

Wheatland County

Request for Decision

Regular Council Meeting

December 1, 2020

Report prepared by: Robin Glasier, Land Agent



Access Easement NW 14-24-20-4

Recommendation from Administration

That Council approve an Access Easement Agreement with the owners of Roll #2025000 for an improved private driveway, being 10 meters in width, across Roll #2027010, being a portion of NW 14-24-20-4, based on the information as presented in the RFD.

Chief Administrative Officer's Comments

N/A

Report

Division 7

Staff have received a request from the owner of Roll #2025000, a portion of NW 14-24-20-4, for an Access Easement Agreement across Roll # 2027010 owned by Wheatland County for an improved private driveway 10 meters in width, as shown the attached documents. This location will provide access to the Applicant's lands directly from Township Road 242A, where the school bus is accessible. Access to the Applicant's land currently is via an approach at the NW corner of the quarter section, or from 1st Avenue in Hussar. Staff have reviewed the request and done a site visit. There are no objections from staff to the proposal, and the proposed approach location meets the safety and site line requirements for a driveway approach. All costs of the approach application and construction will be to the Applicant.

Relevant Policies, Practices, and Legislation

Access Easement agreements are a legal mechanism to permit the use of the property belonging to another as an access and are permitted under Alberta law. Although they are not the preferred method of primary access to private lands, they may be approved by Council as access. In this instance, the Easement area is not the sole access, as noted in the recommendations. The agreement, once approved, shall be registered on the titles of the affected lands at the Land Titles office to ensure the use is not lost with a change of ownership.

Alignment with the Strategic Plan

N/A

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

Access across intervening parcels are best secured with an Easement Agreement to ensure ongoing legal consent to use a portion of the lands.

Organizational

The Land Agent has prepared and provided an Agreement that the Applicant's have signed. If the request is approved the agreement will be signed by the CAO and Reeve for the County, and a caveat will be registered on the title of both parcels for the Agreement.

Financial

The inspection fees for a road approach will apply in accordance with the Fee Schedule. There is no annual or other fee.

Environmental, Staff, and Public Safety

There are no environmental or safety implications.

Follow-up Action / Communications

The Land Agent will provide the Agreement to the CAO and Reeve for signing if approved by Council and submit a caveat and a copy of the Agreement to Land Titles for registration on both titles.

Report Approval Details

Document Title:	Access Easement NW 14-24-20-4.docx
Attachments:	- Access Easement map and aerals.docx - ACCESS EASEMENT DUNDAS NW 14-24-20.pdf
Final Approval Date:	Nov 22, 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