



AGENDA ITEM

Fencing-off of Ryders Park

June 25, 2020

BACKGROUND

Two Lacombe County residents living south of Bentley attended the May 28, 2020 Council meeting to request that the County land located near the Pink Bridge in SW 2-40-1 W4M be fenced-off and closed to the public. The basis of their request is their claim that 1) this area is a dumping spot for stolen vehicles, garbage, etc., 2) people from out of the area use it as a party spot and leave fires burning there, 3) taxpayers don't want to pay for police and firetrucks being called out there or have County workers always having to clean up the garbage, and 4) the area is used as a party spot all summer long.

The land at issue is 1) a 2.15 acre parcel of Reserve land which was donated to the County in 1967 by an adjacent landowner, and 2) an undeveloped statutory road allowance south of the Reserve parcel. See the attached aerial photo.

The area is referred to as Ryders Park by area residents and is named after the Ryders family who owned land in the area at the time.

A camp kitchen, washroom and well pump that were placed on the Reserve parcel a number of years ago are no longer there. The undeveloped statutory road allowance on the south side of the property has a makeshift trail on it which is used to access the backside of the Reserve land and the Blindman River. The trail is in extremely rough shape and appears to be used as a party spot and dumping ground as well.

Council received the presentation and request for information and directed the Council Manager to prepare a report for Council's consideration at a future meeting.

ANALYSIS

Though we have received few complaints about these properties in the recent past it is highly evident that both are being used for partying and illicit purposes. County crews clean-up the major debris approximately once per week with the total annual cost of doing so being in the order of \$5,200. A close inspection of the properties

found burning barrel remnants, piles of tree debris, wire insulation, burned pallets, and various other types of debris including beverage cans and bottles, blankets, old drywall and fast food containers. See attached photos.

The amount of fencing that would be required for the west side of the Reserve parcel and the road allowance is approximately 100 metres. Fencing options and costs are as follows:

Barbed Wire Fence

Barbed wire fencing is the cheapest option but is not a practical solution as easy access could be gained by cutting the wires and removing the posts. As such, we did not cost out this option.

Guardrail

Guardrail provides a heavy barrier that would be difficult to remove while also being designed to be installed along roadways.

Per Metre	\$ 147.01
Total	\$14,701.00

Steel Pipe Fence

Steel pipe fence is a secure option that would be very difficult to gain access through.

Per Metre	\$ 148.39
Total	\$14,839.00

Concrete Jersey Barriers

Concrete barriers provide good collision protection however, they are movable with a large truck by pulling on them with a chain.

Per Metre	\$ 280.96
Total	\$28,096.00

As the subject area also includes a portion of an undeveloped road allowance consideration has to be given to the Municipal Government Act (MGA) relative to road closures.

Pursuant to Section 22 of the MGA no road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw. In speaking with our legal counsel regarding this, although an undeveloped road allowance is considered a "road" within the meaning of the MGA, her assessment is that the practical risk associated with fencing off the undeveloped road allowance would likely be quite low provided that it is not connecting other public roads or providing access to properties other than the reserve land. The intent of the road closure provisions in the MGA is to protect the public's right of access to publicly funded roads, but in this case the public is arguably not being deprived of anything

given that the road has not been developed (and the County is under no obligation to develop the road). A person could take issue with the placement of the fence on a purely technical interpretation of the MGA, and seek a declaration that the County did not follow the process set out in Section 22 of the MGA for closing a road. However, if that did occur, the County would have the option of attempting to go through the process of a road closure bylaw in order to “cure the defect” at that time.

Though the road allowance does lead to the Blindman River it does not appear to be used much for that purpose, likely due to the poor condition of the trail on the road allowance. Notwithstanding, as pedestrians can access the river through the road allowance if Council was interested in fencing off the road allowance consideration could be given to providing a pedestrian break in the fence. Doing this would also strengthen the argument that the road is not actually closed.

ALTERNATIVES

1. Do not fence off the Reserve or the road allowance but post signage identifying the rules of the park.

Pro's:

- provide for the continued use of the area and encourage users to be responsible

Con's:

- unlikely that the current misuse of the area would change

2. Fence off the west and south sides of the Reserve but leave the road allowance open.

Pro's:

- stop/reduce the misuse of the Reserve
- motorized vehicles and pedestrians could continue to access the river

Con's:

- 200 metres of fencing would be required thus doubling the cost
- the road allowance would continue to be misused

3. Fence off the Reserve and the road allowance.

Pro's:

- stop/reduce misuse of the area

Con's:

- may simply relocate partying and illicit activities to other areas in the County

BUDGET IMPLICATIONS

There are no provisions in the County's 2020 operating budget for this additional fencing. If Council was supportive of moving forward with this in 2020 it could be funded from the County's Operational Reserve. In the alternative, the work could be budgeted for and completed in 2021.

LEGISLATIVE RESPONSIBILITIES

Section 3 of the Municipal Government Act (MGA) states the purposes of a municipality are:

to provide good government,

- a) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- b) to develop and maintain safe and viable communities.

Section 180(1) of the MGA states that Council may act only by resolution or bylaw.

STRATEGIC PLAN

The following elements of the County's Strategic Plan are relevant to this issue:

Our Vision: "An attractive, balanced and progressive community."

Our Mission: "To build a safe and vibrant community through leadership, innovation and healthy relationships."

Key Success Measure - Stakeholder Satisfaction: "Reduced customer complaints."

Key Success Measure – Financial Viability: "Success at working within budgets."

Awareness Strategic Priority: "Enhance the public's awareness of Lacombe County."

Infrastructure Strategic Priority: "Manage the County's Infrastructure."

PUBLIC PARTICIPATION

Pursuant to *Policy AD(40): Public Participation Policy* the appropriate level of engagement for each public participation opportunity is selected on a project-to-project basis. For this item the following engagement will take place:

- *Inform*: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

Highlights of all County Council meetings are published on the County Website and in the County News.

RECOMMENDATION

That Council pass the following resolution:

That the west boundary of the Lacombe County Reserve parcel in SW 2-40-1 W4M and the undeveloped road allowance immediately south of the Reserve be fenced, and further, that this work be budgeted for and completed in 2021.

PREPARED BY: Tim Timmons, County Manager



REVIEWED BY: Tim Timmons, County Manager

