

**PUBLIC HEARING MINUTES FOR RESERVE DESIGNATION REMOVAL  
FOR THE TOWN OF CHESTERMERE  
HELD MONDAY, MARCH 7, 2011 AT 2 PM IN  
COUNCIL CHAMBERS AT THE MUNICIPAL OFFICE**

**PRESENT:** Mayor Patricia Matthews  
Deputy Mayor Patrick Bergen  
Councillor Stu Hutchison  
Councillor Christopher Steeves  
Councillor Heather Davies

**REGRETS:** Councillor Kelsey Johnson  
Councillor Terry Leighton

**ALSO PRESENT:** Terry Hurlbut, CAO  
Ray MacIntosh, Director of Finance  
John Popoff, Director of Development Services  
Chen Peng, Assistant Director of Development Services  
Blake Termeer, Director of Public Works  
Tammy Botsford, Recording Secretary

**GALLERY:** 8 people  
1 media

**A.**

**CALL TO ORDER**

Mayor Matthews called the meeting to order at 2:15 p.m. and provided an overview of Public Hearing procedures.

**B.**

**ADOPTION OF AGENDA**

Moved by Mayor Matthews that the agenda be adopted as presented.

**CARRIED:**

**C.**

**RESERVE DESIGNATION REMOVAL**

Michelle Lavalee, Development Planner, presented the information regarding the Reserve Designation Removal Public Hearing, Plan 7510846, Block 1, Lot R31.

The location and size of parcel is 252.41 square metres adjacent to 828 West Chestermere Drive.

The existing use of the property is currently designated as Reserve (R) and owned by Rocky View County. A portion of the

owner's house is located on this parcel.

The surrounding use of the lands is residential lakeshore district (RL).

Applicable regulations being Sections 230, 606, 674 and 675 of the *Municipal Government Act (MGA)*.

This parcel of land is a part of the Western Irrigation District lakefront land project to subdivide the lakefront lands and consolidate with the adjacent residential lots, currently underway in the Town of Chestermere. It was once a road right of way and is currently owned by Rocky View County. Because this parcel of land is between the homeowner's land at 828 West Chestermere Drive and the Town owned land adjacent to 828 West Chestermere Drive. Staff displayed on the overhead projector, Exhibit "A", the key plan showing parcel of land in question. It was simply an omission error on behalf of the County, we requested Rocky View County to transfer this land into the Town of Chestermere's name. The transfer of this land is essential for the Town to transfer and consolidate the adjacent town owned land into the name of the landowner at 828 West Chestermere Drive and to continue the Town's efforts toward completion of the WID project.

At its meeting of Tuesday, December 21, 2010, Rocky View County Council held a Public meeting and the motion was carried with the condition that:

"The Town of Chestermere shall be responsible for all costs associated with the land transfer(s), removal of reserve designation, registration of titles, surveying and any other related costs." This is attached as Exhibit "B" of the public hearing agenda package.

Town Staff reviewed the MGA and found the following:

Section 674 (1) of MGA states:

"Despite Section 70, if  
A council wishes to sell, lease or otherwise dispose  
of municipal reserve,  
.....  
a public hearing must be held in accordance with  
section 230 and must be advertised in accordance with  
section 606."

And also section 675 (1) of the MGA states that:

“A council in the case of municipal reserve or a council and a school authority in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674 (1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve or municipal and school reserve.”

Staff recommends that Town Council approve the removal of the reserve designation on Plan 7510846, Block 1, Lot R31 and direct the Town's CAO to notify the Registrar to remove the designation.

Mayor Matthews asked if this will be brought forward under New Business in the Regular Council Meeting for a decision. Staff confirmed that the request will be presented.

Councillor Hutchison requested clarification regarding the consolidation of the subject land – if there needs to be a purchase take place. Staff replied that the landowners have already purchased the town-owned lakefront lands, and at this point of time Rocky View transferred the subject piece over to the town at no charge. Also in accordance to the MGA, it is Council's decision whether there is a charge to the landowners of 828 West Chestermere Drive but Section 672 and 673 of the MGA states that on removal of the designation proceeds from the sale, lease or other disposition may be used only for any or all of the purposes referred to in Section 671 and 672 or for any matter connected to these purposes.

Staff also confirmed that none of this subject land is part of the town-owned lakefront land.

Councillor Davies asked if there is any potential cost to the Town at all for this? Staff replied that a small cost would be in the transfer but it is minimal, approximately \$25 and staff time as well.

Councillor Hutchison asked for clarification if the Town were to sell this to the landowners of 828 West Chestermere Drive, that would be cash in lieu and that money would have to go to those stated MGA Sections? Staff replied that is what is believed to be the correct interpretation of the MGA.

Councillor Hutchison then requested clarification regarding the road allowance and why the surrounding properties do not have the same issue. Staff replied that this appears to have been a bookkeeping error back to when the property was originally bought and that that it was overlooked by Rocky View when they were closing the other reserves, they failed to include this one, this could go back to 1975, well before the Town was incorporated as a Summer Village.

**D. IN FAVOUR**

No one spoke in favour of the application.

**E. OPPOSED**

No one spoke in opposition of the application.

**F. ADJOURNMENT**

Moved by Councillor Hutchison that the Public Hearing adjourn at 2:26 p.m.

**CARRIED:**

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Mayor Patricia Matthews

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Terry Hurlbut, CAO