	Report Title:	Propos Walkw Agnev	32 of 2015 – sed Closure of yay Abutting 690 v Street East # PDS-15 -115)	Date:	October 9, 2015		
ŀ	Prepared By:	Janna	Morgan, Planning Tech	ınician			
	Prepared For:	City C	ouncil				
-	Report Type:						
	Routine 🖂		Matters that are routine in nature or are being provided for information purposes.				
	Substantive Matters that require the condepartment.						
	Financial []	Matters that have financial implications require the approva of the Director of Financial Services.				
	Approval Required By:						
	City Manager			\boxtimes	Im Joye		
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	Director of Fire	& Eme	ergency Services				
	Director of Corporate		Services				
	City Solicitor						
	Chief of Police						

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):

 (a) That City Council gives 1st, 2nd and 3rd 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
704 Agnew Street East
693 22nd Street East
703 22nd Street East
Lot 18, Block 101, Plan 60PA02018 ext. 0
Lot 17, Block 101, Plan 60PA02018 ext. 0
Lot 1, Block 102, Plan 60PA02018 ext. 0

At the meeting on March 22nd, 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 22nd, 2015 correspondence from Wilbert Holmgren, on behalf of various residents, received June 10th, 2015, requesting that both Walkways between Agnew Street and 22nd 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 24th, 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 22nd 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 22nd 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 22nd Street East remains open, subject to the following:

- The walkway is purchased by at least one abutting property owner on 22nd 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:

"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 1st, 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 30th, 2015 an email was received from a citizen concerned about the closure of this walkway and the other walkway between Agnew Street East and 22nd Street East. She stated that she and her son live on 22nd 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 22nd Street East to the golf course and the neighboring parks in the area. Next to 10th 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 1st, 2nd and 3rd readings of 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 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 3rd, 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 3rd, 2015) Copy of Notice sent to residents within a 200m radius Copy of Letter and Petition provided by Wilbert Holmgren on June 10th, 2015 Copy of Letter provided by Wilbert Holmgren on June 29th, 2015 Copy of Letter provided by Wilbert Holmgren on August 17th, 2015 Email from resident opposing the closure

CONCLUSION:

For the reasons stated above, Administration recommends that City Council gives 1st, 2nd and 3rd 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

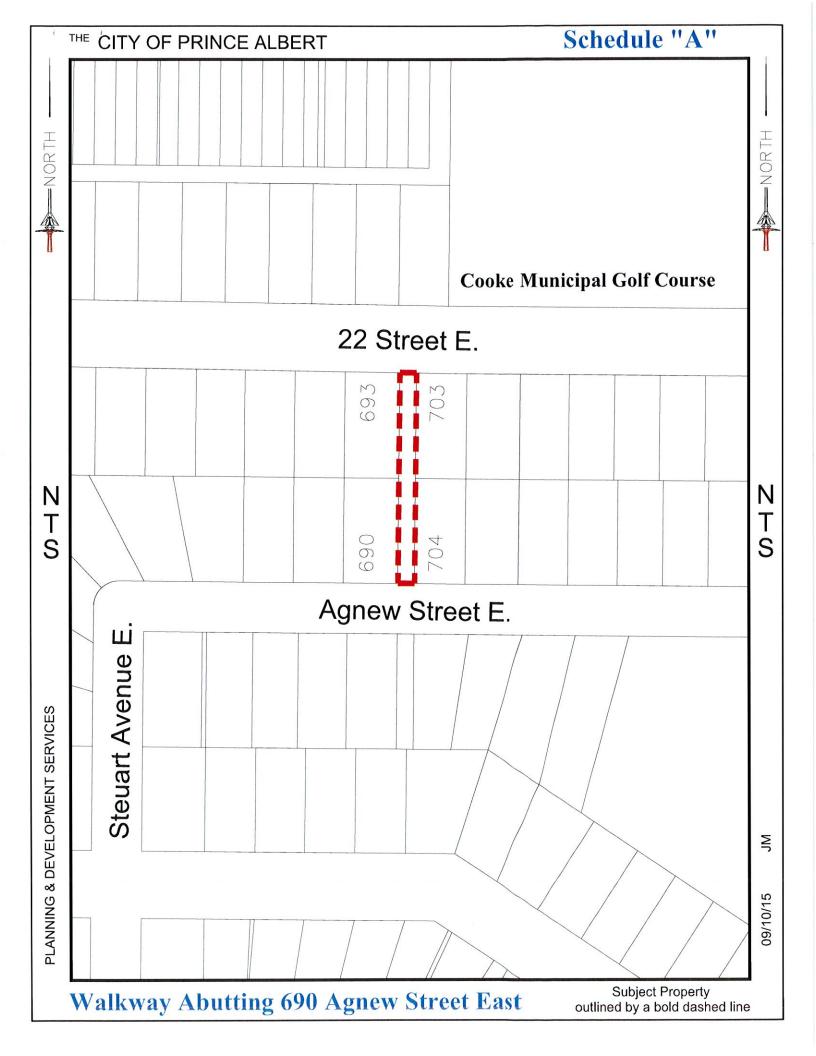
WHEREAS Pursuant to Section 201 of The Planning and Development Act, 2007;

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 3rd 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.

MAYOR	CITY CLERK	
READ A THIRD TIME AND PASSED	DAY OF	_, A.D., 2015
READ A SECOND TIME THIS DAY	/ OF	_, A.D., 2015.
INTRODUCED AND READ A FIRST TIME	THIS DAY OF	_, A.D., 2015



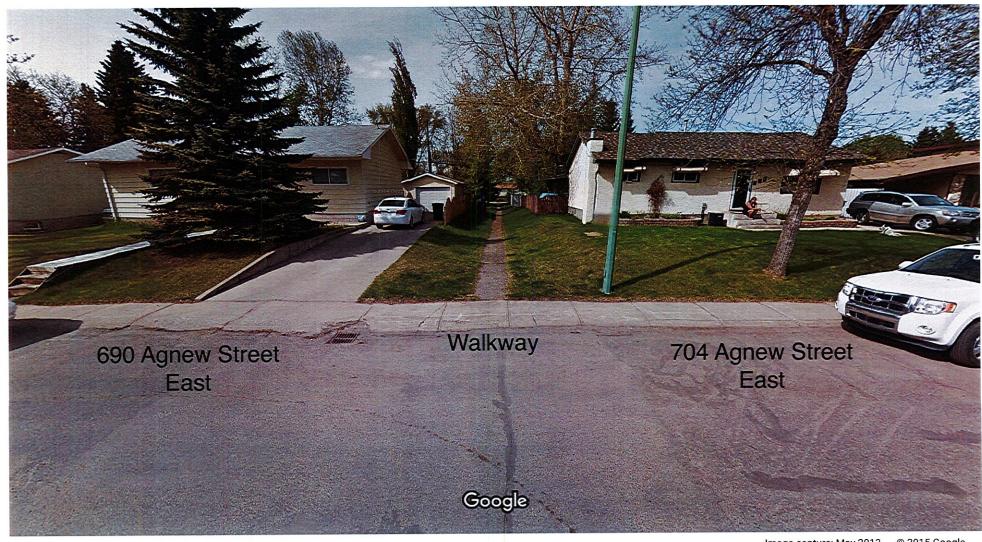


Image capture: May 2013 © 2015 Google

Prince Albert, Saskatchewan Street View - May 2013

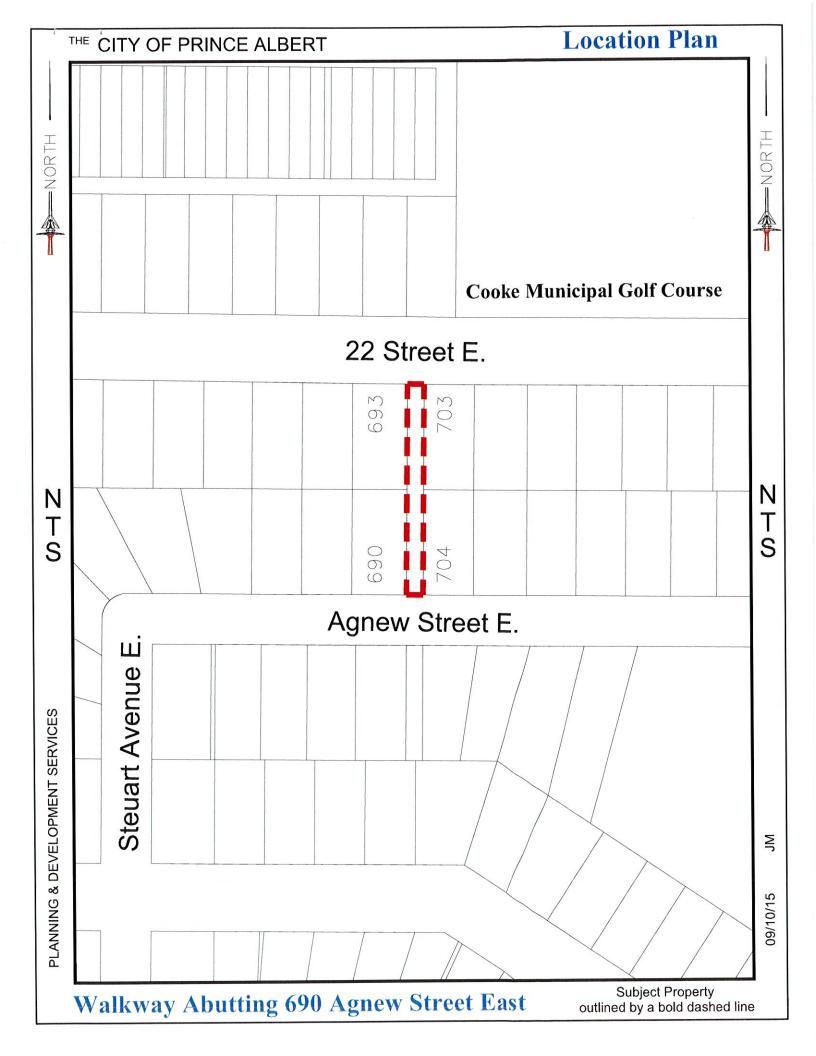


Image capture: May 2013 © 2015 Google

Prince Albert, Saskatchewan

Street View - May 2013





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Walkway Abutting 690 Agnew Street East

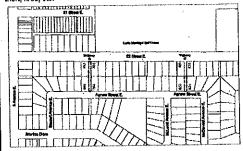
Subject Property outlined by a bold dashed line

PUBLIC NOTICE

PROPOSED WALKWAY CLOSURES - Bylaw No. 32 and 34 of 2015

Public Notice is hereby given that the Council of the City of Prince Albert is considering 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 closures outlined below:

Reason for the Closure: The walkways, or 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.



Therefore, City Council, at its meeting to be held on October 20th, 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 13th, 2015.

INFORMATION — Information regarding the proposed amendment may be directed to the following without charge

Planning and Development Services City Hall, 1084 Central Avenue Prince Albert SK, S6V 7P3 8:00 am to 4:45 pm – Monday to Friday (except holidays) Phone 306-953-4370

Issued at the City of Prince Albert, this 3rd day of October, 2015 Sherry Person, City Clerk

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



City of Prince Albert

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

«Name»

«MailingAddress1»

«MailingAddress2»

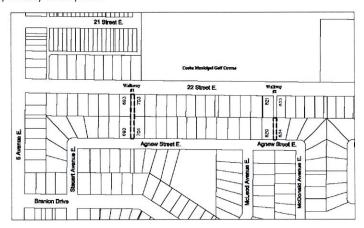
«City»

Dear Sir or Madam:

Re: Proposed Closure of Agnew Street & 22nd 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.

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 20th, 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 13th*, 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,

Janna Morgan, Planning Technician

- 1. 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 sewers clear glabies
- 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 22nd 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

Report and Return Attend to This

undersigned would request that the walkways between Agnew Street and 22 nd Street east be closed as a second second as a second Because of the escalating vandalism in our neighbourhood, we the SITY 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 Committee often come up Agnew Street or McDonald Avenue and the guilty parties are long To: Dir of gone through the walkway. In addition to smashed windows, cars broken into PDDS and crimes of that nature, the latest incident is very troubling as a fire was ignited John; This next to a garage. Fortunately a neighbour heard some noise and went out to Correspondence investigate. The fire had climbed the wall of the garage but he was able to get it will be placed or out with his garden hose. This incident could indeed have caused serious injury the June and perhaps, loss of life. Again the arsonists took off through the walkway. 22, 2015 In light of the above, we implore the city to close this walkway. As crime is Exec. increasing we need to work together to make our city safe and a pleasant place to Committee for live. Willest & Dorothy Holmghen - 2304 McDonald Are Circle Koon - 2244 McDonald ave. P.A. SK 56V2V6 Numa Kool 2244 McDonald Due PA SK 56V2V6 o Shelly Miller 844 AGNEW ST SOVZPI Consideration. 9 White 800 Agres 57 56V-1P1 -Michele Handstede 834 Agrew St S6V-2PI 189 22 ST. I. SOVING. HICK. MINER. Deloch Wich 759 Dona ST & S60 Mg Croig Grainger 733 22nd 54 EAST. COMMUNICATION Referred to: Dannielle Starey 683 22nd St. East Land Steen Button 623-22nd St. EAST in 131RD 633.22nd Street

Watt Sanately 653 22nd St E

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Because of the escalating vandalism in our neighbourhood, we the undersigned would request that the walkways between Agnew Street and 22nd 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.

Nora Horan 663. 22 Street East Showner Goulding 690 Agreed St they 670 Agnew St. East 660 Agrew St For ardo Cregain & ger Slader 673 Agnew St. Mang Bloxham 681 Agnew St. Jen Vituro. 714 - agner str. X704-April 8

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May Kowalik - 680 Agnew St. P. A. Sk ShVZPI

Doreen Zelentsky 2245 Stewart are Pa Sovav)

Shadachuk 665 agnew St

751 Dand street east

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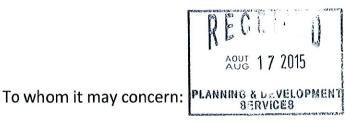
live. 2302 McLeod Ave PA. June 3 2015 Fay Harelkin Dance Staticis 2314 McLead Ave PA Jue 3/15 Joselyn Laenetz 2414 McLead Ave DA Jue 3/15 201201 Michael Line 3/15 - Tyler Ryhorchile Josh bywachest: 470 2814 Est Milm & hurcher 2436 mc Lead Ave Adrienne M'allian 2401 Milecol Aue (Milal Zyg+ Ethely wal 3345 P.K. Leon Que PA Joshua de Baller 2335 Mulend Auc cestie Fricsen 2316 Midtina 18 Arre

June 29/15

This is a letter with regard to the closure of the walkways from Agnew to 22^{nd} 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.

Willed Holywar 2304-McDonald For Prince Albert, Sk S6V-2Vb 306-764-2468





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

Aug 17 /15

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 32304- McDonald Ave. Prince albert, Sk

561-216

306-764-2468

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