



PLANNING

TO:	Council	
DATE:	April 11, 2023	DIVISION: 3
FILE:	07808010	APPLICATION: PL20220123
SUBJECT:	Road Closure Application	

APPLICATION: To close a ± 0.735 hectare (± 1.86 acre) portion of undeveloped road allowance (Road Plan 6397 I), to facilitate a future consolidation into the lands at NE-08-27-04-W05M.

GENERAL LOCATION: Located west of Range Road 44 within NE-08-27-04-W05M, approximately 0.41 kilometres (0.25 miles) south of Township Road 272 and 0.83 kilometres (0.52 miles) east of Horse Creek Road.

EXECUTIVE SUMMARY: The Applicant proposes to close a portion of road located within the lands at NE-08-27-04-W05M as shown on Road Plan 6397 I for consolidation with the adjacent surrounding lands. Administration finds that closure of the undeveloped road allowance would not inhibit access to adjacent lands nor adversely impact adjacent landowners. Additionally, this is an isolated portion of the road plan that is not included in the Long Range Transportation Network and does not provide connection to any other roads. This application meets the requirements of section 22(4) of the *Municipal Government Act*; as such, this road closure may be completed by resolution instead of by bylaw. A public hearing is not required when a road is closed by resolution.

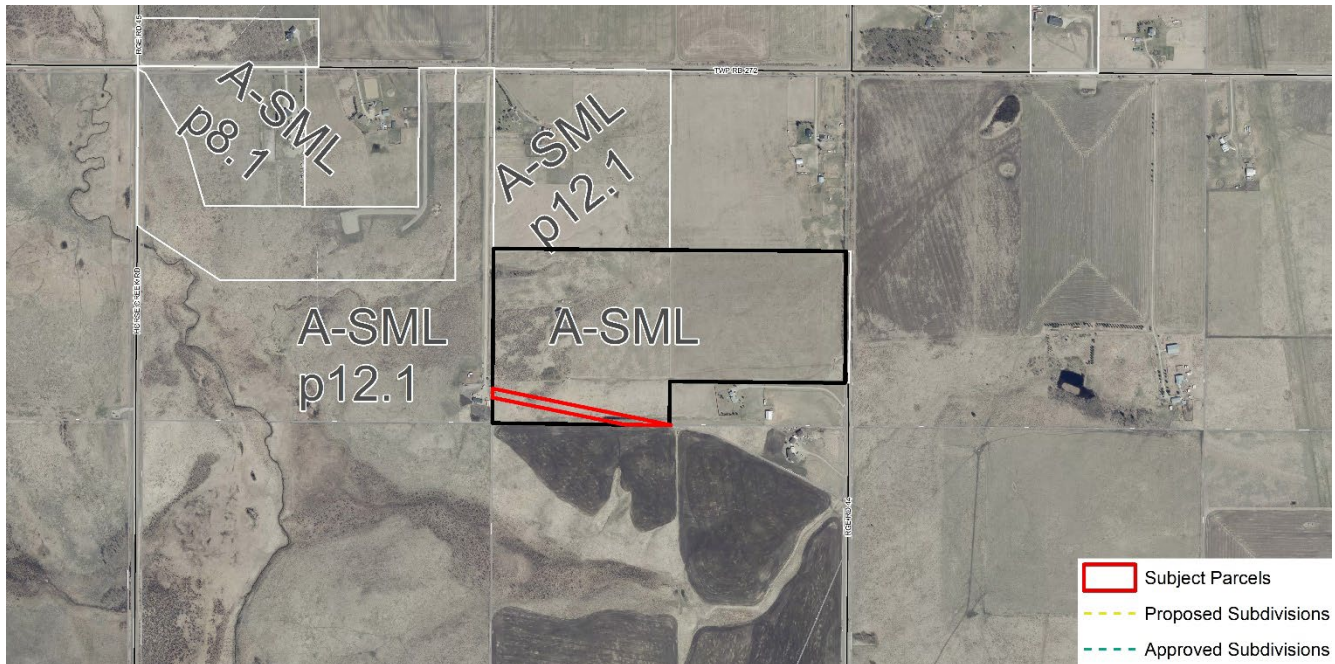
The application is consistent with the requirements of Road Allowance Closure and Disposal Policy C-443 and the *Municipal Government Act*.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

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| Option #1: | Motion #1 | THAT the resolution included as Attachment 'C' be approved. |
| | Motion #2 | THAT Administration be directed to forward the resolution included as Attachment 'C' to the Minister of Transportation and Economic Corridors for approval. |
| | Motion #3 | <p>THAT the ± 0.735 hectare (± 1.86 acre) of land be transferred to John Kevin Brannan and Elizabeth Murray Brannan subject to:</p> <ul style="list-style-type: none"> a) The sales agreement being signed at the appraised value of \$1,820.00 b) The terms of the land sales agreement be completed within one year following the approval from the Minister of Transportation and Economic Corridors. |
- Option #2: THAT application PL20220123 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION: The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS:	TECHNICAL REPORTS SUBMITTED:
<ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Road Allowance Closure and Disposal Policy C-443; and • County Servicing Standards. 	<ul style="list-style-type: none"> • Appraisal prepared by Torxen Energy Ltd. dated November 10, 2022. • Proposed Road Closure Plan prepared by Midwest Surveys Inc. dated November 09, 2022.

POLICY ANALYSIS:

Municipal Government Act

The requested closure of the undeveloped road allowance would not inhibit access to adjacent lands nor adversely impact adjacent landowners, as it is not used by travelling public.

As per Section 22(4) of the *Municipal Government Act*, Council, with the approval of the Minister of Transportation, may by resolution, close the whole or any part of a road described in a surveyed road plan that Council determines is no longer required for use by the travelling public owing to the existence of an alternate route. A public hearing is not required when a road is closed by resolution.

Road Allowance Closure and Disposal Policy C-443

Policy C-443 was created with the purpose of administering a fair and consistent formal process to dispose of undeveloped road allowance rights-of-way located within the County. The application was made by the adjacent landowner and aligns with the purpose of Policy C-443 as it proposes to close an undeveloped portion of the road allowance. The allowance area lies within the subject parcel. This allowance is not used by travelling public; as an alternate route, Range Road 44 is available. Road Plan



6397I dated 1903 shows the road allowance being directed through the Applicants' property; however, it was never constructed.

The north-westerly portion of Road Plan 6397 I was closed by Council resolution in September 2018 under application PL20180032. The south-easterly portion of Road Plan 6397 I was closed in October 2007 through Bylaw C-6483-2007.

The road allowance is not a part of the County's Long Range Regional Transportation Infrastructure Network Plan, and there are no other network plans from Alberta Transportation in this area. Closure of this portion of road plan does not restrict or remove access to the subject or neighboring parcels.

ADDITIONAL CONSIDERATIONS:

Plan of Survey and Land Appraisal

A plan of survey and land appraisal was provided as per the requirements for consideration of closure of the undeveloped road allowance by resolution.

The submitted appraisal values the subject ± 0.735 hectare (± 1.86 acre) portion of undeveloped road allowance at \$1,820.00. The Applicant is supportive of the appraisal and is wishing to proceed with the closure. If Council approves the application, then as a condition of the purchase agreement, the road allowance would be consolidated with the adjacent lands.

Respectfully submitted,

Concurrence,

"Matt Boscarior"

"Dorian Wandzura"

Executive Director
Community Services

Chief Administrative Officer

JK/bs

ATTACHMENTS:

ATTACHMENT 'A': Application Information

ATTACHMENT 'B': Application Referrals

ATTACHMENT 'C': Proposed Resolution

ATTACHMENT 'D': Map Set