



COUNCIL REPORT

Road Closure: First Reading

Electoral Division: 3

File: PL20240049 / 07935003/6004

Date:	December 10, 2024
Presenter:	Maureen Nolan, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess the proposed closure of the portion of undeveloped road allowance along Range Road 51, totaling ± 1.62 hectares (± 4.00 acres), for the purpose of consolidation with the subject lands (Attachment A).

The application was evaluated in accordance with the *Municipal Government Act* and Council Policy C-443 (Road Allowance Closure and Disposal). The proposal aligns with the applicable legislation and policies. Closure of the subject undeveloped road allowance would have no impact to the surrounding lands as it is not required for use by the travelling public owing to the existence of alternate access routes.

The subject road closure is being completed by bylaw, as the undeveloped road allowance of Range Road 51 is a statutory allowance not registered by road plan and therefore cannot be completed by resolution in alignment with Section 22 of the *Municipal Government Act*.

ADMINISTRATION'S RECOMMENDATION

THAT Bylaw C-8591-2024 be given first reading.

THAT Bylaw C-8591-2024 be forwarded to the Minister of Transportation and Economic Corridors for approval.

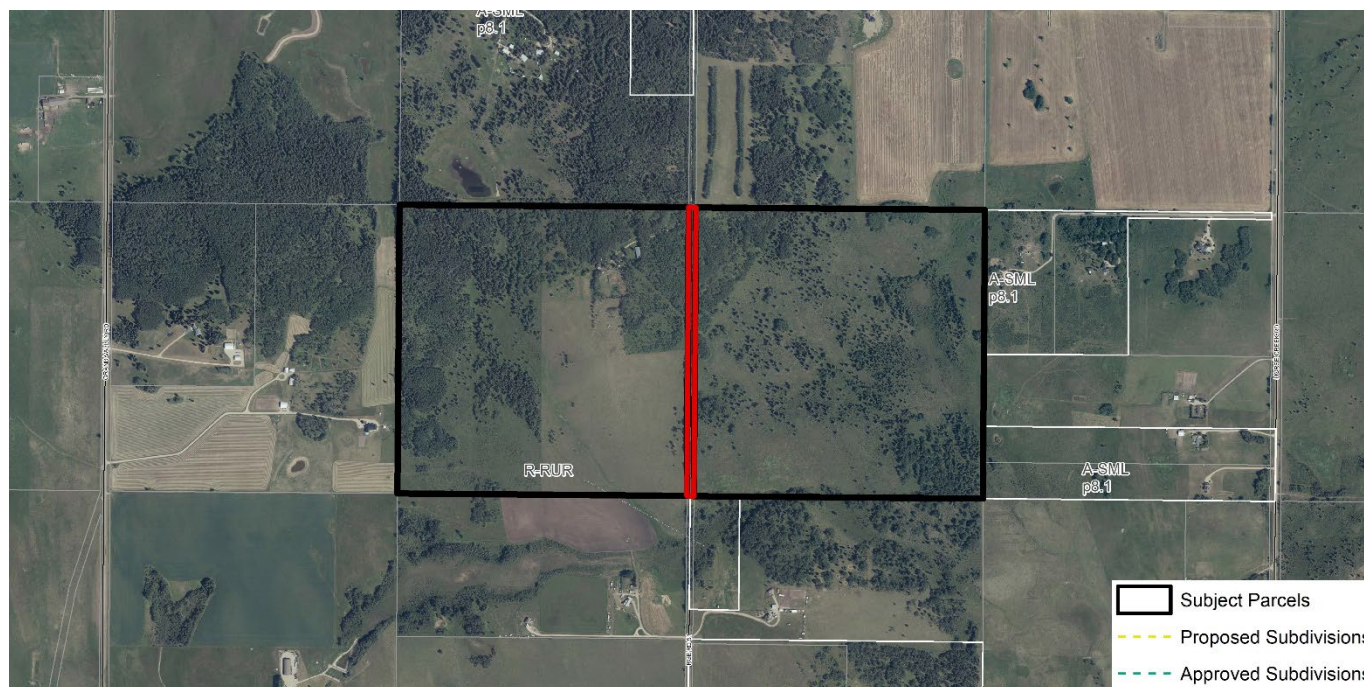
THAT upon approval of the road closure application PL20240049 by the Minister of Transportation and Economic Corridors, a Plan of Survey and an Appraisal of the road closure area be provided by the Applicant to the County prior to consideration of second and third reading.

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BACKGROUND

Location (Attachment A)

Located approximately 0.81 kilometres (0.50 miles) west of Horse Creek Road, 0.81 kilometres (0.50 miles) east of Grand Valley Road, and approximately 0.81 kilometres (0.50 miles) south of Township Road 280.



Site History (Attachment B)

A Road Allowance Lease agreement was made on August 1, 1992, for access through the road allowance west of the NW-36-27-05-W05M. A Road License Agreement was made on November 2, 2010, for access through the road allowance west of the NW-36-27-05-W05M.

A similar road closure application PL20210179 to close the road allowance between the east half of Section 35 and the west half of Section 36 within Township 27, Range 05, West of the 5th Meridian, and consolidate it into one parcel to be made from the SE-35 and SW-36, was refused by Council at a Public Hearing on June 28, 2022. This application is similar to the subject application but also included the road allowance immediately north of the subject lands up to Township Road 280. The application was determined to not align with the Council Policy C-443 (Road Allowance Closure and Disposal) as closure of the northern portion of the road allowance between NE-35-27-05-W05M and NW-36-27-05-W05M would have hindered access to these properties.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

In addition to standard agencies, Alberta Transportation & Economic Corridors and Alberta Environment & Protected Areas were circulated to meet the requirements of the *Municipal Government Act*, and due to the site's proximity to a waterbody. Alberta Transportation & Economic Corridors has no concerns with the proposed road closure. Alberta Forestry and Parks, Lands Division commented that the proposed road closure is within the White Zone and the Crown in Right of Alberta holds rights to the timber on the surveyed road allowance. Should the road closure be approved for consolidation with the adjacent parcels, compensation for the timber to the Crown will be required.

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Landowner Circulation (Attachment D)

The application was circulated to 57 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); 2 letters in opposition from one adjacent landowner were received.

Notification of the Public Hearing was mailed to adjacent landowners on November 12, 2024, which may have been impacted by the Canada Post postal strike which started on November 15, 2024.

ANALYSIS

Policy Review (Attachment E)

The application was reviewed in accordance with the *Municipal Government Act* and Council Policy C-443 (Road Allowance Closure and Disposal).

The application is consistent with the requirements of Council Policy C-443 (Road Allowance Closure and Disposal), as the subject road allowance is not required by the County. The subject undeveloped road allowance is not required for use by the travelling public owing to the existence of alternate access routes. Range Road 51 is constructed north of Township Road 280 and approximately 300 metres south of the Applicant's quarter sections. The undeveloped road allowance currently has a private driveway to SE-35-27-05-W05M where the Applicants' dwelling is located.

The subject road closure is being completed by bylaw, as the undeveloped road allowance of Range Road 51 is a Statutory Allowance not registered by road plan and therefore cannot be completed by resolution in alignment with Section 22 of the *Municipal Government Act*. The Applicant will be required to purchase the undeveloped road allowance for fair market value in accordance with the appraisal for consolidation with the subject lands.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

Subject to First Reading approval, Administration will forward Bylaw C-8591-2024 to the Minister of Transportation and Economic Corridors for approval. Administration will endeavour to open a line of communication on expected Provincial administrative review timelines between the Applicant and the Minister's office.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

No alternative options have been identified for Council's consideration.

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ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8591-2024

APPROVALS

Manager:	Dominic Kazmierczak
Acting Executive Director:	Dominic Kazmierczak
Chief Administrative Officer:	Reegan McCullough

