

Lac La Biche County *Policy*

TITLE: Road Closure Policy

POLICY NO: PD-61-016

RESOLUTION: 22.200

EFFECTIVE DATE: March 9, 2010

DEPARTMENT RESPONSIBLE:
Planning and Development

NEXT REVIEW DATE: March 8, 2025

POLICY STATEMENT:

The Municipal Government Act grants the municipality the ability to request the closure of a road, or undeveloped road allowance, that they have determined is no longer needed for public travel.

DEFINITIONS:

“Assessor” means a registered land appraiser and or the County’s Tax Assessor, as defined in the *Municipal Government Act*, who will determine what Fair Market Value shall be. A realtor may also be used to determine the rate.

“Adjacent Landowner” means the registered landowner(s) of the parcels directly adjacent to the road or undeveloped road allowance.

“Council” means the Municipal Council of Lac La Biche County

“Fair Market Value (FMV)” means a purchase rate based on a professionally prepared market value assessment to determine a fair market rate for the subject lands.

“MGA” means the *Municipal Government Act*, RSA 2000, c M-26

“Public Hearing” means a hearing held in accordance with section 30 of the *MGA* and advertised in accordance with section 606 of the *MGA*.

“Relevant Operating Department” means internal departments of the County and or external organizations that may be affected by the road closure.

“Road” as defined in the *Municipal Government Act*.

“Undeveloped Road Allowance” means any land dedicated as a road right of way that has not been fully developed or has not yet been required for vehicular traffic. The right of way may or may not be shown as a road on a plan of survey that has been filed or registered in a land titles office.

PRINCIPLES:

Planning and Development will manage the road closure process as defined in this Policy.

The County will not consider closing a road, undeveloped road allowance or portion thereof, unless it is determined that it is no longer needed for public travel. When considering a road closure request, Administration will consider the implications on the existing and future road network for the community.

A road closure cannot land lock or remove legal access to a property.

Council will review and decide of the application's approval of refusal.

Fair Market Value (FMV) shall be determined by the Assessor on the purchase rates for the area of land. This amount is based on similar and comparable uses and land in the area. The rate shall be agreed upon prior to the bylaw receiving first reading.

The applicant may apply to purchase a road or undeveloped road allowance, or a portion thereof at FMV. If the road or undeveloped road allowance sever the applicant's property and where the applicant has land on both sides of the road and or undeveloped road allowance, only that landowner will have the ability to apply to purchase the lands. If the landowner does not wish to purchase the area at FMV, the land will not be sold and will be retained by the County.

When an applicant wishes to purchase a road or undeveloped road allowance, or portion thereof that adjoins property owned by two or more landowners, the municipality will offer the lands to the highest bidder, but not less than the current FMV. If there is only one bidder, the land will be sold at FMV.

Lac La Biche County will not accept applications for a road closure from landowners who do not have ownership of lands adjacent to the road or undeveloped road allowance.

Disputes:

If the applicant(s) do not agree with the FMV rate determined by the Assessor, the applicant may wish to hire their own professional to provide an alternate FMV rate. If both assessments are different, Council will decide on which rate will apply.

If two or more bidders offer the same purchase price, Council may choose to split the area and sell a portion to each bidder or may choose not to sell the lands and re-tender the sale.

The road closure process shall be in accordance with the requirements set out in the *MGA*.

The purchaser will be required to pay all costs associated with the road closure. This may include but does not limit to the cost of obtaining a land appraisal, surveying costs, registration costs and legal fees.

This policy shall not apply for License of Occupation agreements with Public Lands.

“Original Signed”

Chief Administrative Officer

March 18, 2022

Date

“Original Signed”

Mayor

March 18, 2022

Date

SPECIAL NOTES/CROSS REFERENCE: Road Closure Procedure PD-61-016 (*formerly PI-30-017 – Statutory Road Closure Allowance and Forced Road Closure Policy)

AMENDMENT DATE: March 8, 2022

Procedure

TITLE: Road Closure Procedure

PROCEDURE NO: PD-61-016

EFFECTIVE DATE: March 8, 2022

DEPARTMENT RESPONSIBLE:
Planning and Development

NEXT REVIEW DATE: March 8, 2025

GENERAL GUIDELINES:

Lac La Biche County receives requests from private landowner(s), business, or corporations to lease and or purchase roads and or undeveloped road allowance, or a portion thereof, for personal use. The *Municipal Government Act* requires that prior to accepting such requests, the road must be closed in accordance with the *Municipal Government Act*.

DEFINITIONS:

See definitions listed in the Road Closure Policy

PROCEDURE:

Planning and Development shall manage road closures and leases associated with a road closure which includes the following:

- Keep record of all existing road closures and lease agreements on a closed road or undeveloped road allowance.
- Send correspondence to applicants and work with the Finance department with respect to collecting and updating information, termination, expiry, and renewals of leases on a closed road or undeveloped road allowance.
- Keep road closure templates up to date and relevant.

Planning and Development will receive all written requests to close a road or undeveloped road allowance. The written request shall be accompanied by:

- The paid application fees.
- The legal land description and or civic address of the applicant.
- A detailed description of the intended use or activity on the said lands, which may include a map.
- A Certificate of Title to verify ownership of the ownership adjacent to the proposed road closure parcel.
- Contact information of the applicant which includes mailing address and phone number.
- A description of the road to be closed and reasons to support the closure.
- A signed agreement addressing the costs and payments of the road closure file, if applicable.

Planning and development will refer the request to the Relevant Operating Department along with:

- The application form.
- Mapping of the area.
- Any additional information necessary or requested.

Internal Department Referrals:

- Transportation Services to verify any concerns or objections.
- Utility Services to verify utilities and or right of ways in the area.

External Department Referrals:

- Alberta Transportation.
- Utility providers in the area (telecommunication, power authorities, gas distributors).
- Alberta Environment and Parks if the road is adjacent to or through a water body or adjacent to crown land.
- Adjacent landowners within 60.0 meters.

Referrals shall be giving a minimum of two (2) weeks for responses.

Once the referral period has lapsed, Planning and Development will prepare a bylaw and present to Council for first reading.

Should the bylaw receive first reading, a public hearing shall be scheduled in accordance with the requirements of the *MGA*. Notice shall be provided to adjacent landowners and affected agencies in the area.

Planning and Development will send the road closure information to the Minister of Transportation for consideration and shall include:

- Cover letter which includes the rationale for the closure. *If any objections were received during the process, the cover letter shall address how the objection(s) were addressed.
- Original bylaw with the first reading signed and dated.
- Sketch or plan for the closure (typically Schedule A to the bylaw)
- Mapping
- Copies of the notices sent to adjacent landowners and affected agencies.
- Copies of the public hearing advertisement
- Copies of any written responses received.
- Copy of the Council meeting minutes
- Include original right-of-way agreement(s) required by any utility provider

Once the bylaw is returned with the Minister of Transportation's signature, Planning and Development shall submit the bylaw to Council for second and third reading.

Planning and Development shall prepare the necessary documents for a registered Alberta Land Surveyor to register the road closure with the Land Titles Office.

Planning and Development will send the final road closure bylaw to the following Relevant Operating Departments:

- Transportation Services
- GIS
- Finance

If the road, or undeveloped road allowance, or portions thereof, is to be leased, Planning & Development shall prepare a lease agreement in accordance with the *Land Lease Policy*.

“Original Signed”

Chief Administrative Officer

March 24, 2022

Date

SPECIAL NOTES/CROSS REFERENCE: Road Closure Policy PD-61-016

AMENDMENT DATE: