



City of Prince Albert

RPT 2024-213

TITLE: Bylaw No. 23 of 2024 - Closure of the Agnew Street Walkway (RPT 2024 - 213).docx

DATE: August 8, 2024

TO: City Council

PUBLIC: X

INCAMERA:

RECOMMENDATION:

1. That Bylaw No. 23 of 2024, to close the Agnew Street Walkway, legally described as St/L 13, Plan 60PA02018, receive 1st reading; and
2. That Administration be authorized to proceed with Public Notice.

EXECUTIVE SUMMARY:

The Community Development Department has received an application to close the Agnew Street Walkway, which connects Agnew Street on the West end to 22nd Street East. A Bylaw for this closure was approved in 2015 but expired in 2017 after the adjacent landowners were no longer able to move forward. With the change in ownership, a new application was submitted for City Council to consider. The rationale supporting the proposed walkway closure remains the same, continued and escalating negative and damaging activity, particularly to the four (4) abutting properties is no longer tolerable. Therefore, Administration recommends approval.

BACKGROUND:

In 2015, an application was submitted for the closure of the western Agnew Street Walkway. On November 9th, 2015, Bylaw No. 32 of 2015, was approved, formally closing the walkway. Please see the attached report and bylaw amendment for more information.

When Bylaw No. 32 of 2015 was approved, the abutting property owners needed to enter into sale agreements with the City and complete a Subdivision Application to close the walkway. When Administration attempted to contact the Purchasers regarding these conditions, it was identified that two (2) of the property owners were no longer able to continue with the process. The Bylaw expired on November 9th, 2017.

PROPOSED APPROACH AND RATIONALE:

In April 2024, a new application for the closure of the Agnew Street walkway was submitted to the Community Development Department. The rationale behind the second application to close the walkway is twofold:

- The negative activity facilitated by the walkway, felt most by the four (4) abutting property owners, is no longer tolerable and has surpassed the \$10,000 mark; and
- All four (4) property owners involved are prepared to complete the walkway closure process as required.

Once approved, Administration will work with the four (4) property owners to finalize the sale agreements and the subdivision application.

The Public Works Department is not in support of the walkway closure due to the presence of significant underground infrastructure running through the walkway, and because the walkway is designed to move surface drainage from Agnew Street to 22nd Street. If approved, the purchasers will be required to enter into easement agreements with the City, which will provide access to the land for maintenance purposes and ensure that storm water management is maintained. The applicants are aware of this and have no concerns.

Given that the rationale behind the original closure has not changed, and that the current property owners wish to proceed in the same way, Administration recommends approving this bylaw amendment.

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. All but the Public Works Department have no concerns with the closure.

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. 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.

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.

Administration will remain in contact with the applicants as well, advising of the projects progress and to work through the next steps.

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 roughly \$5,000.00.

Subject to approval of the 3rd reading of Bylaw No. 23 of 2024, the walkway will be subdivided and consolidated into the adjacent properties. Assessment will then adjust the evaluation of each property.

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.

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. While the closure of walkways is not ideal, it is important that the City take the time to hear and understand ratepayers, and in this case, they have asked for 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. The applicant has stated that they have dealt with vandalism, stolen property, broken in vehicles, amongst other issues.

PUBLIC NOTICE:

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, two (2) property owners provided their feedback, indicating that they support the closure of the walkway.

Regarding Bylaw No. 23 of 2024, public notice pursuant to the Public Notice Bylaw No. 24 of 2015 is not required at this time. However, subject to the approval of 1st reading of this bylaw, Administration will proceed with issuing public notice in the Prince Albert Daily Herald, as well as posting it on the City's website and the City Hall bulletin board.

ATTACHMENTS:

1. Bylaw No. 23 of 2024
2. Location Map
3. Agnew Walkway City Council Report – 2015
4. Bylaw No. 32 of 2015
5. 200m Public Notice Letter
6. 200m Buffer Map

Written by: Tanner Cantin, Development Coordinator

Approved by: Director of Community Development & City Manager