



## AGENDA ITEM

### Request of Closure & Consolidation of Road Allowance

January 13, 2022

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#### **BACKGROUND**

Road Plan 3593J is a road diversion within the SW 8-41-24 W4M. Martin and Gaylene Van de Pol are requesting the closure and sale of Road Plan 3593J for consolidation with the lands that lie north and east of the current road plan within the SW 8-41-24 W4M.

Council considered this request at their November 30, 2021 meeting and by resolution instructed the County Manager to proceed with the process to sell the above noted road plan and that this proposal be circulated to interested parties for comment, and further, that a report on the comments and cancellation request be presented at the January 13, 2022 Council meeting. There have been no objections to the road closure by adjacent landowners or interested parties.

#### **ANALYSIS**

The proposed closure will see 4.17 acres consolidated with 116.6 acres in the SW 8-41-24 W4M. The Operations department has inspected the site and find there is little or no use to the County to have this road diversion remain in Lacombe County's infrastructure inventory. The attached maps show the area to be closed and the location within the County.

#### **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.  
 $\$ 5,980 \times 30\% \times 4.17 \text{ Acres} = \$ 7,481.$

#### **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 Transportation 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.

Despite Section 22, the Council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a survey road plan that the Council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

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 OP(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 approve the following resolution:

*IN THE MATTER of the closure to public travel and canceling a public highway in accordance with Section 24 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended;*

*WHEREAS the land hereafter described is no longer required for public travel;*

*NOW THEREFORE BE IT RESOLVED that the Council of Lacombe County does hereby close the following described road, subject to the rights of access granted by other legislation or regulations:*

- 1) Plan 3593J lying within the SW 8-41-24 W4M (4.17 acres +/-)*

*Excepting Thereout All Mines and Minerals*

*for the purpose of the consolidation of the 4.17 acres +/- with the lands in the Certificate of Title 202 096 153 +1 for the SW 8-41-24 W4M.*

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**PREPARED BY:** Laverne Turnbull, Administrative Executive Coordinator

**REVIEWED BY:** Tim Timmons, County Manager



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