

Proposed Closure of Right-of-Way – Portion of Lane 200 and 300 Block 11th Street East and 200 and 300 Block Saskatchewan Crescent East – Nutana Neighbourhood

ISSUE

Administration requests approval to close a portion of lane adjacent to 229, 231, 233, 239, 241, 303, 305, 307, 309 11th Street East and 222, 230, 306, 310, 316 Saskatchewan Crescent East. The portion of lane will be converted to a Municipal Utility parcel and be owned by the City of Saskatoon.

RECOMMENDATION

1. That City Council consider Bylaw No. 9996 - The Street Closing Bylaw, 2024 (No. 2);
2. That after closure, the former right-of-way will be converted to a Municipal Utility parcel owned by the City of Saskatoon;
3. That all registration and signage costs associated with closure be paid by the City of Saskatoon.

BACKGROUND

This portion of lane has been temporarily closed since a slope failure in the area in 2012. Slope failure can be defined as a gradual or rapid downslope movement of soil or rock under gravitational stress. The slope failure at this location caused damage to the lane.

In 2014, the City contracted Golder Associates to identify options and costs to remediate the area. The study identified two high level options to remediate the slope area with conceptual costs of \$20 million each (2014 dollars):

- Removing homes and re-grading the slope; and
- Leaving the homes intact and implementing a complex slope stabilization procedure.

On March 23, 2015, City Council considered eight different specific options and costs, and approved the option to “continue to monitor and report”. Monitoring continues as directed by City Council, and regular reporting is provided to residents in the area.

Initially wooden barricades were used to temporarily close the lane. In 2020, metal gates were installed due to the wooden barricades being vandalised and regularly moved to enable vehicle access. Space was maintained to facilitate pedestrian access and a process established for residents to apply to the City for temporary access to the lane.

The current condition of the lane makes it unsafe to allow continued public vehicular access and the City has now received a request from residents to take the steps

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necessary to consider permanently closing the lane (Appendix 1). Residents will continue to have access to their properties via 11th Street East or Saskatchewan Crescent East, respectively.

DISCUSSION/ANALYSIS

Given the condition of the lane and the unique nature of this closure, the typical process as codified in section 13 of *The Cities Act* does not strictly apply. Rather, Administration is requesting closure of the lane pursuant to section clause 8(1)(g) of *The Cities Act*. Despite this fact, Administration has followed the typical process to close the lane. In addition, an open house occurred for affected residents to provide details on the proposed lane closure and ask questions from City Administration and provide comments.

The following steps, in chronological order, have been completed as detailed in Table 1.

Table 1 – Proposed closure of right-of-way process summary.

Date	Action	Comments
February 2024	Proposed Lane Closure drawing submitted.	Area to be closed is approximately 728 square metres.
March 2024	Review comments from Ministry of Highways. Ministry of Highways requires no compensation and does not object.	Webb Surveys initiated the circulation of the Proposed Road Closure drawing to Ministry of Highways, a required action under Section 13 of <i>The Cities Act</i> .
April 2024	Open House at Victoria School completed.	11 people signed the registration form at the event and 5 comments were received by email.
April 2024	Proposed subdivision is approved by Planning and Development.	Subdivision No. 16/24.
May 2024	Public Notice, Bylaw and City Council Report.	None.

To complete this transaction, the Administration requires that City Council approve Bylaw No. 9996 - The Street Closing Bylaw, 2024 (No. 2) (Appendix 2).

A dead-end situation has been present since the lane was temporarily closed in 2012. Given the slope failure, there is not enough land to create a turn-around and this is not a request to close a street that is currently able to be used for vehicular traffic. Therefore, the subdivision application was approved with an exemption from certain requirements of the *Subdivision Bylaw* pursuant to section 133 of *The Planning and Development Act* and clause 2(1)(2)(f) of the *Subdivision Bylaw*.

Additional signage will be installed at the entrance to the lane stating that there is no through-traffic to avoid persons having to reverse from the dead-end situation.

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Utility agencies have been contacted with respect to the closure. SaskEnergy requires an easement.

The portion of the lane being closed will be turned into a Municipal Utility Parcel. It will look much the same as it does now. The City will retain ownership of the parcel. The area will continue to be used for the provision of utilities. Tree trimming and garbage cleanup will continue as needed. Gates will remain blocking public vehicular access to the area. City departments, including Saskatoon Fire and Saskatoon Light and Power, will still have access to the area. Monitoring of the slope failure area will continue.

Nearby homeowners were sent a copy of the Public Notice. An overhead view indicating the properties sent the notice is included (Appendix 3).

FINANCIAL IMPLICATIONS

The costs of the additional signage will be funded by existing operational budgets.

OTHER IMPLICATIONS

Public Notice is required for consideration of this matter, pursuant to Section 3 (subsection b) of Policy No. C01-021, The Public Notice Policy. The following notice was provided:

- Advertised in The StarPhoenix on May 11, 2024 and May 13, 2024 (Appendix 4);
- Public Notice mailed to nearby property owners on May 7, 2024;
- Posted on the City Hall Notice Board on May 10, 2024; and
- Posted on the City of Saskatoon website on May 10, 2024.

There are no social or environmental implications identified.

APPENDICES

1. Request Permanent Closure of Cherry Lane
2. Bylaw No. 9996 - The Street Closing Bylaw, 2024 (No. 2)
3. Public Notice Mailout Area
4. Public Notice – Proposed Partial Lane Closure – 200 and 300 Block 11th Street East and 200 and 300 Block Saskatchewan Crescent East

Report Approval

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Reviewed by: Jay Magus, Director of Transportation

Approved by: Terry Schmidt, General Manager, Transportation and Construction