

From: [Linda Murtha](#)
To: [Governance Agendas](#)
Cc: [Jody Hancock](#)
Subject: FW: Response to Proposed Bylaws
Date: Monday, May 10, 2021 9:55:19 AM
Attachments: Photos from J Moffat Mav 9, 2021.pdf

Response received May 9 for Public Hearings May 11. Pictures attached.

Linda Murtha, SR/WA | Land Agent Officer | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1
Office: 780-968-8888 ext.8390 | Cell: 780-919-0404 | linda.murtha@parklandcounty.com | www.parklandcounty.com

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From: Jenny
Sent: Sunday, May 09, 2021 10:51 PM
To: Linda Murtha <Linda.Murtha@parklandcounty.com>
Subject: Response to Proposed Bylaws-photos to follow separately

Notice of proposal bylaw 2021-08 and Notice of proposal bylaw 2021-09



Jenny

4:28 PM (1 minute ago)



Dear council,

This letter is to put forth my position on the notices that were sent in the mail. The first proposed bylaw is for sale of land to the owner of Railway 25 and the second proposal is for lease of land to the owner of Railway 25. I am not overly opposed to the sale of the land in question, even though I don't really see the reason as historically it has always been used by the residents of 25 Railway Ave. However, I am opposed to the lease of the land that encompasses a drainage ditch and public walkway that allows access to lakefront land as well as a treeline that provides privacy and bird habitat. I understand the residents desire to lease the portion that used to be a driveway and where there is a fire pit and wood pile. Quite frankly, I am not opposed to that either. I just am not comfortable with the resident having control over the treeline and drainage ditch.

Since the resident has taken possession of 25 Railway Ave there have been significant changes in the landscape that is actually county property. As evidenced by the pictures, there have been quite a bit of trees that were felled, and county planted shrubs removed, as well as landscape rocks that were placed in the drainage ditch. In a conversation with Dawna Woytowich I expressed my concerns of how many things were happening since the resident had taken possession and how the removal of large field stones was troubling. In that conversation she stated to me that the owner of 25 Railway Ave had told her that there were no fieldstones in the ditch when he took possession. That is untrue as I saw them there myself as did several other people. I have photos that I have attached showing this.

I also have concerns of how this was dealt with by the engineering department, as I have been communicating with them about the possible lease of this public walkway for years now, and my concern and wish was that it stay under the jurisdiction of the county. I had been told over and over that full or partial or lease of this public walkway would never happen. I feel the best way to relay to the council my story is to show you the communication that I have had over the years. I have included the most pertinent ones.

This email was sent when I was concerned over the Public Access being closed

To: Linda Murtha <Linda.Murtha@parklandcounty.com>
Subject: Request for lease/purchase of Road Allowance

Linda, in follow up to my previous email, I Jennifer Moffatt of 30 Railway Ave, Plan 9520567 Block F, in accordance of policy EN 009 title "ROAD ALLOWANCES AND DIVERSIONS - SALE, LEASE OR PERMITTING/ Municipal Government ACT, Section 22 and 606, Chapter M.26.1 would like to state my desire to lease or purchase or acquire a "permit to occupy" the aforementioned road allowance in my previous email, from Parkland County. As is visible from the aerial map I sent you in my previous email, the road allowance in question is situated across from my property and in between William Christopher Moffatt of 25 Railway Ave, Plan 1581 MC, Block 1- Lot 14 and Brian and Marlene St. Pierre of 29 Railway Ave. Please inform me of the proper procedures to put this request forward or forward this request to the appropriate authority.

Thank you

Jennifer Moffatt

July 31, 2018

RESPONSE FROM LINDA MURTHA:



Good Afternoon Jennifer

To request the closure of the most westerly portion of Railway Avenue, west of Block B shown on Plan 2664CL, the county requires your letter of request along with a \$2,000, non-refundable application fee. The letter must state whether you are requesting to close the undeveloped road for the purpose of lease or purchase. Should you wish to proceed, your letter should be to the attention of: Jody Hancock, Director of Engineering Services and sent to the address below.

Should the request be accepted by Engineering Services, it would be circulated to numerous stakeholders, one of them being Alberta Environment and Parks. At locations similar, their response in the past has been "The request to close the road allowance is denied as it would eliminate legal access to Crown owned bed and shores."

Should you require further information, please don't hesitate to contact me.

Linda Murtha, SR/WA | Land Agent Officer | Parkland County | 53109A HWY 779, Parkland County, Alberta T7Z 1R1

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NOTE: After I received this communication I had a lengthy conversation with Linda on the phone. I was told that there had been many enquiries over the years to lease/buy that public walkway and they had all been turned down, because the County had no need or intention of leasing any part of that roadway ever. I was told in no uncertain terms that it would be fruitless to submit the claim and fee in her opinion. Needless to say I was very relieved by this news. Fast forward 2 years later and I find out that, indeed, the County has intentions of leasing part of the public access to the resident of 25 Railway Ave, along with selling off some county owned land so the resident can square off his property. When I contacted Linda again she informed me that the approval had been done by Dawna while she was sharing some of her workload. Whatever the case, with all the maneuverings that have gone on in relation to closing this deal, I feel that I have been misled, uninformed and ill advised.

This email was sent after a phone call I had with Donna with regards to lease and sale of said property. It was during this phone conversation that I was told by Donna that "This proposal was going through" in other words it was a done deal

Tue, Dec 10, 2019, 4:55 PM 

Donna, this is in follow up to our conversation yesterday. First of all I want to thank you for your courtesy in discussing my concerns and the time that you have devoted to this matter. Thank you for sharing the images of the planned leasing and sale. After reviewing the pictures with my sister Theresa, we still remained concerned as to the access being compromised for the following reasons:

Since the prospective leaser will have ownership and stewardship of the majority of the drainage ditch, that means the drainage ditch will most likely have to be relocated, most likely moved over towards the neighboring property-29 Railway Ave. This of course would impact the remaining 5 meters access you are leaving as public, unless it was underground.

The landowner/leader would then be able to clear the existing trees that provide shade, privacy and wildlife habitat to erect a fence or structure which would further impede our access, and negatively impact the neighbors at 29 Railway Ave, which if you contacted Marlene St. Pierre, I am sure she would be against. When I mentioned this concern yesterday you stated that you would not grant permission for this. However, as evidenced by prior behavior and witnessed by myself-the individual at 25 Railway Ave likes to fell trees, erect structures and

then plead ignorance. As Parkland officials explained to me "Once something is done,there is not much we can do" This individual removed county planted shrubs and trees on county property(and I am not talking of the trees that were discussed yesterday)and these actions were witnessed by myself. The stones that were placed in the ditch by the county and were there in October of this year as witnessed by myself and several other witnesses are now gone. This is contrary to what Don expressed to you, as you told me that Don stated that the stones were gone when he purchased the property in July/ August of this year.This is blatantly untrue and can be backed up by photographic evidence and witness testimony by numerous people which I can provide you.

I would also question the advantage of putting forward this sale/lease as it clearly only benefits one party, and when all is said and done, the County will have to go to considerable expense I would think, to complete this. This would include a survey, a complete overhaul of the drainage system currently in place as well as the expense incurred by county officials to oversee this. My simple question is Why? You stated that you want to help Don square off his property.Does that apply for all residents in Fallis who have irregular shaped lots? Don was well aware of the property dimensions prior to purchase. We would prefer that the county/Alberta gov. maintains ownership of ALL its public access sites as, quite frankly, I hold the mayor and his officials in high regard and trust his stewardship of the land more than private citizens because their vested interest is for All and not just for one, and that includes All creatures great and small!

Thank you for taking the time to read this
Jenny

I am sending photos that will better illustrate to the council what I have spoken of in the above letter. Please combine them together for submission to Council.

**Thank you
Jenny moffatt**