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- ✓ I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required)	Bonnie
Last name (required)	Anderson
What do you want to do? (required)	Request to speak, Submit a comment
Public hearing item (required - max 75 characters)	Committee Item - Proposed Access Bylaw for 2450 16 Ave NW
Date of meeting	Jun 16, 2021
Comments - please refrain from providing personal information in this field (maximum 2500 characters)	See attached letter.

June 9, 2021

SENT VIA ONLINE

The City of Calgary
PO Box 2100, Station M
700 Macleod Trail South
Calgary, AB T2P 2M5

Attention: SPC on Transportation and Transit

Dear Sirs/Mesdames:

**Re: Crowchild Off-Ramp Project at 16 Avenue NW
Proposed Access Bylaw for 2450 16 Avenue NW (the "Denny's Site")
Submissions by the Immediately Adjacent Property Owner at 2440 16 Avenue NW (the
"Econolodge Site")**

We represent Khatija Investments Ltd. which owns the Econolodge Site. The Econolodge Site is immediately adjacent to the Denny's Site. See attached Map. Our clients are negatively impacted by, and strongly oppose to, the proposed *exit* at 24 Street and any attempt to further encumber the Econolodge Site.

On May 27 we received the final detailed design plans from Administration and advised this item was set to go before Committee on June 16. This came as a bit of a surprise as we had yet to be advised of the option chosen and not been provided an opportunity to comment on final detailed design plans.

We met with Administration on June 4 to discuss this matter and thereafter retained a transportation expert to review the technical plans. Initial discussions with our expert indicates there are modifications that can be made to ensure the Denny's Site has an entry/exit (right in right out) from a municipal road (24 Street). Those modifications also secure that access for Econolodge Site and ensure the Econolodge is not further encumbered beyond current registrations on title.

We respectfully request this item be put over to the next Committee meeting to allow our expert time to complete their technical review and meet with relevant parties to determine if a mutually agreeable solution can be reached. If a solution cannot be reached, then we wish to reserve the right to submit additional materials, including our expert's technical review, and prepare to speak against this item at the next Committee meeting.

Background

The Econolodge Site and Denny's Site are each encumbered by an easement agreement dating back to 1975 when a subdivision was approved carving out the Denny's Site for a "future restaurant".

1. Easement Agreement LTO Reg. No. 751077598 encumbers significant portions of the Econolodge Site providing access and two parking areas for the benefit of the Denny's Site. Among other things, the grant "shall terminate" if the right of way or parking area is not kept in good repair, or used otherwise than for their present contemplated use.
2. Easement Agreement LTO Reg. No. 751077599 encumbers Denny's Site providing the Econolodge Site access to/from 24 Street. Among other things, the grant "shall terminate" if the right of way is not kept in good repair, or used otherwise than for its present contemplated use.

Administration discussed options with our clients and our clients confirmed their preference to maintain a right in right out at 24 Street through the Denny's Site north parking lot. That would maintain the intent of the easements granted and functionality for both parties. The plan provided to our clients with a right in right out is known as Sketch:50 (to be added a further modification to extend the barrier between the Crowchild off ramp and 24 Street to prevent a left turn exit). See attached Sketch:50.

Unfortunately, the access currently proposed will provide an exit only on 24 Street and cut off much needed entry point to Denny's Site and the Econolodge Site from 24 Street, contrary to easements registered on title.

Finally, the future lane at the north end of the Econolodge linking Banff Trail and 24 Street, if required in the future, and the current utilities infrastructure at the south end further reduce options for redevelopment of the Econolodge Site.

Thank you for your time and we would respectfully request this matter be adjourned to the next Committee meeting so that we may provide a more fulsome technical analysis should a mutually agreeable solution not be reached in the interim.

Should you have any questions or concerns, kindly let me know.

Kind regards,

Dentons Canada LLP

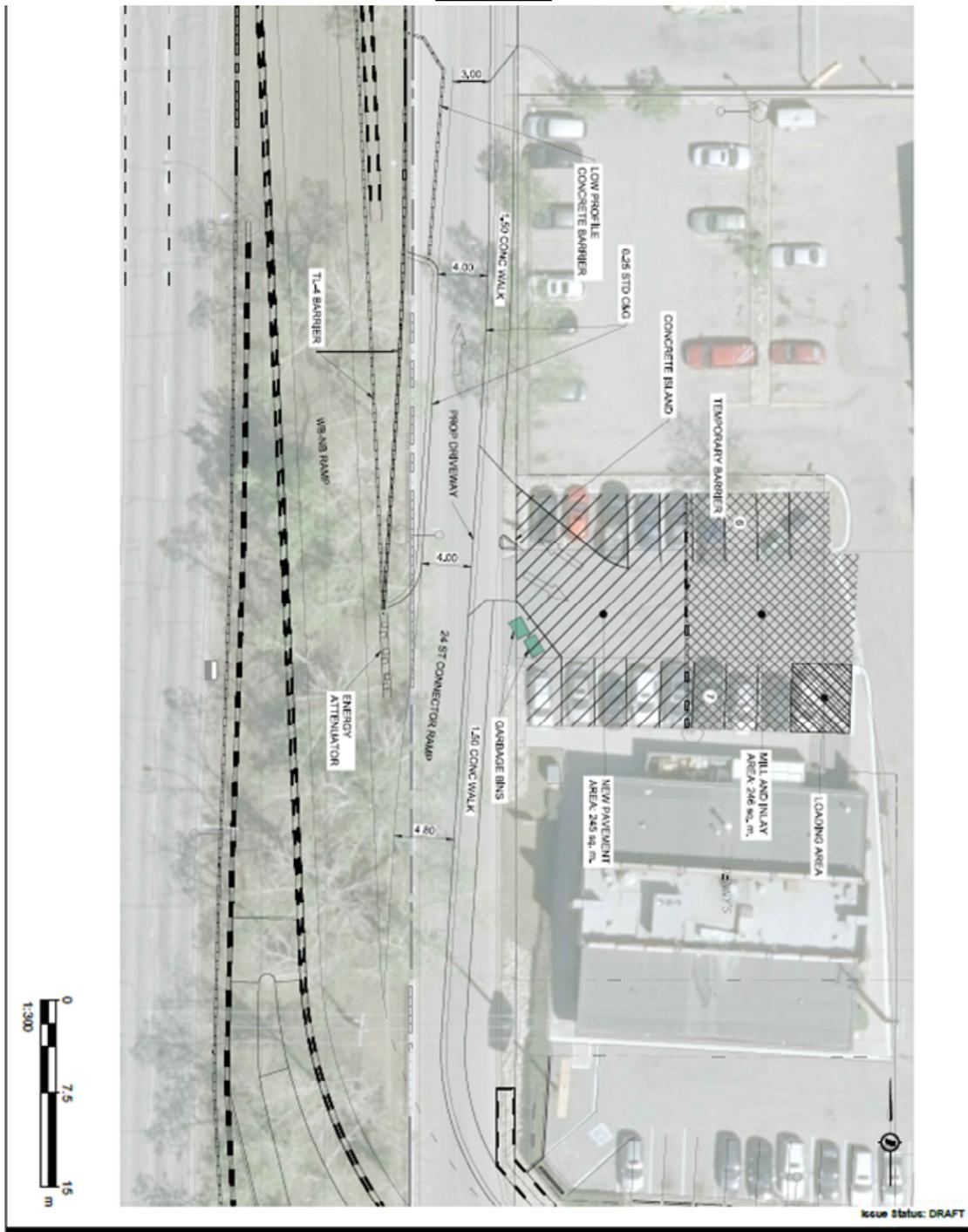
Bonnie Anderson

Bonnie J. Anderson

Denny's Site (blue cross hatch) and Econolodge Site



Sketch: 50



BANFF TRAIL AREA IMPROVEMENTS
THE CITY OF CALGARY
Project No.: 60565141 Date: 2020-01-14

DENNY'S PARKING LOT ACCESS

AECOM
SKETCH: 50