



Transfer of Development Agreement - Highway 567 and Range Road 40 upgrades

Electoral Division: 3

File: 4005-700

Date:	March 4, 2025
Presenter:	Brenda Mulrooney, Supervisor
Department:	Capital & Engineering Services

REPORT SUMMARY

The purpose of this report is to receive Council approval of the Transfer of Development Agreement ("DA") # 5442. The DA is an essential legal document that specifies the details of the Developer's obligations in completing the conditions of their Development Permit. DA #5442 was signed on March 21, 2022, between the County and Mountain Ash Limited Partnership (1410266 Alberta Ltd.) for a Type IV intersection upgrade at Highway 567 and Range Road 40 and upgrading Range Road 40 to industrial paved standard, all associated with Development Permit PRDP20211744 for aggregate removal at NW&SW 31-26-03-05; 35181 Big Hill Springs Road.

In January 2025, Mountain Ash Limited Partnership notified Rocky View County of the pending sale of their lands associated with PRDP20211744 to Aecon Transportation West Ltd. A registration request and associated transfer of land and caveat has been submitted to Alberta Land Titles for the sale. As part of the land sale, Mountain Ash Limited Partnership wishes to assign DA #5442 to Aecon Transportation West Ltd. All previously agreed upon terms and clauses of the DA will be assigned and assumed by Aecon Transportation West Ltd. including the posted Security.

General Clause 2 ("GC2") of the Development Agreement #5442 states that "This Agreement cannot be assigned or transferred without the prior written consent of Council." Administration is seeking approval to execute the agreement to transfer responsibilities of the DA to the new landowner.

ADMINISTRATION'S RECOMMENDATION

THAT Council direct Administration to execute the Assignment and Assumption agreement to complete the transfer of Development Agreement #5442 from Mountain Ash Limited Partnership (1410266 Alberta Ltd.) to Aecon Transportation West Ltd.

BACKGROUND

Development Agreement #5442 was signed on March 21, 2022, between the County and Mountain Ash Limited Partnership (1410266 Alberta Ltd.) for a Type IV intersection upgrade at Highway 567 and Range Road 40 and upgrading Range Road 40 to industrial paved standard, all associated with Development Permit PRDP20211744 for aggregate removal at location 35181 Big Hill Springs Road.

Mountain Ash Limited Partnership signed a Transfer of Land for the sale of lands associated with Development Permit PRDP20211744, to Aecon Transportation West Ltd. in January 2025. The County does not require transfer of the Development Permit as it is not bound to a person but the property. However, DA #5422 associated with the Development Permit, needs to be transferred to the purchaser. According to General Clause 2 ("GC2") of the DA, prior written consent of Council is needed before the DA can be transferred.



Transfer of Development Agreement

ANALYSIS

Mountain Ash Limited Partnership has been transparent in their intension to sell their interest in lands associated with PRDP20211744. All documentation has been submitted to Alberta Land Titles to register the Transfer of Land, but the Development Agreement associated with the existing Development Permit will also need to be assigned and assumed by the purchaser of the land.

To complete the sale and transfer of land associated with Development Permit PRDP20211744 from Mountain Ash Limited Partnership to Aecon Transportation West Ltd., Council will need to sign the Assignment and Assumption agreement as drafted by the County’s legal counsel for the transfer of DA#5442. This is according to General Clause 2 of the Development Agreement. Upon execution of this agreement, Aecon Transportation West Ltd. will assume all responsibilities as outlined in the original DA.

COMMUNICATIONS / ENGAGEMENT

Beaumont Church LLP, Barristers and Solicitors are legally representing and assisting Mountain Ash Limited Partnership with the Transfer of Land. The County has received the signed Assignment and Assumption agreement from Beaumont Church as drafted by the County’s legal department.

IMPLICATIONS

Financial

Aecon Transportation West Ltd. will assume all responsibilities outlined in DA#5442, including the posted security that will remain in place to cover any losses, costs and expenses of the County due to the Developer not fulfilling construction requirements as agreed upon in the DA.

STRATEGIC ALIGNMENT

The executed Assignment and Assumption agreement is required to transfer the responsibilities of the Development Agreement to the new landowner and to meet the conditions of the Development Permit.

ALTERNATE DIRECTION

Administration does not have an Alternate Direction for Council’s consideration.

ATTACHMENTS

None

APPROVALS

Manager:	Jeannette Lee, Manager
Chief Operating Officer:	Byron Riemann, Chief Operating Officer
Chief Administrative Officer:	Reegan McCollough, Chief Administrative Officer