

PLANNING

TO: Council
DATE: May 10, 2022 **DIVISION:** 1
FILE: 04703006 **APPLICATION:** PL20200110
SUBJECT: Revision of Road Closure Bylaw C-8143-2021

POLICY DIRECTION:

Road closure application PL20200110, which was passed at the December 14, 2021, Council meeting, was evaluated against Rocky View County Policy #443 (Road Allowance Closure and Disposal) and the *Municipal Government Act*. The application was found to be compliant.

EXECUTIVE SUMMARY:

Upon consulting with the Alberta Land Titles Office after the third reading of Road Closure Bylaw C-8143-2021, Administration was advised that a revision to the Bylaw is required to provide clarity on the road closure description. Bylaw C-8293-2022 is to facilitate the revisions required by providing an updated description as well as replacing the original Schedule 'A' with a plan of survey.

ADMINISTRATION RECOMMENDATION

Administration recommends that this application be given three readings in accordance with Option #1.

BACKGROUND:

The Public Hearing for Bylaw C-8143-2021 was held on June 1, 2021. Once closed, Council passed motions granting first reading to the Bylaw and directing that the Bylaw be forwarded to the Minister of Transportation for approval. Administration received the signed Bylaw back from the Minister of Transportation on August 26, 2021, and on December 14, 2021, it received second and third readings.

Administration then obtained an appraisal of the road allowance, which was provided to the Applicant for review and approval to proceed with the closure at the appraised value. The appraisal of the subject lands provided a value of \$16,000 for the ± 3.00 acre portion. The Applicant was in support of the appraised value and wished to proceed with the purchase of the lands.

When preparing the application for submission to Alberta Land Titles for registration, issues were identified with the bylaw description. The current land description of the Bylaw requires a revision to further clarify the road closure area as well a Plan of Survey accompanying the Bylaw registration to meet the Alberta Land Titles Office submission requirements. The addition of the Plan of Survey is to clarify the boundaries specifically due to the curvilinear shape of the northern boundary and to confirm the length of the closure area. The revision is purely clerical to meet the requirements of the Alberta Land Titles Office. Additionally, as the revision is to the description and there is no change in the closure, in principle, no advertising or public hearing, or additional review by Alberta Transportation is required under section 65 of the *Municipal Government Act*. Rather, Alberta Transportation recommends a bylaw revision process to resolve such issues for road closure bylaws.

Bylaw C-8143-2021 requires the following change to the description and replacing Schedule 'A' with a Plan of Survey of the road closure area. These changes are reflected in Bylaw C-8293-2022:

FROM:

A PORTION OF THE ORIGINAL GOVERNMENT ROAD ALLOWANCE EAST OF THE NORTHEAST SECTION 03, TOWNSHIP 24, RANGE 03, AND WEST OF THE 5TH MERIDIAN, AND EAST OF THE SOUTHEAST SECTION 10, TOWNSHIP 24, RANGE 03, AND WEST OF THE 5TH MERIDIAN, CONTAINING 1.21 HECTARES (3.00 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

TO:

ALL THAT PORTION OF THE ORIGINAL GOVERNMENT ROAD ALLOWANCE ADJACENT TO THE SOUTH EAST QUARTER SECTION 10, TOWNSHIP 24, RANGE 3, WEST OF THE FIFTH MERIDIAN AND THE NORTH EAST QUARTER SECTION 3, TOWNSHIP 24, RANGE 3, WEST OF THE FIFTH MERIDIAN WHICH LIES WITHIN AREA 'A' ON PLAN _____, CONTAINING 0.944 HA (2.33 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

ALL THAT PORTION OF THE ROAD WIDENING SHOWN ON SUBDIVISION PLAN 7510835 WHICH LIES WITHIN AREA 'A' ON PLAN _____, CONTAINING 0.243 HA (0.60 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

Administration has no concerns with the above revisions to satisfy the requirements of Alberta Land Titles and recommends that this application be given all three readings in accordance with Option #1.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-8293-2022 be given first reading.
 Motion #2 THAT Bylaw C-8293-2022 be given second reading.
 Motion #3 THAT Bylaw C-8293-2022 be considered for third reading.
 Motion #4 THAT Bylaw C-8293-2022 be given third and final reading.
- Option #2: THAT alternative direction be provided.

Respectfully submitted,

"Brock Beach"

Acting Executive Director
Community Development Services

Concurrence,

"Byron Reimann for Dorian Wandzura"

Chief Administrative Officer

AP/lt

ATTACHMENTS:

ATTACHMENT 'A': Bylaw C-8293-2022 & Schedule A

ATTACHMENT 'B': Bylaw C-8143-2021 & Schedule A

ATTACHMENT 'C': Map Set