
Policy Development

Policy No.: 4207
Department: Planning & Development
Authority: Council
Current Approved Date: May 9, 2017

Policy Certificate:

Lamont County through the Planning and Development Department has the ability, subject to certain legal requirements, to close roads temporarily or permanently, and to grant licenses allowing for the use of road allowances under the County's control.

Purpose:

The Planning and Development Department wishes to:

1. Establish consistent requirements and develop a standard procedure for processing Road Closure requests;

Related Documents & Legislation:

Road closure by bylaw is governed by Section 22 of the *Municipal Government Act*, RSA 2000, c.M-26, as amended, which provides as follows:

Road closure

22(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.

(2) A bylaw closing a road must be advertised.

(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.

(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 the council.

Closure of unnecessary roads by resolution where an alternate route exists is governed by Section 24 of the *Municipal Government Act*, RSA 2000, c.M-26, as amended, which provides as follows:

Closure of unnecessary road

24 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 surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

Definitions:

“Alberta Land Surveyor”

Means a person who holds a certificate of registration and an annual certificate to engage in the practice of surveying under the Alberta Land Surveyors Act. It is commonly referenced as A.L.S.

“Council”

Means the council of Lamont County.

“County”

Means the Municipality of Lamont County.

“Land Use Bylaw”

Means the Lamont County’s Land Use Bylaw.

“MGA”

Means the Municipal Government Act, Chapter M-1, revised Statutes of Alberta.

“Minister of Transportation”

Means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act.

“Owner”

Means, in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of land, or in the case of any other land, the person shown as the owner of a parcel of land on the County’s assessment roll.

“Road:

Means Land, shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road or an undeveloped road allowance.

PROCEDURES:

- The applicant must be an adjacent land owner to road allowance or road plan.
- **Pre-application consultation:** Applicants are recommended to meet with the Planning & Development staff or schedule a pre-application meeting at 780-895-2233.

- **Application submitted:** The application is submitted with the necessary forms, fees, and supporting information which varies depending on the project, along with a cover letter describing the reason for the application.
- **Evaluation of proposed closure:** The Planning & Development Department reviews the application for missing information. Referrals will be sent to notify all parties who may have an interest in the proposed cancellation/closure and that any easement requirements have been addressed prior to submitting for approval from Alberta Transportation. Interested parties include land owner, government departments, utility companies and holders of easements that may cross the road proposed to be closed. Staff also evaluates the impact on adjacent properties, considers comments made from circulation to other agencies, and assesses the project's compliance with the County's Land Use Bylaw.
- **Local and Provincial approval or denial:** Staff will prepare a draft road closure bylaw and amending bylaw for any statutory plan that requires updating as a result of the road closure process the accompanying bylaw(s) is forwarded to Council for consideration of first reading. If first reading is passed by Council the file is then forwarded to Alberta Transportation. If approved, the file is forwarded to the Province for Ministerial approval.
- **A Public Hearing date is set:** Public Notification will be issued after the first reading of the proposed Road Closure Bylaw by Council. In accordance with Section 22 of the Municipal Government Act, any person who claims to be affected prejudicially (or that persons agent) by the passage of a Road Closure Bylaw must be given an opportunity to be heard by Council. The public hearing date is advertised in the local newspaper for a 14-day period to allow for public the opportunity to prepare their comments or concerns.
- **Public Hearing is held:** As an affected party you will be given the opportunity to be heard by Council. Questions, comments and suggestions will be considered by Council. Persons unavailable to attend the meeting may submit written comments, and those submissions will be considered by Council at the meeting provided they are received by the County Administration office in Lamont no later than **4:00 p.m.** one week in advance of the scheduled Council meeting as advertised in the notification process. It is suggested that the applicant attend in order to answer any questions that Council or affected parties may have.
- **Ministerial approval or denial:** If the Minister formally approves the road allowance for closure, the bylaw must then go back to Council for second and third readings. Prior to the second reading an appraisal of the land must occur to determine the fair market value of the road allowance to be consolidated. The appraisal will be at the expense of the applicant.
- **Second & Third Readings:** The bylaw(s) is then placed on the Council agenda for second and third reading. At this time, council can debate the bylaw or ask for clarification on proposed changes. After third reading, the bylaw is passed and adopted, making it an enforceable document.
- **Completion:** If approved, the landowner hires a surveyor to survey the purchased land to be consolidated with their title. The applicant's surveyor will prepare the Plan of Survey and the Transfer of Land Documents, and any required easements for review and

acceptance by Lamont County. Any other conditions of sale pursuant to the Council motion will be addressed at this time. All fees must be paid to the County plus the cost of the purchased land (as determined by market value) is also to be paid. The County will then provide a letter of endorsement for the ALS to take with the approved documents, easements, and plan of survey to Land Titles for registration.

Forms Associated With This Policy:

Schedule A – Road Closure Application

Amendment History:

1. Created May, 2017

Scheduled Review Date:

May 2019