



AGENDA ITEM

Town of Blackfalds

Request to Acquire an Interest in Land

November 7, 2019

BACKGROUND

The Town of Blackfalds is requesting that Lacombe County approve the Town's acquisition of an interest in lands in the form of a utility right-of-way (URW) on four parcels of land within the County. The URW will facilitate the construction of stormwater drainage works and enable portions of existing and future development of lands east of Highway 2 in Blackfalds to drain from Blackfalds Lake into the Red Deer River.

Action requested of Council is consideration of the Town's request.

ANALYSIS

In 2014 the County consented to the Town's acquisition of an interest in lands (URW) to accommodate construction of Phase 1 (the east section) of the project. Since that time the Town has entered into an agreement with owner of the subject lands and has been granted approval by Alberta Environment and Parks to construct this portion of the project. The Town plans to tender this project over the next month, and potentially commence construction in early 2020 and complete the works in the fall of 2020. It should be noted that the County's consent included a provision stating that if expropriation were to be considered in the future by the Town of Blackfalds regarding the said properties, then further approval would be required by the County.

Regarding Phase 2 of the project on the south side of Blackfalds Lake to the Red Deer River, the Town is currently in negotiations with the two different landowners for the URW's. As a utility right-of-way is an "interest in land" under the Municipal Government Act the Town cannot acquire them without the County's consent. A sketch of the locations of the proposed works is attached.

ALTERNATIVES

1. Provide consent to the Town of Blackfalds to acquire an interest in lands located in the County for the purpose of accommodating a utility right of way for storm water drainage, subject to a provision being included in the consent requiring further approval from the County if the Town is considering



expropriation of the lands (Administration recommendation).

2. Provide consent to the Town of Blackfalds to acquire an interest in lands located in the County for the purpose of accommodating a utility right of way for storm water drainage.
3. Do not provide consent to the Town of Blackfalds to acquire an interest in lands located in the County for the purpose of accommodating a utility right of way for storm water drainage
4. Take other action as determined by Council.

BUDGET IMPLICATIONS

There are no budget implications associated with this matter.

LEGISLATIVE RESPONSIBILITIES

Section 72(1) of the MGA states: A municipality may acquire an estate or interest in land outside its boundaries only if

- (a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal authority that is an improvement district or special area, the Minister consents in writing to the acquisition.

STRATEGIC PLAN

The following elements of the County's Strategic Plan are relevant to this issue:

Our Mission: Building a safe and vibrant community through leadership, innovation and the development of healthy relationships.

Key Principles:

Fair and Objective in our decisions and in how we treat individuals.

Commitment to the vision and mission of Lacombe County and to our citizens and stakeholders.

Key Success Measures: Stakeholder Satisfaction – Healthy relationships with neighbouring municipalities, communities and our citizens.



PUBLIC PARTICIPATION

Lacombe County sees the value in engaging and informing the public/stakeholders through a variety of mediums as outlined in the *Policy AD(40): Public Participation Policy*. The appropriate level of engagement for each public participation opportunity is selected on a project-to-project basis. For this item, the following engagement will take place:

- *Inform:* To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions

Highlights of all County Council meetings are published on the County Website and in the County News.

RECOMMENDATION

That Council approve the following resolution:

That Lacombe County consent through the traditional negotiation process for the acquisition by the Town of Blackfalds of a portion of the following lands located in Lacombe County, in the approximate locations shown in the sketch attached October 17, 2019 Figure 0.1 hereto, containing in all an area of approximately 2.4 ha (6 ac) more or less, from the following lands:

- NW 20-39-26 W4M
- SW 20-39-26 W4M
- NW 17-39-26 W4M
- SW 17-39-26 W4M

and further; if expropriation were to be considered in the future by the Town of Blackfalds regarding said properties, then further approval would be required from Lacombe County.

PREPARED BY: Tim Timmons, County Manager

REVIEWED BY: Tim Timmons, County Manager

