



AGENDA ITEM

Bylaw No. 1350/21

Request of Closure of Statutory Road Allowance

May 12, 2022

BACKGROUND

Council gave first reading to Bylaw No. 1350/21 on October 28, 2022 and approval to hold a public hearing. The purpose of the bylaw to close a portion of an undeveloped road allowance (+2.04 acres) for consolidation with the SW 18-41-22 W4M. As this is a statutory road allowance the closure must be done by bylaw.

Notification of the public hearing for the proposed bylaw was circulated to adjacent landowners, government agencies, and utility companies. The notification was also advertised on the Lacombe County website and all social media, and local newspapers. The public hearing was held on November 30, 2022.

ANAYLSIS

As per the Municipal Government Act second reading cannot be given to the bylaw until it has been approved by the Minister of Transportation.

The Minister of Transportation has given approval to the bylaw so Council can consider second and third reading of the bylaw. 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.

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 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.

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 give second and third reading to Bylaw No.1350/21; and further, that a Notification to Registrar be forwarded to Alberta Land Titles for consolidation with the title for the SW 18-41-22 W4M.

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REVIEWED BY: Tim Timmons, County Manager

