



# County of Wetaskiwin No. 10 Municipal Policy

Department:

Policy No.

32.1 Public Works Roads

32.1.17

Title Management of Road Allowances & Road Plans

## 1. Policy Statement:

- 1.1. The Council of the County of Wetaskiwin No. 10 recognizes there are benefits derived from closing an undeveloped road allowance to enter into a lease or sale agreement to an adjacent landowner, for the land contained within the closed road allowance.
- 1.2. The Council of the County of Wetaskiwin No. 10 also recognizes there are some benefits derived from closing, for lease or sale, the whole or any part of a road described in a surveyed road plan that is determined to be **no** longer required for use by the travelling public owing to the existence of an alternate route.
- 1.3. Council does not promote the sale of undeveloped road allowances or road plans, however, will consider in extenuating circumstances.

## 2. Responsibilities:

- 2.1. It shall be the responsibility of Administration to ensure that the procedure to close road allowances are completed as per Alberta Transportation requirements.
- 2.2. As per Section 22 of the *Municipal Government Act*, Road Allowance closures will be closed through Bylaw after completion of a Public Hearing. This Bylaw must receive approval from the Minister of Transportation after First Reading.
- 2.3. As per Section 24 of the *Municipal Government Act*, Council may, by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan.

## 3. Guidelines:

- 3.1. Upon receipt of application and payment, administration will proceed with the request in accordance with Alberta Transportation requirements.
- 3.2. Fees are as outlined in the Fees & Charges Bylaw.

## 4. Additional Pages:

- 4.1. Schedule "A" Application

## 5. Related Documents:

- 5.1. Administrative Directives (attached)
  - 5.1.1. Road Allowance Closure & Lease
  - 5.1.2. Road Allowance Closure & Sale
  - 5.1.3. Road Allowance Lease Renewals
  - 5.1.4. Road Plan Cancellation & Consolidation

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- 5.2. Municipal Government Act, Sections 22 and 24 (not attached)
- 5.3. Detailed Administrative Procedure (including samples of letters, bylaws, etc.) (not attached)
- 5.4. Detailed Administrative Procedure - Alberta Transportation Procedure (includes samples of letters, bylaws, etc.) (not attached)

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## Schedule "A"

County of Wetaskiwin  
Application for Road Allowance/Road Plan  
Closure for Lease/Sale

For Office Use Only	
Date Received	File Number
Fee Submitted	Receipt #:

<b>TO BE COMPLETED BY REGISTERED OWNER</b>			
Name:			
Mailing Address			
			Postal Code:
Phone:		Email:	
Legal Land Description:			
Description of road allowance (i.e. plan number; all that portion located on west side of land description):			
<b>THIS APPLICATION IS FOR</b>			
Road Allowance		or	Road Plan
Closure & Lease		Closure & Sale (consolidation)	Opening
Reasoning/Relevant Information:			
Signature		Date	

The personal information on this form is collected under the authority of **Section 33 (c)** of the Alberta Freedom of Information and Protection of Privacy Act. The information will be used to process your application(s) and your name and address may be included on reports that are available to the public. If you have any questions on the collection and use of this information, please contact the FOIP Coordinator at (780) 352-3321.

Information submitted to County Council: All pertinent information included in a written submission received from the public that is presented to a Council, Committee or Board meeting of the County of Wetaskiwin becomes part of the public meeting minutes, unless otherwise requested by the individual in writing. Any personal information pertinent to the issue (including but not limited to, name and legal land description) could be recorded in the public minutes of the meeting.

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## County of Wetaskiwin No. 10 Administrative Directive

Title Road Allowance Closure & Lease

1. As per Section 22 of the MGA, no road in the County may be closed except through bylaw and with the approval of the Minister of Transportation. For example:
  - a. All typical government road allowances surveyed in the early 1800's with no road plan number, has to be closed by bylaw.
  - b. Or any Township Range Roads not registered with a road plan require closure by bylaw.
2. The applicant must be located adjacent to road allowance.
3. Road Allowance leases are to be renewed every 3 years.
4. Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the closing must be given an opportunity to be heard by Council.
5. Public Hearing Process includes:
  - a. **Application submitted:** The application is submitted with the necessary forms, fees, and supporting information.
  - b. **Evaluation of application:** Once the application is deemed complete, Administration circulates the application to the third parties deemed as per Alberta Transportation and circulates application to all departments within the County for evaluation and input.
  - c. **Schedule Public Hearing:** A public hearing is scheduled, advertised in the local paper for two consecutive weeks and notice of public hearing sent to adjacent landowners.
  - d. **Public Hearing:** It is suggested that the applicant attend in order to answer any questions that Council may have.
  - e. **Local approval or denial:** If Council approves the application; a road closure bylaw is given first reading. The file is then forwarded to Alberta Transportation for approval or refusal.
  - f. **Ministerial approval or denial:** If the Minister approved the road allowance for closure bylaw, the bylaw must then go back to Council for second and third (final) readings.
  - g. **Completion:** Preparation of lease and invoice applicant for 3 year period.

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The Closure & Sale process is the same as Closure & Lease, but instead of a Lease:

1. Administration to determine fair market value of road allowance;
2. Council to pass resolution on sale of land and value;
3. Transfer of Land documents to be completed for registration at Land Titles Office.

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## County of Wetaskiwin No. 10 Administrative Directive

Title Road Allowance – Lease Renewals

Every three years the road allowance lease must be renewed.

1. Review and prepare lease.
2. Prepare invoice for 3 year term.
3. Send lease, along with invoice to leaseholder for payment and signature.

If renewal received:

1. Take to Council for resolution to approve.
2. Return signed copy of lease.
3. Update filing system to show new expiry date.

If renewal is not received:

1. Cancel invoice.
2. Update filing system.
3. Send letter to other adjacent landowners to inquire if they would like to lease.
4. If no lease is required, Council has the option to “open” the road allowance (and repeal the originating bylaw).
5. Public Works Director and field staff need to inspect the road allowance to ensure that there are no improvements (i.e. fencing) and confirm that the road allowance is no longer being used.

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## County of Wetaskiwin No. 10 Administrative Directive

Title Road Allowance – Road Plan Cancellations

Road Plan Cancellations do not require a Public Hearing. Council may, by resolution and subsequent approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan that the Council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

Process includes:

1. **Request is submitted:** a request is submitted for Council to cancel a road plan and consolidate into quarter.
2. **Evaluation of request:** Administration will determine if adjacent quarters are affected by same road plan and inform adjacent landowners of potential road plan closure.
3. **Application Completed:** the landowner must submit application along with fees.
4. **Council Decision:** If Council approves the application; the Council resolution is forwarded to Alberta Transportation for consideration and decision. At this meeting, administration needs to determine fair market value of road allowance; Council to pass resolution on sale of land and value;
5. **Ministerial approval or denial:** The Minister will either approve or deny the road plan cancellation for consolidation.
6. **Completion:** Transfer of Land documents to be completed for registration at Land Titles Office. The landowner shall hire a surveyor to survey the purchased land to be consolidated with their title if required. The surveyor then provides the County with a copy of the survey before transfer documentation is completed by the County.

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