



AGENDA ITEM

Request of Closure and Sale of Statutory Road Allowance

October 28, 2021

BACKGROUND

A request has been received from Bemoco Land Surveying Ltd. on behalf of Timothy and Wanda Bullick to close a portion of an undeveloped road allowance (+2.04 acres) for consolidation with the SW 18-41-22 W4M. The Bullicks have two parcels of land that contains a farmstead separated by the road allowance.

ANALYSIS

It is the intention of the Bullicks to consolidate the undeveloped road allowance with the SW 18-41-22 W4M and in turn consolidate that parcel with the Pt. NW 7-41-22 W4M. They would then proceed with the first parcel out subdivision of the farmstead.

Administration has reviewed this matter and though the County's Road Right-of-Way Policy states that the County will generally not lease, sell or otherwise dispose of statutory road allowances we are of the view that this proposal to has merit. As Road Plan 942 3787 was developed and upgraded in 2004 to a County main road standard. Improvements included realignment of the curves, widening to 9.4 meter finished top and the replacement of the standard bridge over Spotted Creek. Therefore, these significant improvements would make it high unlikely that the statutory road allowance would ever be utilized.

As this is a statutory road allowance the closure must be done by the preparation of a bylaw. Bylaw No. 1350/21 has been prepared and is attached for Council's consideration. If Council gives first reading to the bylaw a public hearing will then be held on November 30, 2021 to give the public an opportunity to comment on the bylaw.

As per the Municipal Government Act second reading cannot be given to the bylaw until it has been approved by the Minister of Transportation. If that approval is received Council will consider second and third reading of the bylaw and if second and third reading is given a Notification to Registrar will be forwarded to Alberta Land Titles with a new plan of survey for consolidation with the title for the SW 18-41-22 W4M.

Alternatives:

1. Give first reading to Bylaw No. and set a public hearing meeting date.
2. Take other action(s) as determined by Council.

BUDGET IMPLICATIONS

As per Policy OP(14) the value of the right-of-way for sale or exchange will normally be established at thirty (30%) percent of the rate that would be paid by the County if the area was currently being purchased for right-of-way. The value of the land at this time is \$ 5,980 per acre.

$\$ 5,980 \times 30\% \times 2.04 \text{ Acres} = \$ 3,660.$

LEGISLATIVE RESPONSIBILITIES:

Pursuant to Section 18(1) of the Municipal Government Act subject to this or any other Act, a municipality has the direction, control and management of all roads within the municipality. Pursuant to Section 22(1) of the Act no road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw; 22(2) a bylaw closing a road must be advertised; 22(3) a bylaw closing a road made by the Council of a municipality that is not a city has no effect unless it is approved by the Minister of Infrastructure before the bylaw receives second reading; 22(4) 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.

Pursuant to Section 5(b) of the Municipal Government Act a municipality has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy. Lacombe County Policy PW (14) Sale of Road Right of Way - Non-statutory road allowances that are not required for public travel or any other purpose may be sold or exchanged for new road right of way.

RECOMMENDATION

That Council give first reading to Bylaw No. 1350/21 and set a date of November 30, 2021 to hold a public hearing commencing at 9:00 a.m. regarding this bylaw.

PREPARED BY: Laverne Turnbull, Executive Assistant



REVIEWED BY: Tim Timmons, County Manager

