

***ROAD ALLOWANCE CLOSURE FOR LEASE OR SALE  
POLICY 12.0.4***

POLICY STATEMENT

The Council of the County of Wetaskiwin No. 10 recognizes there are some benefits derived from Agricultural pursuits and will close an undeveloped road allowance and lease the lands, contained within a road allowance, to an adjacent landowner. The County of Wetaskiwin will then enter into a lease agreement with the adjacent landowner.

The Council of the County of Wetaskiwin No. 10 also recognizes there are some benefits derived of closing 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.

PROCEDURES for Road Closure as per Section 22 of the Municipal Government Act (MGA), Statutes of Alberta 2000:

- 1) As per Division 2 - Section 22 of the MGA, no road in the County may be closed except by By-law and with the approval of the Minister of Transportation.
  - 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 by-law.
  - c. Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by Council.
  - d. **Application submitted:** The application is submitted with the necessary forms, fees, and supporting information which varies depending on the project. The applicant must be adjacent to road allowance.

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- e. **Evaluation of application:** Executive Assistant reviews the application for missing information, evaluates the impact on adjacent properties, considers comments made from circulation to other Departments.
- f. **A Public Hearing date is set:** A public hearing to present a road closing by-law to Council is advertised in the local newspaper for a 14-day period to allow for public comment or concerns.
- g. **Public Hearing is held:** it is suggested that the applicant attend in order to answer any questions that Council may have.
- h. **Local approval or denial:** If Council approves the application; the accompanying bylaw is given first reading. The file is then forwarded to Alberta Transportation. If approved, the file is forwarded to Edmonton for Ministerial approval.
- i. **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.
- j. **Completion:** Final fee(s) are invoiced to the applicant that may include but not limited to the cost of advertising, title searches and any other costs associated with road closure for lease.

PROCEDURES for Section 24 of the MGA:

### **Does not Require Public Hearing – Road Plan Cancellation accomplished by Council Resolution**

1. Despite Section 22, Council may by resolution and with the 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.
  - a. Planning & Economic Development Department is responsible for completion of requests for closure of registered road plans for the purpose of sale and consolidation.
  - b. **Request is submitted:** a request is submitted for Council to cancel a road plan and consolidate into quarter. This may impact subdivision applications and/or rezoning.
  - c. **Evaluation of request:** Administration will determine if adjacent quarters are affected by same road plan and inform adjacent landowners of potential road plan closure.
  - d. **Local approval or denial:** If Council approves the application; the accompanying Council resolution is forwarded to Alberta Transportation. If approved, the file is then forwarded to Edmonton for Ministerial approval.

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- e. **Ministerial approval or denial:** The Minister will either approve or deny the road plan cancellation for consolidation.
  - f. **Completion:** Final fee(s) are invoiced to the applicant that may include but not limited to the cost of the land purchase at market value (determined by Council in accordance with Policy #61.1.2 - TYPICAL VALUES FOR SUBDIVISION RESERVE ALLOCATION) is to be paid. 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.
2. Process for road closure is outlined in Road Allowance Closure, Lease or Sale Directive attached as Schedule A.

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**Schedule A - Directive**

POLICY STATEMENT

The Council of the County of Wetaskiwin No. 10 recognizes there are some benefits derived from Agricultural pursuits on undeveloped road allowances as well as Council may dispose of a road allowance they deem to be no longer required for public travel owing to an existence of an alternate route. Section 22 & 24 of the Municipal Government Act (MGA), Statutes of Alberta, 2000, Chapter M-26.1 and amendments thereto provide municipalities the authority for road closures that are subject to the direction, control, and management of the municipality.

PROCEDURES for Leasing a Road Allowance Section 22 of the MGA:

Administrative procedures for road closure to lease as per "Road Allowance Closure for Lease or Sale Policy #12.0.4" and in accordance with the Municipal Government Act are as follows:

1. Application for Road Allowance closure to lease received from applicant.
2. Administration to provide a copy of application to Director of Public Works, Director of Agricultural Services, Assessment, Planning & Economic Development for review and recommendation. The original application should be presented to Council. Administration will investigate and present to Council a report with recommendations for Council's review.
3. Council will approve or refuse the application to proceed.
4. If application to lease refused by Council, advise applicant.
5. Assign a File number in sub sequential order corresponding with Township and/or Range under Road Allowance Lease numbering system under Public Works Filing System. Mark electronic file appropriately with "denied or refused" or with the expiry date once the application is approved through the entire process.

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**Schedule A - Directive**

6. If approved by Council for road closure to lease, advise applicant of the following standard conditions:
  - a. Applicant is sent a letter requesting acceptance and acknowledgement of responsibility for all costs associated with closure to lease (sample letter: P:\1201 Administration\Road Closures\Road Closure Forms & Directives\Let Applicant proceed with Closure & Lease.doc).
  - b. Applicant will be invoiced through Accounts Receivables for costs such as:
    - 1) Advertising (Not refundable).
    - 2) Payment of costs related to title searches required for notification of referral agencies. (Not refundable)
    - 3) All other charges relating to closure of road allowances (Non-refundable).
  - c. Road Closure will proceed providing no objection is received from any person who would be prejudicially affected by the proposed road closure.
  - d. Approval of the Minister of Alberta Infrastructure & Transportation.
  - e. The lessee shall not erect any building, structure or other thing that is, in the opinion of the County of Wetaskiwin, a permanent improvement except for fences or gates, unless such erection receives the prior approval, in writing, of the County. (lease only)
  - f. Rights of access granted by other legislation or regulations.
  - g. No trees to be cleared without permit from the County of Wetaskiwin.
7. Upon receipt of signed confirmation from applicant who acknowledges and accepts applicable fees:
  - complete a title search for properties on either side of the said road allowance to be leased to determine pipeline/oil companies interest,
  - obtain a correct and acceptable description of the closure area, if unusual, from an Alberta Land Surveyor or the Land Titles Office.
8. Upon receipt of a description of the closure area, if required, advertise in the local paper for two consecutive weeks the purpose of the closure, and the time, date and place of the public hearing. Sections 22(2) 24 & 606(2)&(5) of the MGA.

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**Schedule A - Directive**

9. Advise all referral companies and adjacent landowners:
- Utility Companies (Telus Limited, Power Authority, Gas Distribution Authority)
  - Alberta Sustainable Resources Land Management & Energy Group (If selling a government road allowance)
  - Public Lands (If adjacent to Crown lands or affecting a water body)
  - Adjacent Landowners
  - Owner/operator of any pipeline or right-of-way which crosses the subject closure area. (Notification required only if the road allowance is to be sold.)
- Letters can be found on P:\1201 Administration\Road Closures\Road Closure Forms & Directives\pro Refer Ltr Utility Sale or lease.doc
10. Prepare Accounts Receivable Invoice Request form to be sent to applicant invoicing for all associated costs of road closure (i.e. advertising, title searches etc.).
11. Return to Council for Public Hearing.
12. If objections received, Council must determine whether the objections are valid and whether they wish to continue in spite of the objections. If continuing, 1st reading of a By-law is required, and the rationale for continuing must be made clear to the Alberta Infrastructure & Transportation District Operations Manager.
13. If Council accepts the objections as valid a resolution is required denying the request. Advise the applicant that the request is denied.
14. If no objections received, 1st reading of By-law is required.
15. If objections received and withdrawn, include the information in the body of the by-law.
16. Mail original and one copy of By-law to Alberta Infrastructure & Transportation, District Operation Engineer, Red Deer, for approval of the Minister. Also include documentation proving that the municipality has ensured that all third party interests are protected. (Note: include copy of advertising, referral letters, response letters, etc.).

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***Schedule A - Directive***

17. Note: The Utility Company must provide easements or conditions if there is a need for a caveat to be registered against the lands and must accompany the by-law when submitting for approval to Alberta Infrastructure & Transportation. Easements will be reviewed by the Crown.
18. Upon return of approved by-law from the Minister, return to Council for second & third reading of the By-law. Note on the issue who made 1st reading.
19. If By-law is refused by Minister advise applicant. Also advise Council. Return By-law to By-law Book and attach copy of letter from Transportation.
20. Following meeting sign, seal and place by-law in by-law book. Advise the Minister of Infrastructure & Transportation of the date of second and third reading and that the lease has been prepared for endorsement.
21. Complete two copies of the Road Allowance Lease form and mail to applicant for signature and return to this office.
22. Upon return, have both copies signed by the Chief Administrative Officer and/or his or her designates and Reeve. Seal both and return one lease to the lessee.
23. Enter in Road Allowance Leases list the expiry date on the AS400.

PROCEDURES for Closing a Registered Road Plan for Consolidation Section 24 of the MGA:

**A PUBLIC HEARING IS NOT REQUIRED – Road Plan Cancellation is accomplished by Council Resolution**

1. Request for Road Plan cancellation for purpose of purchase and consolidation received from applicant.
2. Administration to provide a copy of request to Director of Public Works, Director of Agricultural Services, Assessment, Planning & Economic Development for review and recommendation. The original application should be presented to Council. Administration will investigate and present to Council a report with recommendations for Council's review.

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**Schedule A - Directive**

3. Council will approve or refuse the request to proceed (as per Council Resolution attached).
4. Send Council Resolution to the Minister of Alberta Infrastructure & Transportation who must approve the road plan cancellation in order to proceed with consolidation or sale.
5. If application to close a road plan for purpose of purchase and consolidation refused by Council, advise applicant.
6. The road plan cancellation request and Council Resolution shall be filed in the appropriate Land File.
7. The area encompassing a surveyed Road Plan, that is to be cancelled and consolidated into the quarter, shows as an "excepting thereout" on Certificate of Title and a value must be agreed upon by both applicant and County of Wetaskiwin (i.e.: can be sold to the applicant at market value or can be land traded to accomplish a road widening required by the County of Wetaskiwin) **OR**
8. Applicant must agree in writing to accept all applicable fees associated with road plan cancellation.
9. A road plan may affect other adjacent lands and Administration is to contact all other landowners requesting confirmation of their interest in being considered in the process for road plan cancellation.
10. Administration to complete title search(s) on properties affected by road plan cancellation to determine pipeline/oil companies interest.
11. Utility Company(s) below are to be notified in the event an easement is required to be registered against title (Utility Company to provide easement).
  - a. Utility Companies (Telus Limited, Power Authority, Gas Distribution Authority)
  - b. Alberta Sustainable Resources Land Management & Energy Group (If selling a government road allowance)
  - c. Public Lands (If adjacent to Crown lands or affecting a water body)
  - d. Owner/operator of any pipeline or right-of-way which crosses the subject closure area. (Notification required only if the road allowance is to be sold.)
  - e. Letters can be found on P:\1201 Administration\Road Closures\Road Closure Forms & Directives\pro Refer Ltr Utility Sale or lease.doc
12. Obtain a correct and acceptable description of the closure area, if unusual, from an Alberta Land Surveyor or the Land Titles Office (if required).
13. If RAL sold, prepare Title Transfer and Foreign Ownership Documents for signature and send to Alberta Registries or if a surveyor is involved send signed documents to surveyor for registration at Alberta Registries Office.

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**Schedule A - Directive**

**COUNTY OF WETASKIWIN NO. 10**

A resolution of the County of Wetaskiwin No. 10 for the purpose of closing to public travel and cancelling a portion of a public highway in accordance with Section 24 of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26.

WHEREAS, the lands hereafter described are no longer required for public travel;

NOW THEREFORE be it resolved that the Council of the County of Wetaskiwin No. 10 does hereby close the following described road, subject to rights of access granted by other legislation or regulations.

- **“Insert legal land description” .... ie: Road Plan 6566BM, affecting SW 1-46-1-W5M”.**

Passed by resolution of Council \*\*, 2019

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
COUNTY ADMINISTRATOR

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Approved this \_\_\_\_ day of \_\_\_\_\_, 2019.

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MINISTER OF ALBERTA INFRASTRUCTURE AND TRANSPORTATION

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