

Wheatland County

Request for Decision

Regular Council Meeting

December 1, 2020

Report prepared by: Robin Glasier, Land Agent



Bylaw 2020-39 Road Closure WID

Recommendation from Administration

Resolution 1: That Council approve first reading of Bylaw 2020-39 for the closure, and disposal to the applicant, the adjacent owner, of a portion of the original undeveloped Municipal Road Allowance described as:

PLAN _____ BY MICHAEL A THOMPSON, ALS (ALS FILE NO. H36320L)

AREA 'A'

CONTAINING 0.314 Ha (0.77 ACRES)

MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

in exchange for that portion of IRR 257 shown on the same plan shown as "Road" containing 0.220 Ha (0.544 acres) more or less,

Resolution 2: That a Public Hearing for Bylaw 2020-39 be scheduled for February 16th, 2021 at 9:00 AM in Wheatland County Council Chambers. If the office remains closed to the public due to COVID-19, the Public Hearing will be held by conference call in accordance with the *Municipal Government Act, Section 199*.

Resolution 3: That Council wave the \$1,000 in fees for the applicant related to Road Closure as per the approved Schedule of Fees.

Chief Administrative Officer's Comments

N/A

Report

Division 6

Staff have received a request from the owner of Plan IRR 257 & Canal ROW Plan 1290 to close a portion of undeveloped original Road allowance lying between NE 24 & SE 25-25-24-4. The proposed area of closure lies within the alignment of Canal ROW Plan 1290, adjacent to IRR 257, which lies within the alignment of the developed road TWP 254. The proposed area of road closure would be transferred to the Applicant in exchange for a portion of Plan IRR 257 that lies within the existing developed road allowance alignment of Township Road 254, to be dedicated as Road Plan by the applicant. The proposed closure and land exchange will not leave any titled parcels landlocked. The area of exchange will create a consistent road plan alignment for the actual developed municipal road TWP 254.

Staff has reviewed the request and recommends accepting the request for road plan closure and exchange of areas. The proposed area of closure is 0.314 ha (0.78 acres), in exchange for 0.220 has (0.54 acres) of IRR 257.

The Applicant has also requested Council waive the \$1,000 fee that is required under Policy 9.5.4. Staff review of the expenses anticipated to be incurred by the Applicant align with the normal expenses for an application of this nature, being 2 survey plans and Land Titles registration costs.

A Road Closure Bylaw requires 1st Reading, followed with a Public Hearing to be held at a later date, then submission to Alberta Transportation for Ministerial approval and after Ministerial approval, 2nd and 3rd readings are held at a later date.

Relevant Policies, Practices, and Legislation

MGA Section 22 permits the closure of road plans under municipal control by bylaw. Roads closed by Bylaw require 1st reading, followed by Public Hearing and circulations to agencies and adjacent and neighbouring landowners, followed by submission to the Minister of Alberta Transportation for approval, after which the Bylaw returns to Council for 2nd and 3rd readings. Council Policy 9.5.4 permits the closure of undeveloped roads.

Alignment with the Strategic Plan

The closure of undeveloped road allowances improves the validity of road plans and mapping.

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

The cancellation and removal of unused/undeveloped roadway adds to private ownership base. In this instance it also corrects and aligns the registered road plan with the developed area of municipal road.

Organizational

N/A

Financial

The fee for a Road Closure is \$1,000, and all fees for surveys and registration are to the Applicant.

Environmental, Staff, and Public Safety

There are no environmental or safety implications.

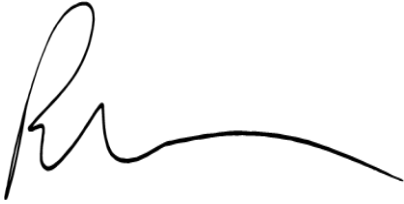
Follow-up Action / Communications

After 1st Reading, the Land Agent will prepare the required circulations and notices for the Public Hearing, after which the Bylaw and associated documents are submitted for Ministerial approval, followed by 2nd and 3rd reading of the Bylaw, and registration of the Bylaw and Survey plans by the Applicant's surveyor. In this instance, that will complete the exchange of areas, and creation of the new area of Road plan.

Report Approval Details

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|----------------------|---|
| Document Title: | Bylaw 2020-39 Road Closure WID.docx |
| Attachments: | - Bylaw 2020-39 Aerial view with areas.pdf - H36320L October 23 2020.pdf |
| Final Approval Date: | Nov 23, 2020 |

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to be 'Bryce Mackan', with a long horizontal flourish extending to the right.

Bryce Mackan

A handwritten signature in black ink, appearing to be 'Michael Ziehr', with a long horizontal flourish extending to the right.

Michael Ziehr

A handwritten signature in black ink, appearing to be 'Brian Henderson', with a long horizontal flourish extending to the right.

Brian Henderson