City of Prince Albert

	Propo Walkv Agnev (RPT Prepared By: Janna		2 32 of 2015 – sed Closure of vay Abutting 690 v Street East # PDS-15 -115 )	Date:	October 9, 2015	
l			Morgan, Planning Technician			
			council			
	Report Type:					
	Routine		Matters that are routine in nature or are being provided for information purposes.			
	Substantive	]	Matters that require the concurrence of more than one department.			
	Financial		Matters that have financial implications require the approval of the Director of Financial Services.			
	Approval Requi	uired By:				
	City Manager Director of Financial S		ervices		Jum Joye	
	Director of Public Wor				100	
	Director of Communit		y Services	$\boxtimes$		
P	Director of Planning &		Development Services			
	Director of Fire	& Eme	rgency Services			
	Director of Corp	oorate	Services			
	City Solicitor Chief of Police					

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**Report Title:** Bylaw 32 of 2015- Proposed Closure of Walkway Abutting 690 Agnew Street East (RPT#PDS - 15 - 115)

Date: October 9, 2015

Prepared By: Janna Morgan, Planning Technician

Prepared For: City Council

#### **RECOMMENDATION(S):**

- 1. (a) That City Council gives 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings to Bylaw 32 of 2015 to close the walkway abutting 690 Agnew Street East, subject to the following:
  - i. The purchaser(s) entering into sale agreements with the City of Prince Albert
  - ii. The purchaser(s) submitting a Plan of Proposed Subdivision for lot consolidation
  - iii. The new property owner(s) sign Letters of Undertaking with SaskPower, Sasktel, and SaskEnergy thereby agreeing to an easement to protect existing facilities or to pay for their relocation
  - iv. The new property owner(s) enter into easement agreements with The City of Prince Albert to protect existing facilities
  - v. The new property owner(s) enter into agreements with the City of Prince Albert to ensure the surface grading and elevation of the property will not be altered

(b) That the Mayor and City Clerk be authorized to sign the Proposed Plan of Subdivision for lot consolidation, land titles documents and sale/easement agreements once prepared

# JUSTIFICATION FOR INCAMERA: N/A

#### BACKGROUND:

The walkway is legally known as St/L 13, Plan 60PA02018 ext. 0 and title is vested to Her Majesty the Queen in Right of Canada. The following is a list of the abutting properties:

690 Agnew Street East	Lot 18, Block 101, Plan 60PA02018 ext. 0
704 Agnew Street East	Lot 27, Block 102, Plan 60PA02018 ext. 0
693 22 <sup>nd</sup> Street East	Lot 17, Block 101, Plan 60PA02018 ext. 0
703 22 <sup>nd</sup> Street East	Lot 1, Block 102, Plan 60PA02018 ext. 0

At the meeting on March 22<sup>nd</sup>, 2010 City Council considered a report regarding the proposed closure of the walkway abutting the properties listed above. As per the recommendation, the walkway closure was denied for the reasons listed below:

- 1. There are sanitary and storm sewers running through the walkway
- 2. This walkway provides pedestrian access to different neighbourhoods, schools, a park and the Cooke Municipal Golf Course
- 3. This walkway, along with other walkways in the area, was designed for surface flooding protection where grades and existing surface treatments cannot be altered. Recommendation is that this walkway remains open

At the Executive Committee Public Meeting on June 22<sup>nd</sup>, 2015 correspondence from Wilbert Holmgren, on behalf of various residents, received June 10<sup>th</sup>, 2015, requesting that both Walkways between Agnew Street and 22<sup>nd</sup> Street East be closed, was received and referred to the Departments of Planning and Development Services and Community Services for further review and reporting. The correspondence includes both a letter and a petition with approximately 75 signatures.

At the meeting on August 24<sup>th</sup>, 2015, the Executive Committee considered a report regarding Walkway Closure and Maintenance Requests and passed Resolution No. 0252 approving recommendations, a portion of which include:

- 1. That future Walkway Closure requests be reviewed on a case-by-case basis with complete reports forwarded to City Council;
- 2. That Administration continue to pro-actively maintain Walkways and respond to resident concerns and inquiries, in accordance with current Policies and Procedures;

#### **DISCUSSION:**

Wilbert Holmgren claims that he and his neighbours have been adversely affected by the walkways connecting Agnew Street East to 22<sup>nd</sup> Street East, as stated in his letters, which are provided as attachments. Once a letter is received proposing a walkway closure, the Department of Planning and Development Services has a procedure that must be followed. First, the applicant must get general consensus of the neighborhood consenting to the proposed closure. Along with the letter addressed to the City of Prince Albert in respect to the proposed walkway closure, there was a petition with approximately 75 signatures stating that they were in favor of the proposed closure. Mr. Holmgren, on behalf of the neighbourhood, wishes to see both walkways closed so that the abutting owners can purchase them and consolidate them with their property. The reasons stated for the closure request are stated below.

- 1. Fires being purposely set
- 2. Late night noise
- 3. Vandalism, graffiti and constant littering
- 4. Stolen property

- 5. Trespassing
- 6. Broken in vehicles
- 7. Approximately 90% of property owners in the area support the closure (based on the applicants calculations)
- 8. The electrical box was listed as a reason for denial of the closure in the past, but can be accessed when a fence is built across the walkway
- 9. The city says that the walkway is used for water runoff but the owners on Agnew Street keep the sewers clean of debris
- 10. Lack of maintenance
- 11. Presence of needles
- 12. Provides a quick getaway in the case of crimes being committed

Once these letters and an accompanying petition were received, the proposed closures were circulated to other departments throughout City Hall. Through this process there were some issues raised by the Department of Community Services who is not in support of closing both walkways connecting Agnew Street East to 22<sup>nd</sup> Street East. The issues identified are as follows:

- 1. The walkways function as utility easements
- 2. The walkways provide pedestrian access and connectivity between neighbourhoods, parks, schools and the Cooke Municipal Golf Course. Closure of the walkways would significantly impact the walkability of the neighbourhood. Walkway connections encourage healthy living and recreation by providing for infrastructure which encourages people to use alternative non-motorized forms of transportation to reach destinations and exercise
- 3. The walkways are used and was designed to facilitate surface drainage and existing surface grades and treatments cannot be altered
- 4. Community Services has not been provided with sufficient proof to warrant the closure of the walkway. No information has been provided which specifies where damage and vandalism took place and if the walkway actually aided the perpetrators any more than a roadway would have

The Department of Community Services would be in support of closing this walkway, if the other walkway between Agnew Street East and 22<sup>nd</sup> Street East remains open, subject to the following:

- The walkway is purchased by at least one abutting property owner on 22<sup>nd</sup> Street East and at least one on Agnew Street East
- 2. The easement agreement be registered on the property ensuring that the easement must be kept clear of permanent obstruction and the grade maintained

The Department of Public Works is not in support of the closure of this walkway due to the presence of significant underground utility infrastructure that runs through the walkway in question and the presence of surface runoff in the event of a significant rainfall. It was recommended that if the walkway is to be closed, the department could camera all underground infrastructures to determine if any fixes or failures will occur in the near future. It is also a concern that landscaping once the walkway is closed could possibly lead to localized flooding. If Council chooses to move forward with the closure of the walkway, the purchaser will be required to enter into an agreement which will allow the City to access the property for maintenance purposes if necessary, and will also be required to maintain the newly acquired property to the satisfaction of the Department of Public Works.

Section 201(4) of The Planning and Development Act, 2007 states:

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"Subject to the regulations made pursuant to section 205, a council may, by bylaw, authorize the sale of all or any part of any walkway if, in the opinion of the municipality, they are no longer necessary."

The proposed closure has been circulated to all crown utility companies, including SaskPower, SaskTel, and SaskEnergy, who must consent to the closure. In correspondence with these crown companies, it was found that all three companies maintain facilities in this walkway. They will all require that a Letter of Undertaking be signed to ensure the registration of easements to protect the existing facilities or alternatively agree to pay for their relocation.

Informational letters were sent by Administration to 225 residences, or all residences within 200m of the walkway and lane, on October 1<sup>st</sup>, 2015 and the closure was advertised in the Daily Herald and on the City's website and bulletin board. As of the date on this report, Administration has received one correspondence in opposition to the closure, which is included as an attachment. On June 30<sup>th</sup>, 2015 an email was received from a citizen concerned about the closure of this walkway and the other walkway between Agnew Street East and 22<sup>nd</sup> Street East. She stated that she and her son live on 22<sup>nd</sup> Street East and use these paths almost every day to visit grandparents and to get to school. She believes that these walkways are used by the neighbourhood and should remain open.

Many of the abutting property owners have shown interest in purchasing the walkway once closed. The purchasers of the properties will be responsible for the following:

- 1. The payment of \$1.00/sq.ft + GST for the property. This cost will cover the following:
  - a.) A notice being provided in the newspaper
  - b.) Letters to registered landowners within 200 meters
  - c.) General administration costs
- 2. All registration costs including the following:
  - a.) Legal surveys
  - b.) Land Titles registration costs
- 3. Any curb, re-landscaping, sidewalk removal and fence work as required

4. Any additional taxes, which may arise from an increase in total land area

As per the attached map, there are currently two walkways that serve as a secondary pedestrian access from 22<sup>nd</sup> Street East to the golf course and the neighboring parks in the area. Next to 10<sup>th</sup> Avenue, there are limited options available for neighborhood access in the immediate area.

Although the Departments of Community Services and Public Works have brought forward some valid concerns in consideration of this walkway closure request, it is clear that there is a strong feeling from the neighborhood that the walkway should be closed. From a practical standpoint, the closure of a walkway should be a last resort, but based on the continued nuisance issues that surround this particular walkway, the Department of Planning and Development Services is recommending this walkway be closed and the more eastern walkway remain open.

#### **OPTIONS:**

- 1. (a) That City Council approves  $1^{st}$ ,  $2^{nd}$  and  $3^{rd}$  readings of Bylaw 32 of 2015 to close the walkway abutting 690 Agnew Street East, subject to the following:
  - İ. The purchaser(s) entering into sale agreements with the City of Prince Albert
  - The purchaser(s) submitting a Plan of Proposed ii. Subdivision for lot consolidation
  - The new property owner(s) sign Letters of Undertaking with iii. SaskPower, Sasktel, and SaskEnergy thereby agreeing to an easement to protect existing facilities or to pay for their relocation
  - property owner(s) enter into easement iv. The new agreements with The City of Prince Albert to protect existing facilities
  - The new property owner(s) enter into agreements with the V. City of Prince Albert to ensure that the surface grading and elevation of the property will not be altered

(b) That the Mayor and City Clerk be authorized to sign the Proposed Plan of Subdivision for lot consolidation. land titles documents and sale/easement agreements once prepared

2. That City Council deny Bylaw 32 of 2015

FINANCIAL IMPLICATIONS:

N/A

#### PUBLIC NOTICE/COMMUNICATIONS:

- Required: As per the Public Notice Bylaw 24 of 2015, public notice must be published in a local newspaper circulated throughout the City and posted on the city website and bulletin board in City Hall at least seven days prior to the meeting at which Council will initially consider the matter.
- Optional: Additional notice at the discretion of Council shall be given by any of the following methods:
  - (a) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than seven (7) days prior to the Council meeting at which the matter will initially be considered;
  - (b) by leaving notice of the matter in a mail receptacle at the address of the affected party at least seven (7) days prior to the Council meeting at which the matter will initially be considered;
  - (c) posting a notice on the land to be sold or leased at least seven (7) days prior to the Council meeting at which the matter will initially be considered; or,
  - (d) by publishing in a local newspaper circulated in the City, not less than seven (7) days prior to the Council meeting at which the matter will be considered.
- Completed: Public Notice was advertised in the Daily Herald on October 3<sup>rd</sup>, 2015, and posted on the city website and bulletin board in City Hall. Administration has also taken the initiative to provide public notice through a letter delivered to all registered landowners within a 200 meter radius of the walkway and lane at least seven (7) days prior to the Council meeting.

#### STRATEGIC PLAN GOAL:

Contained within the Operation Themes in *The City of Prince Albert 5 Year Strategic Plan* is a desire to emphasize compassion and understand that the services we provide are valued, understand the needs and challenges of the end user, and work to make their experience positive. In the case of walkways, the end user groups are the abutting property owners and neighbourhood residents using the walkways who have expressed that they are not having a positive experience. They feel that the challenges experienced greatly outweigh the benefits and impact the safety of the community. By showing compassion Administration is responding to and attempting to mitigate these challenges.

#### ATTACHMENT(S):

Bylaw 32 of 2015 Photos of Walkway Location Map with and without Aerial Prince Albert Daily Herald Ad (October 3<sup>rd</sup>, 2015) Copy of Notice sent to residents within a 200m radius Copy of Letter and Petition provided by Wilbert Holmgren on June 10<sup>th</sup>, 2015 Copy of Letter provided by Wilbert Holmgren on June 29<sup>th</sup>, 2015 Copy of Letter provided by Wilbert Holmgren on August 17<sup>th</sup>, 2015 Email from resident opposing the closure

#### CONCLUSION:

For the reasons stated above, Administration recommends that City Council gives 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw 32 of 2015 to close the walkway abutting 690 Agnew Street East, subject to the conditions above.

**Respectfully Submitted**,

and

Janna Morgan Planning Technician

## CITY OF PRINCE ALBERT BYLAW NO. 32 OF 2015

A Bylaw of The City of Prince Albert for the closing of a Walkway Abutting 690 Agnew Street East in Prince Albert, Saskatchewan

WHEREAS Pursuant to Section 201 of The Planning and Development Act, 2007;

**AND WHEREAS** Notice of Intention to pass this Bylaw has been given in accordance with **Bylaw No. 24 of 2015**, being a Bylaw of The City of Prince Albert to establish a Public Notice Policy, by publishing same in the Prince Albert Daily Herald, a newspaper published in the City of Prince Albert on the 3<sup>rd</sup> day of October, 2015;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

- 1. That the walkway legally described as St/L 13, Plan 60PA02018 ext. 0, and shown in Schedule "A", be closed.
- 2. This Bylaw shall come into force and effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015.

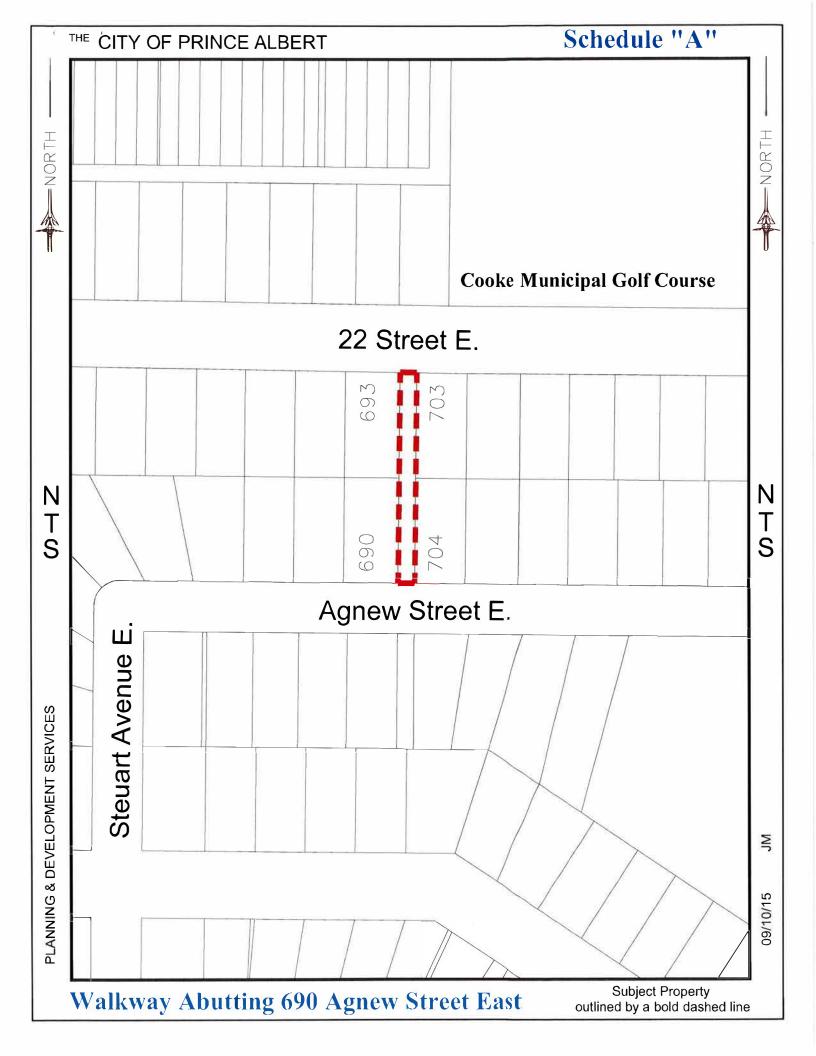
READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015.

READ A THIRD TIME AND PASSED \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2015.

MAYOR

12

CITY CLERK



### Google Maps 690 & 704 Agnew St

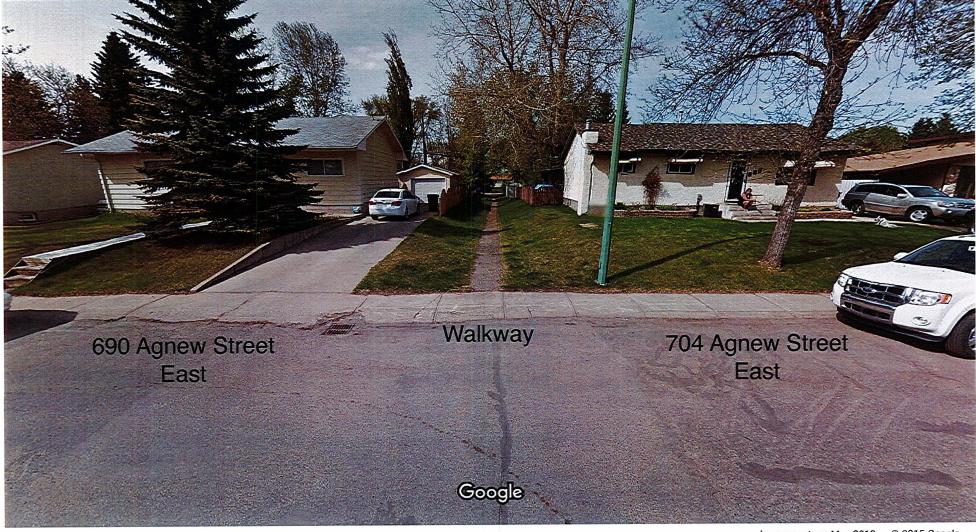
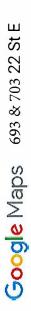
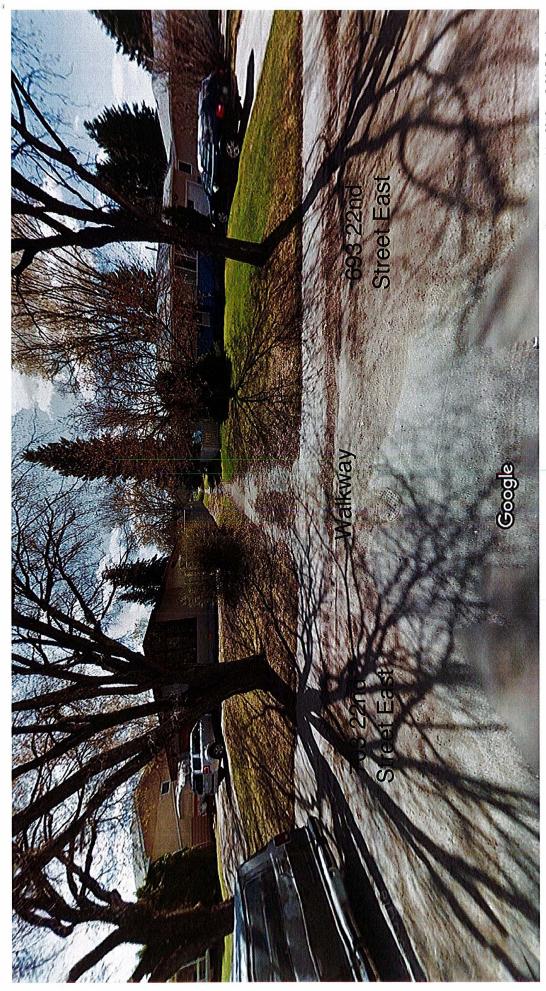


Image capture: May 2013 © 2015 Google

Prince Albert, Saskatchewan

Street View - May 2013

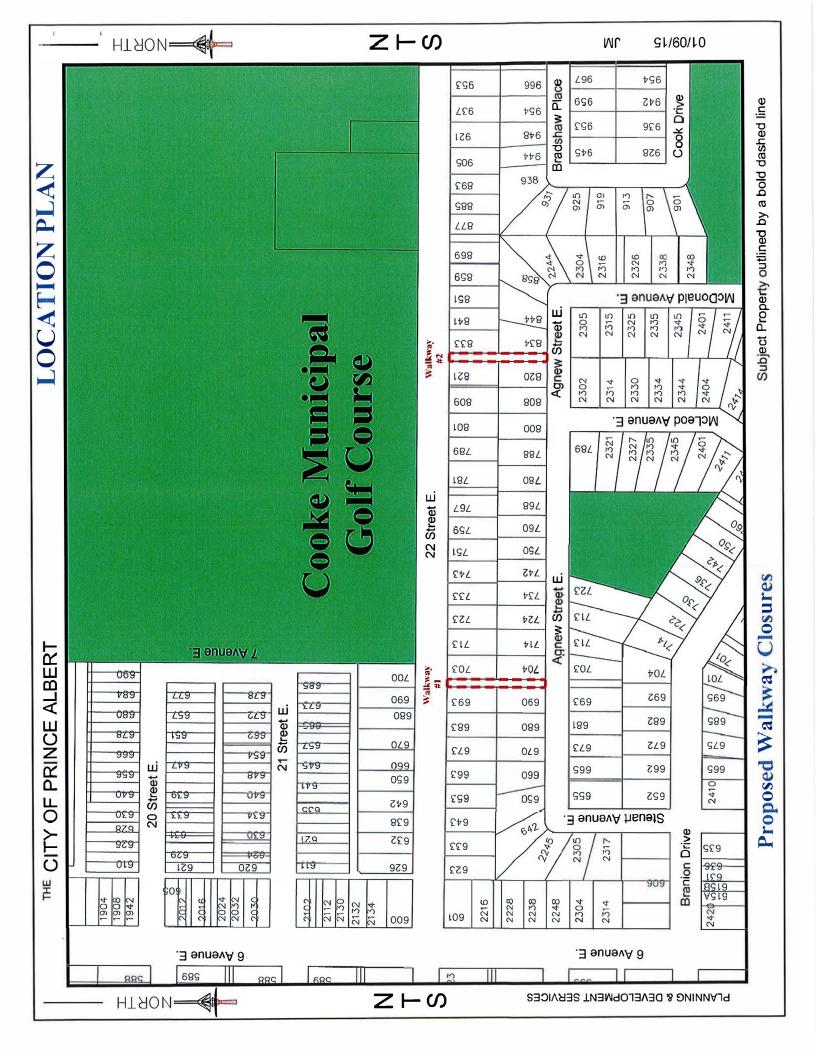


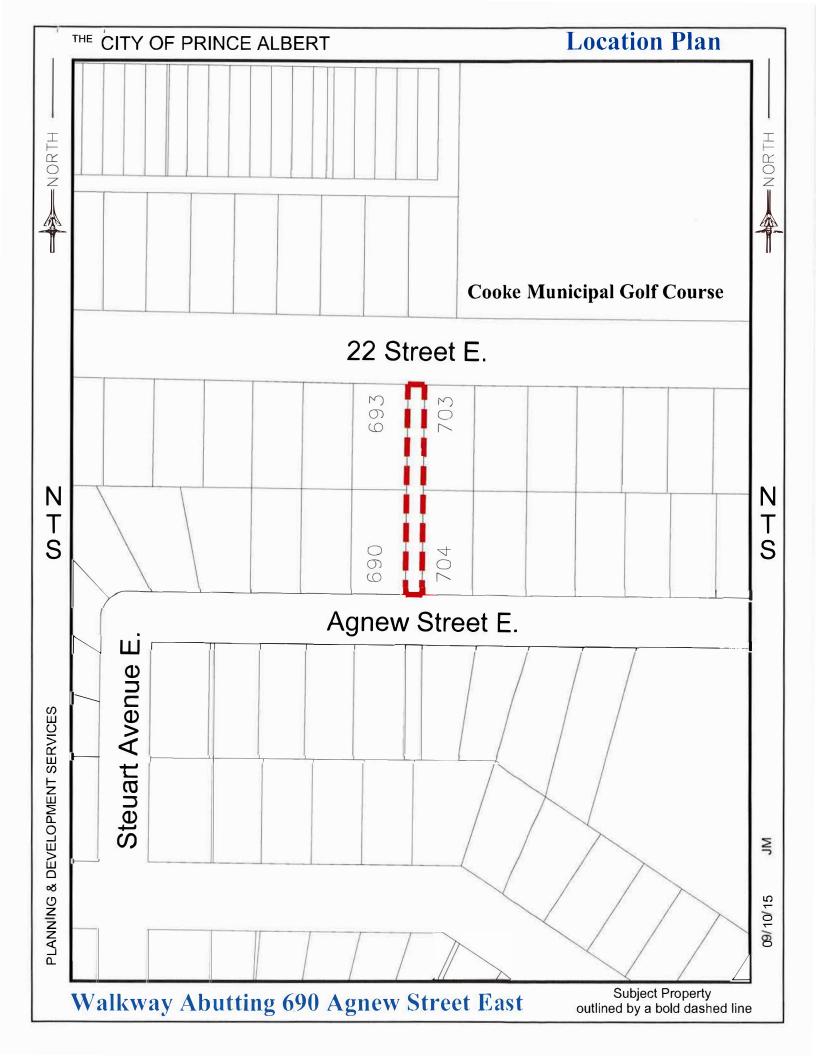


Prince Albert, Saskatchewan

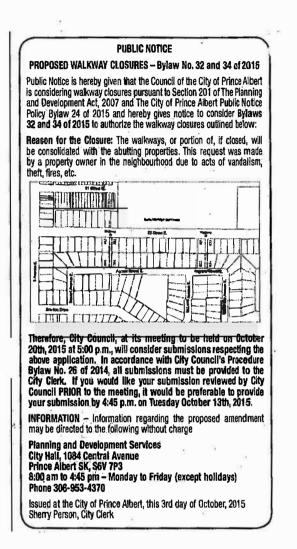
Street View - May 2013

Image capture: May 2013 © 2015 Google









Sat., Oct. 3, 2015 P.A. Daily Herald



September 29th, 2015

«Name» «MailingAddress1» «MailingAddress2» «City»

Dear Sir or Madam:

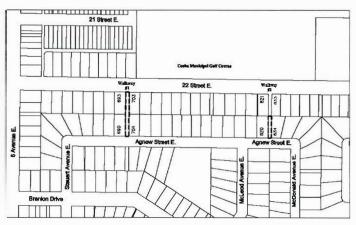
#### Re: Proposed Closure of Agnew Street & 22<sup>nd</sup> Street East Walkways Bylaws 32 & 34 of 2015

Prince Albert City Council intends to consider two walkway closures pursuant to Section 201 of *The Planning and Development Act, 2007* and The City of Prince Albert Public Notice Policy Bylaw 24 of 2015 and hereby gives notice to consider **Bylaws 32 and 34 of 2015** to authorize the walkway closure outlined below by a dashed line.

**City of Prince Albert** 

Planning and Development Services Phone: (306) 953-4370 Fax: (306) 953-4380

**Reason for the Amendment:** The walkways, or a portion of, if closed, will be consolidated with the abutting properties. This request was made by a property owner in the neighbourhood due to acts of vandalism, theft, fires, etc.



As a landowner in the area affected by this proposed amendment, The City is providing written notice of the proposed walkway closures.

Therefore, City Council, at its meeting to be held on October 20<sup>th</sup>, 2015 at 5:00 p.m., will consider submissions respecting the above application. In accordance with City Council's Procedure Bylaw No. 26 of 2014, all submissions must be provided to the City Clerk. If you would like your submission reviewed by City Council PRIOR to the meeting, it would be preferable to provide your submission by 4:45 p.m. on Tuesday *October 13<sup>th</sup>*, 2015.

If you have any questions regarding this application, please do not hesitate to contact the Planning and Development Services at 306-953-4370.

Yours truly,

Jana Men

Janna Morgan, Planning Technician

- The city said that there is an electrical box there that is why we can't close it. The electrical box in question is accessible even with a fence built across. Some people use these boxes to eat KFC and throw their garbage away.
- 2. The city said that it is a water runoff from Agnew Street and that is why it can't be closed off. The owners on agnew keep the servers clean golding
- 3. There is graffiti on the owner's fence.
- 4. We have had numerous break-ins of vehicles and homes.
- 5. We have had cars stolen.
- 6. We have had numerous car windows broken and cars being damaged.
- 7. The walkways are not kept up by the city e.g. grass cutting and garbage. The homeowners maintain the area themselves.
- 8. We have found numerous needles through the walkway.
- 9. People cut across homeowners lawns to go through the walkway.
- 10.We have had garbage set on fire. The latest was by a homeowner's garage by the walkway.
- 11. The owners on the walkways have agreed to purchase the walkways if necessary.
- 12. The city can check with the City Police to see how many calls were made to them this year alone from Agnew Street, McDonald Avenue, McLeod Avenue and 22<sup>nd</sup> Street East.

Your prompt attention to this matter would be very much appreciated as things tend to worsen as the summer progresses.

Contact Person: Wilbert Holmgren 306-764-2468

### RECEIVED

Committee

PDDS

undersigned would request that the walkways between Agnew Street and 22 me Because of the escalating vandalism in our neighbourhood, we the CLERK Street east be closed as soon as possible. The perpetrators appear to come in Executive through the walkway to do their damage and after, leave the same way. Police often come up Agnew Street or McDonald Avenue and the guilty parties are long  $T_0$ : Dir of gone through the walkway. In addition to smashed windows, cars broken into and crimes of that nature, the latest incident is very troubling as a fire was ignited  $J_0 L_1$ this correspondence next to a garage. Fortunately a neighbour heard some noise and went out to investigate. The fire had climbed the wall of the garage but he was able to get it will be placed on out with his garden hose. This incident could indeed have caused serious injury the Jure and perhaps, loss of life. Again the arsonists took off through the walkway. 22. 2015

Exec. In light of the above, we implore the city to close this walkway. As crime is increasing we need to work together to make our city safe and a pleasant place to Committee for live.

Willer & Dorothy Holmogren - 2304 McDonald Are Cind Koon - 2244 McDonald Cive. P.A. SK S6VEV6 Aunon Ker 2244 McDonald Que PA SK S6VEV6 & Shelly Heller 844 AGNEW ST SOV2PI Consideration. g Whenthe god Agrew ST 561-2121 -Michele Handsteele 834 Agnew St 56V-2PI 189 22 ST. E. SEVIN9. AICK. MINIR. Delach unch 753 Donar STE S60 Mg Croig Grainger 733 22nd 59 EAST. COMMUNICATION Referred to: WALTAR KRip 693, 22NDST EAST Dannielle Starey 683 22nd St. East Ling Button 623-2274 81. EHST evelopment East in BIRD 633.22nd Street Matt Sawateky 653 22nd St E Please Report and Return 5 Attend to This entaunot 65322rd St E

Because of the escalating vandalism in our neighbourhood, we the undersigned would request that the walkways between Agnew Street and 22<sup>nd</sup> Street east be closed as soon as possible. The perpetrators appear to come in through the walkway to do their damage and after, leave the same way. Police often come up Agnew Street or McDonald Avenue and the guilty parties are long gone through the walkway. In addition to smashed windows, cars broken into and crimes of that nature, the latest incident is very troubling as a fire was ignited next to a garage. Fortunately a neighbour heard some noise and went out to investigate. The fire had climbed the wall of the garage but he was able to get it out with his garden hose. This incident could indeed have caused serious injury and perhaps, loss of life. Again the arsonists took off through the walkway.

In light of the above, we implore the city to close this walkway. As crime is increasing we need to work together to make our city safe and a pleasant place to live.

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Ney Kowalik - 680 Agnew St. P.A. Sk SLV2PI Doreen Zelentsky 2245 Stewart are Pa S6V2VI Andrehuk 665 april St 751 22nd street east ildren Recencer 2334 Mi Lesh Oro.

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2302 McLeod Ave PA. June 32015 June Astrie Fay Hovelkin Dana Shatiai 2314 McLead Ave PA: June 3/15 Jocelyn Loemetz 2414 McLeod Ave DA Jne 3/15 24124 Michard Aire Jure 3/15 - Tyler Ryhorchile Josh frighest: 170 2814 Est think hurder 2436 mc Lead AUC Adrienne Micalloin 2401 Mileori Aue (Marcal Zyg, Ethly ugal 2345 Diction Que PAL Joshua de Baller 2335 Miled Aue ceshe Frider 2316 Millia 12 Ave

June 29/15

This is a letter with regard to the closure of the walkways from Agnew to 22<sup>nd</sup> Street east. As Mr. Ring referred to the western most one where the fire occurred, in fact it was the eastern most one. In regards to the schools, one student goes to Carlton and one student goes to John Diefenbaker School. There are two people with golf carts that use the walkway which is actually illegal. Another 5% use it to walk their dogs. With the closure, a high percentage of crime will be eliminated and the police can put their resources to better use elsewhere. I hope that the counsellors and mayor listen to the homeowners in these areas where approximately 90% of the owners want the walkways closed. Mr. Ring also stated that we close one and leave one open. I don't think Mr. Ring read the petition correctly. The homeowners want both walkways closed. It is no good to leave one open and the close the other one as it would not be correcting the problem but simply shifting it. Listen to the people not to one alderman. The tax payers have spoken.

Wilbert Holmyten 2304 - McDonald Hoe Prince Albert, Sk 56V-2V/6



- (· !. · AUG 17 2015

Aug 17 / 15

To whom it may concern: PLANNING & DEVELOPMENT BERVICES

In regards to the closure of the two walk ways leading from Agnew Street to 22<sup>nd</sup> Street East.

In the last couple of weeks we have bad several groups of people come in through the walk ways and then proceed to vandalize. We have had cars broken into, a front bedroom window broken and lawn ornaments stolen. Many of these will be on record with the City Police.

The home owners are simply asking to install a chain link fence across the back of the property at the owners' expense. This would still give the city total access to their property, but would help to eliminate the vandals from entering or making a fast getaway after they vandalize. Out police force has many more important issues to deal with, but it is so very frustrating for the homeowners. This past weekend a young resident literally chased down a group in the process of breaking into his truck. He was able to apprehend one and hold him until the police came. It all ended with nobody getting hurt, but this shows the level of frustration that the homeowners are feeling. We are a mixture of seniors and young families only wishing for some help in keeping our neighbourhood safe and well maintained. Prince Albert is a wonderful place to live. Please help us keep it that way by allowing us to chain off these passageways. There will always be some problems but so many could be eliminated. Please help us!

Contact person: Wilbert Holmgren 2304. McDonald Ade. Prince albert, Sk 560-206

Sent: Tuesday, June 30, 2015 6:54 AM To: Communications Subject: Paths on 22nd closing

I would like to know who I can contact about the paths on 22nd street east possible closing. Martin Ring or Mr. Dione? My son and I live on 22nd and use these paths almost everyday. One takes us to his grandparents and one he uses along with other children to walk to JD school. We have lived here for a year and I don't believe the paths are only used by people looking for trouble. I am right across from the 13th hole on the golf course and the amount of people who walk through there is actually more then the paths. So is the city going to fence off the golf course too? I would much rather and I'm sure other parents too have their child walk down a path and down Agnew then down 22nd. I see the problem with this street mostly being the speed of drivers down it. please advise on who and when this can be spoken about. And please remember the petition went to the homes without children walking to school. Thank you.

Submitted By:

Name:: Brandee Gerlach

Submitted From::

heep://citypa.ca/Contact-Us/Comments-Questions-and-Suggestions