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**URGENT BUSINESS**  
CC 662 (R2009-05)

THE CITY OF CALGARY  
CITY CLERK'S

**REDRESSING 28 AVENUE SE SLOPE CONCERNS**

COUNCILLOR GIAN-CARLO CARRA

WHEREAS Mr. Merl Smith took residence at, and began to store his commercial vehicles on, parcels of land on 26 St SE and 28 AVE SE, in Dover, as part of a land transfer arrangement with the City of Calgary associated with the City's acquisition of land from Mr. Smith to build Piegan TR SE;

AND WHEREAS at the time, 28 AVE SE was unbuilt but the City confirmed in legal documents with Mr. Smith that when it was constructed he would be allowed a certain number of driveway curb cuts onto his land from 28 AVE SE, and that the slope of those driveways would not exceed a certain steepness to facilitate the entry and exit of Mr. Smith's large commercial vehicles;

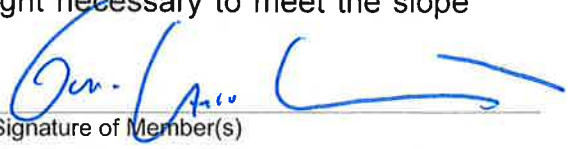
AND WHEREAS when 28 AVE SE was built (by Carma Developers, as part of their development of the parcel across the avenue from Mr. Smith's holdings), it was built in such a way that the driveways onto Mr. Smith's land exceeded the maximum slope stipulated in Mr. Smith's agreement with the City;

AND WHEREAS former Ward 9 Alderman Joe Ceci had sought to broker an agreement between City Administration and Mr. Merl Smith to redress the steepness of his driveways but could find no mutually agreeable accommodation between the parties;

AND WHEREAS since gaining office in 2010 both Mayor Nenshi and Ward 9 Councillor Gian-Carlo Carra have also repeatedly attempted to work with City Administration to redress the steepness of Mr. Smith's driveways but also could find no mutually agreeable accommodation between the parties;

AND WHEREAS Mr. Smith has adamantly requested that the following question be put to Calgary City Council;

NOW THEREFORE BE IT RESOLVED that Council directs Administration to undertake a rebuilding of 28 AVE SE in order to raise it to a height necessary to meet the slope requirements for Mr. Merl Smith's driveways.

  
Signature of Member(s)

2017-07-20  
Date