social wellbeing of area residents by addressing considerable safety concerns such as vandalism, theft, and littering of dangerous items. As well:

1. The four (4) abutting property owners have provided a history of activity unfortunately facilitated by the walkway, such as damages to private property that have surpassed \$10,000; and,
2. If approved, the four (4) abutting property owners are prepared to submit a Plan of Survey and enter into a sale agreement with the City to purchase and subdivide the walkway.

While the Public Works Department is generally not in support of the walkway closure due to the presence of infrastructure and surface drainage from Agnew Street to 22nd Street, the land can be managed and protected through easement agreements, which will be required for each property owner. The applicants are aware of the need for easement agreements and have no concerns.

Through the Administrative review of the walkway, it was noted that it doesn't meet the criteria included in the Walkway Closure Policy, Section 7.02(c). However, the circumstances described above represent a reasonable departure from the policy, with the closure being based primarily on use, not solely design. Please see "Policy Implications" for more information on the walkway closure criteria.

The Walkway Closure Application complies with *the Planning and Development Act 2007* and *The Cities Act*. For the reasons stated above, Administrations recommends that Bylaw No. 23 of 2024 receive 2nd and 3rd Reading.

CONSULTATIONS:

The Community Development Department has remained in contact with the applicants throughout the review process to ensure they are aware of the municipal requirements and processes, and to manage expectations and timelines.

The Departments of Public Works, Parks, Recreation & Culture, Assessment, and Fire & Emergency Services have reviewed the application. With easement agreements, all administrative divisions are comfortable with the closure of the walkway.

The walkway closure was also sent to SaskPower, SaskTel, and SaskEnergy for approval. In speaking with the utility companies, it was found that all three maintain facilities in this walkway, too. Therefore, a Letter of Undertaking is required for all three (3) utilities, authorizing the registration of easements on each property to protect the existing facilities. Alternatively, the property owners would need to pay for their relocation. All abutting property owners are aware of this requirement, as well.

COMMUNICATION AND/OR ANNOUNCEMENT PLAN:

Subject to approval, Administration will contact the Ministry of Highways and Infrastructure and the utility companies to ensure that the requirements for the walkway closure have been met.

The applicant(s) and property owners will be notified of City Council's decision. Administration will continue to work with all involved to ensure that the closure, sale and subdivision are properly completed.

BUDGET/FINANCIAL IMPLICATIONS:

The Walkway Closure fee of \$500.00 has been paid by the applicant.

The adjacent landowners will be required to purchase their portion of the walkway for \$1.00 per square foot. The walkway is roughly 5,000 square feet, so the sale would bring in \$5,000.00 plus GST.

Subject to approval, the walkway will be subdivided and consolidated into the adjacent properties. Once submitted, the City of Prince Albert will receive a Subdivision Application Fee of \$1200.

Assessment has indicated that this walkway closure will result in an increased assessment value of one of the properties in question by approximately \$10,000. The other 3 properties will not be affected. The total tax increase for the one property owner is approximately \$82/year.

POLICY IMPLICATIONS:

The Walkway Closure Application submitted does not align with the criteria outlined in Section 7.02(c) of the Walkway Closure Policy:

*“If, upon review, the walkway meets any of the following criteria, Planning and Development Services **may** not recommend closure:*

- i) If the walkway is four (4) metres or greater in width;*
- ii) If the walkway provides necessary or purposeful access to neighbourhood amenities (schools, parks, the Rotary Trail, commercial districts, etc.) and there are no other points of access within general walking distance;*
- iii) If the walkway contains municipal or other utilities such as water and sewer lines or power and energy services; or*
- iv) If the closure of the walkway would create a safety issue (restricting access to a local amenity, create a dead end, etc.).”*

Given the circumstances described in this report, and the fact that the clause is permissive vs. prescriptive, approving the application represents a reasonable departure from the policy.

The Walkway Closure Application complies with Section 201(4) of *the Planning and Development Act 2007 Development Act 2007* and Sections 13 and 102 of *the Cities Act*.

OTHER CONSIDERATIONS/IMPLICATIONS:

Subject to approval of the 3rd reading of Bylaw No. 23 of 2024 the adjacent landowners will be required to sign a Letter of Undertaking with SaskPower, SaskTel, and SaskEnergy. They will also be required to enter into an Easement Agreement with the City of Prince Albert. The Letters of Undertaking and Easement Agreements will be registered on the title of each property to protect the existing facilities and to identify the existence of the easements to future landowners.

There are no privacy, legal, safety, or environmental implications to consider with this report.

OPTIONS TO RECOMMENDATION:

There are no options to the recommendation.

STRATEGIC PLAN:

The proposed closure of the Agnew Street Walkway supports the City’s area of focus for an Engaged Government. It is important that the City take the time to hear and understand ratepayers, and in this case, they have asked for community support through the closure of the walkway.

OFFICIAL COMMUNITY PLAN:

Section 7.6 of the Official Community Plan says that a goal for our walkways is to be safe and well integrated into the street network and neighbourhood. The Agnew Street walkway has not been successful in this goal and has become a detriment to the neighbourhood, particularly to the abutting neighbours.

PUBLIC NOTICE:

Public Notice is required for consideration of this matter pursuant to Section 5 of Public Notice Bylaw No. 24 of 2015. Administration mailed a public notice letter to all registered landowners within a 200m radius of the walkway on July 11th, 2024. As a result of the letter, five (5) property owners provided their feedback, indicating that they support the closure of the walkway.

Pursuant to Section 10 of Public Notice Bylaw No. 24 of 2015, the following notice was given:

- Public Notice Letter was issued July 16, 2024, to all property owners within 200 metres of the subject walkway;
- Published on September 5th, 2024, in the Prince Albert Daily Herald;
- Posted on the City's website on September 5th, 2024; and
- Posted on the bulletin board at City Hall on September 5th, 2024.

ATTACHMENTS:

1. Bylaw No. 23 of 2024
2. Location Map
3. Bylaw No. 23 of 2024 - Closure of the Agnew Street Walkway (RPT 2024 - 213)
4. Bylaw No. 32 of 2015
5. Bylaw 32 of 2015 - Proposed Closure of Walkway Abutting 690 Agnew Street East (RPT PDS-15-115)
6. 200m Public Notice Letter
7. Public Notice – Prince Albert Daily Herald – September 5th, 2024

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Approved by: Planning Manager, Planning and Development Manager, Director of Community Development, & City Manager