COMMUNICATION # CC-2020-0311

TITLE: Request for Access Through 7th Avenue Bridge

TO: City Council

FROM: City Manager's Office

DATE: December 3, 2020

PUBLIC: PUBLIC DOCUMENT

RECOMMENDATION

THAT Communication # CC-2020-0311 being report Request for Access Through 7th Avenue Bridge be received and filed.

That the City direct consulting engineers to prepare a tender to repair the bridge to allow for one-way commuter traffic to accommodate the property owners and users of the tatawâw park and Wakamow Valley;

That a formal offer be made Carpere Valley Development Corporation to 50-50 cost share the bridge project

That a formal offer be made to Carpere Valley Development Corporation to 50-50 cost share of roads and fencing so that unfettered access to the 7th Avenue southwest through the Valleyview property is established

That funding for the City share of the projects be provided through the land development reserve as this private development requires access and would be subject to negotiations regarding the development and servicing agreement.

EXECUTIVE SUMMARY

The City of Moose Jaw has received concerns from residents regarding access to two residential properties south of the 7th Avenue SW Bridge. The 7th Avenue Bridge was closed to vehicle traffic in 2015 following damage from an ice jam. Residents have been accessing their properties through the Valley View Centre since 2015 and are requesting that the 7th Avenue Bridge be made available for vehicle traffic. The City is exploring all options in consultation with property owners in the area, to find a reasonable long-term solution.
BACKGROUND

Council Enquiry:
At the November 23, 2020 meeting of City Council, Mayor Tolmie submitted the following written enquiry Re: Access and Engineering - 7th Avenue Bridge:

"What has the City done to ensure access for the residents (Thorn’s and Avery’s) and what is the status of this request? Further, what is the status of the Engineering report for the 7th Avenue Bridge that the same property owners had requested?" [Enquiry 14 of 2020]

Given the extensive history and significance of this matter, it was felt that a full report on this subject was warranted. The purpose of this report is to provide background information regarding the 7th Avenue Bridge, and concerns from residents in the area.

Bridge Closure:
In 2015, pilings on the 7th Avenue Bridge were damaged by an ice jam and flooding. The bridge was temporarily closed due to concerns that the structural integrity of the bridge had been compromised.

The bridge served as the primary access to two residential properties on the south east side of the bridge. Since closure of the bridge in 2015, residents in the area have accessed their properties through a private road within the Valley View Centre to the south. A legal road allowance exists through the property, however, when the Centre was constructed in the 1950’s, two of the buildings were placed over the road allowance. This prevented the road allowance from being developed as a public roadway within the complex.

Valley View Centre:
In 2012, the Province announced closure of the Valley View Centre, and by mid-2019 the facility was formally closed. In 2020, the Province announced its intention to close public access through the property, until a purchaser of the lands could be found. The City lobbied on behalf of the residents in the area to maintain public access through the property, since this route had become the primary physical access to the two residences. Further, that the buildings were on the legal road allowance. The City and the Province entered negotiations to address the issue of permanent physical access through the Valley View property, as compensation for the blocked legal road allowance. Specifically, the City wrote to the Province in 2019, however notwithstanding repeated City efforts, the Province proceeded to issue a land sale RFP ignoring the City’s request to ensure road access was addressed.

Following announcement that the sale would proceed, the City initiated discussions with the Province to construct a legal and physical road through the property such that Argyle Road would essentially join Highway 2, skirt the vacant buildings which currently block the legal right of way and continue to the west and north, connecting the Avery and Thorn properties to year round road access.

An informal agreement was reached with the Province for a new public roadway which would be cost-shared between both levels of government. Prior to this solution being formalized through an agreement, the Valley View property was sold to Carpere Valley
Development Corp., a private developer who were not interested in the road option at that time.

This is the same Carpere that previously negotiated a land sales agreement with the City for the Moose Jaw Agri-Food Industrial Park in 2019. In January 2020 while in the midst of renegotiating that agreement requested that the Valleyview Lands be added into negotiations including the replacement of the 7th Avenue Bridge. The City notified local representatives of Carpere, Terry Tian and Deb Thorn that this was outside the current negotiations, development levies on the lands would not be waived, and that there was no agreement to replacing the 7th Avenue Bridge.

In March 2020 negotiation between Carpere and the City were unsuccessful and the agreement to purchase the South East Industrial Park lapsed.

In May 2020 Carpere Canada advised the City that they were closing on the Valleyview property and again requested that the City build the 7th Avenue Bridge for their proposed residential development among many other requests. The City outlined the step by step actions that Carpere must follow to advance the development as originally provided in January 2020.

The City unsuccessfully lobbied the Province to take permanent measures to provide access and ensure that any purchaser was aware of the access issue.

The Province sold the property to Carpere without any obligation to provide public access through the property and land was sold in an “as-is” condition. The City subsequently offered the same solution of a cost share on the access road to Carpere and requested that the effected property owners be provided access through the property. Carpere was not interested in that solution and advised that their Insurance Company required them to install a locked gate, however they would provide keys to the property owners and emergency services.

**Resident Concerns:**

The residents have approached the City on several occasions with respect to resolving their access concerns. A meeting was held in January with the property owners and their representative. Prior to the meeting the relevant sections of the 2017 Stantec bridge review were shared by the City. This was the last detailed review, based on a visual inspection, of City bridges which involved the 7th Avenue SW bridge. Due to Covid 19 restrictions, a follow up meeting was held remotely on Zoom on April 17. Over this period the City worked concurrently with the Province to seek a resolution. The property owners were similarly in discussions with the Province.

On May 19, 2020 representatives for the property owners submitted an extensive briefing document outlining their concerns. This document was forwarded to Council for review. In late May additional background file information was shared by the City. It should also be noted that City Council has been briefed, consulted and direction sought on a number of occasions with respect to the status of these access concerns as well as efforts that were being made with the Province to obtain a resolution prior to the sale of the ValleyView lands.
On October 4, 2020, the City received a letter from the residents to re-open the west lane of the 7th Avenue Bridge to local traffic. The letter makes the assumption that the west side of the bridge did not sustain significant damage and may be capable of supporting limited vehicular traffic. This seemed a reasonable approach and Associated Engineering was contracted to complete an initial assessment.

**DISCUSSION**

The City has been exploring several options to secure a permanent solution to provide access to residents in the area. Any proposed solution must be practical and reasonably fair to all parties involved. The issue of access affects all landowners in the area, including the new Valley View property owner, and as such all parties should be involved in finding a solution.

**7th Avenue Bridge:**

The City has engaged Associated Engineering to conduct an inspection and assessment of the structure and assess the feasibility of opening or partially reopening it. The report finds that the bridge is not adequate to carry its own dead load, is at risk of collapse, and should be closed immediately, including pedestrian traffic.

However, options to make the bridge useable for one way, commuter traffic appears to be a viable option with a reasonable price estimate of $200,000 plus engineering and contingencies. Administration is currently reviewing the options for more detail.

The City has enlisted the services of Associated Engineering to assess viability of opening the west lane of the bridge to local traffic. Inspections and testing took place the week of November 16, 2020, and a draft report is anticipated to be available in early December.

Opening the bridge to limited vehicle traffic would not constitute a permanent solution for this area. In 2017, an assessment by Stantec provided preliminary cost estimates for repair or replacement of the bridge. Repairing the bridge was determined to be impractical due to the high potential for subsequent flood damage. The existing bridge is designed to a 1:50 design flood level, which is lower than the current standard of the 1:500 design flood level.

According to the bridge evaluation provided by Stantec in 2017, the combined cost of demolition and replacement of the bridge is $4.2 million. This does not account for environmental, engineering, inflation of general contingency to cover risks and unknowns. It is unclear if the provided estimate contemplated updated construction standards and requirements and associated costs. The City has not budgeted any funds towards the replacement of the 7th Avenue Bridge, due to residents having an alternative access route.

**Other Options:**

In addition to the bridge assessment, the City has attempted to negotiate with the new owner of Valley View regarding restoration of the legal road allowance. While not the preference of the residents in the area, restoring a permanent south access is the most
cost-effective and practical solution available at this time as any repairs or replacement will take some time to design, fund and if approved, construct.

The new property owner purchased the Valley View Centre with the intention of redeveloping the site in the future. Since no plans have been formalized, Carpere appears reluctant to agree to an alternative roadway within the property limits. Timelines have not been provided for when a concept plan may be available for the lands, however their stated position on multiple occasions is that the bridge must be replaced and they are the party that placed the locked gate to the property on a legal road allowance. This locked gate is also the tipping point of this very complicated issue.

Carpere have not been willing to meet in an expedient manner to discuss this issue virtually and have stated they would meet once their travel arrangements to Moose Jaw have been completed which is unknown.

Subdivision:
Prior to sale of the Valley View Centre, the Province applied for subdivision approval to separate three (3) portions of the property to be sold to adjacent property owners. The Planning and Development Act, 2007, requires that all new parcels have both legal and physical access. In March 2020, City Council approved the subdivisions with the condition that primary physical access to the new parcels be found. Given the complex access conditions in the area, the City is holding the subdivision approvals until a permanent solution can be found as per the Planning and Development Act, 2007.

Discussions regarding the subdivision approval are on-going.

FINANCIAL IMPLICATIONS

- Funds may be required to develop a new public roadway in the area. It is anticipated that this item would be cost shared with adjacent property owners;
- Funds may be required to complete limited repairs to the 7th Avenue bridge to allow the west lane to be opened to traffic or pedestrian traffic. It is anticipated that this item would be cost shared with the property owners;
- Funds may be required to remove the gate and fence the access road from the buildings to allow unfettered access. It is anticipated that this item would be cost shared with adjacent property owners.

PRESENTATION

Mr. Jim Puffalt, City Manager, will provide a brief overview of this report.

ATTACHMENTS

1. Valley View Road Allowance;
2. Plan of Proposed Subdivision;
REPORT APPROVAL

Written by:  Michelle Sanson, Director of Planning & Development
             Bevan Harlton, Director of Engineering Services
             Myron Gulka-Tiechko, City Clerk/Solicitor
             Jim Puffalt, City Manager
Reviewed by: Jim Puffalt, City Manager
Approved by: Fraser Tolmie, Mayor

To be completed by the Clerk’s Department only.

Presented to Regular Council or Executive Committee on ________________________________.

Resolution No. _________________________________________________
Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:

Tracy Wittke

Jim Puffalt

No Signature - Task assigned to Fraser Tolmie was completed by workflow administrator Maureen Latta

Fraser Tolmie