



SMOKY LAKE COUNTY

Title: Road Closure or Cancellation	Policy No.: 16-03	<i>E</i>
Section: 03	Page No.: 1 of 11	

Legislation Reference:	Alberta Provincial Statutes
-------------------------------	-----------------------------

Purpose:	To provide a process to close a Government Road Allowance, or cancel a surveyed Road Plan.
-----------------	--

Policy Statement and Guidelines:

1. DEFINITIONS

1.1 Government Road Allowance – 66 feet wide

1.1.1 in a north-south direction, with one mile between each column of sections east to west, commencing on the eastern range boundary. Also known as Range Roads.

1.1.2 in an east-west direction, two miles between each 2nd row of sections south to north, commencing on the southern township boundary. Also known as Township Roads.

1.2 Road Plan – Surveyed areas acquired for public purposes such as new roads, road widening, diversion and drainage ditches which are undertaken by the municipality under the authority of the *Municipal Government Act*.

When a municipality or the Crown acquires land for a road or other public work by an agreement with the owner, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta by filing a plan of survey at the Land Titles Office.

1.3 Road – means land

1.3.1 shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or

1.3.2 used as a public road,

1.3.3 as or within a government road allowance,

and includes a bridge forming part of a public road and any other structure incidental to a public road.

2. TEMPORARY ROAD CLOSURE

2.1 Council may, by resolution or a Designated Officer if authorized by Council resolution, temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

Title: Road Closure or Cancellation	Policy No.: 16-03	<i>E</i>
Section: 03	Page No.: 2 of 11	
Policy Statement and Guidelines:		

3. **PERMANENT ROAD CLOSURE / CANCELLATION BY RESOLUTION –**
Municipal Government Act, Section 24

Council may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a Road described in a surveyed Road Plan that the Council determines is no longer required for use by the travelling public owing to the existence of an alternative route.

PROCEDURE

- 3.1 A Landowner may request the County to consider cancellation of the whole or any part of an undeveloped Road Plan or the County may initiate the action.
- 3.2 A Request for Decision shall be presented to Council for consideration for Road Closure by Resolution. *(Schedule A – Sample Resolution)*
- 3.3 The road is usually returned to the title from which it was excepted (i.e. the ¼ section). Consolidation with the adjacent land parcels may require a Descriptive Plan or a Plan of Survey. When using a Descriptive Plan, Land Titles should be consulted to ensure that the description is suitable for registration.
- 3.4 No advertising is necessary, but an agreement or consent must be obtained from the landowner(s) affected. If there is more than one adjacent owner, direction from the municipality as to the disposition of the Road shall be provided to affected landowners, and consent from all affected landowners is required. *(Schedule B – Sample Resolution Letter & Consent)*
- 3.5 The municipality is responsible for ensuring that all third party interests and the interests of anyone who might be adversely affected are protected.

A letter *(Schedule C – Sample Letter of Referral)* shall be sent to the following Referral Agencies:

- 3.5.1 Telecommunication providers (Telus);
- 3.5.2 Power Authority (ATCO);
- 3.5.3 The owner/operator of any pipeline or right-of-way which crosses the subject closure area.

Title: Road Closure or Cancellation	Policy No.: 16-03	<i>E</i>
Section: 03	Page No.: 3 of 11	
Policy Statement and Guidelines:		

3.6 If easements or conditions are required by any of the Referral Agencies, the County must attach the proper documentation to accompany the Resolution when submitting it to Alberta Transportation for approval. Easements are granted by the “**Minister of Transportation**”.

3.7 The complete package to be sent to Alberta Transportation shall include:

- Original or certified copy of the Resolution;
- Copies of the Notices sent to all Referral Agencies;
- Copies of written consent by affected Landowner(s); and
- Copies of written responses from all required Referral Agencies.

And shall be sent to:

District Operations Manager, Athabasca Unit
 Alberta Transportation
 Unit #2, Jewell Building
 3603 – 53 Street
 Athabasca, Alberta T9S 1A9

3.8 Alberta Transportation will prepare the documentation (Notification to Registrar) to transfer the Road to the appropriate adjacent landowner(s).

4. PERMANENT ROAD CLOSURE / CANCELLATION BY BYLAW:

Municipal Government Act – Section 22

Council may by Bylaw, with the approval of the Minister of Transportation, close the whole or any part of a Government Road Allowance (or a surveyed Road Plan, when preferred).

PROCEDURE

4.1 Prior to First Reading of the Bylaw, Smoky Lake County shall obtain a correct and acceptable description of the closure area. This information can be obtained from an Alberta Land Surveyor or the Survey Department of the Land Titles Office.

4.2 A Request for Decision shall be presented to Council for consideration for Road Closure by Bylaw. (*Schedule D – Sample Bylaw*) Council must give First Reading to the Bylaw prior to submitting it to Alberta Transportation for approval.

Title: Road Closure or Cancellation	Policy No.: 16-03	<i>E</i>
Section: 03	Page No.: 4 of 11	
Policy Statement and Guidelines:		

- 4.3 Following First Reading of the Road Closure Bylaw, advertisement requirements (as per Section 606, Municipal Government Act) for a Public Hearing must be followed, including the time and place for a Public Hearing.
- 4.4 The Bylaw and advertising must state the ultimate purpose of the closure (i.e., to public travel only, for lease or for creation of a title).
- 4.5 If objections are raised, either in writing or at the Public Hearing, Council should determine whether the objections are valid and whether they wish to continue in spite of the objections. If continuing, the rationale for the closure/cancelation must be made clear in the covering letter to Alberta Transportation.
- 4.6 The municipality is responsible for ensuring that all third party interest and the interests of anyone who might be adversely affected are protected.

A letter (Appendix F) shall be sent to the following Referral Agencies:

- 4.6.1.1 Telecommunication providers (Telus);
 - 4.6.1.2 Power Authority (ATCO);
 - 4.6.1.3 Public Lands, Alberta Sustainable Resources, if a Government Road Allowance is for sale, or if adjacent to Crown Lands or a water body; and
 - 4.6.1.4 Rural Utilities Branch, Alberta Agriculture and Rural Development; and
 - 4.6.1.5 The owner/operator of any pipeline or right-of-way which crosses the subject closure area.
- 4.7 If easements or conditions are required by any of the Referral Agencies, the County must attach the proper documentation to accompany the Resolution when submitting it to Alberta Transportation for approval. Easements are granted by the “**Minister of Transportation**”.
- 4.8 The complete package to be sent to Alberta Transportation shall include:
- Original or certified copy of the Bylaw (after First Reading);
 - Copies of the Notices sent to all interested parties;
 - Copy of the Notice published in the local newspaper;

Title: Road Closure or Cancellation	Policy No.: 16-03	<i>E</i>
Section: 03	Page No.: 5 of 11	
Policy Statement and Guidelines:		

- Copies of written consent by affected Landowner(s);
- Copies of written responses from all required interested parties; and
- Copy of the meeting minutes when the bylaw received First Reading.

And shall be sent to:

District Operations Manager, Athabasca Unit
 Alberta Transportation
 Unit #2, Jewell Building,
 3603 – 53 Street
 Athabasca, Alberta T9S 1A9

- 4.9 Alberta Transportation will review the package and if approved, the Minister of Transportation will sign the Original Bylaw and return to the Municipality.
- 4.10 The Bylaw may then be presented to Council for consideration of Second and Third Readings. Second and Third Readings must be done within two years of First Reading.
- 4.11 Once given Third and Final Reading, an original or certified copy of the Bylaw is to be sent to Alberta Land Titles for registration.
- 4.12 Upon acceptance of the Road Closure Bylaw, Alberta Land Titles will issue a new Certificate of Title for the subject parcel of land, in the name of Smoky Lake County.
- 4.13 If the County wishes to consolidate the parcel of land with the adjacent parcel of land, a **Transfer of Land and Consolidation or Separation of Titles** must be submitted to Alberta Land Titles.

Forming a part of this policy are attached:

- **Schedule A - Sample Resolution**
- **Schedule B – Sample Resolution Letter & Consent**
- **Schedule C – Sample Letter of Referral (Resolution or Bylaw)**
- **Schedule D – Sample Bylaw**
- **Schedule E – Sample Advertisement**
- **Schedule F – Referral List**

	<i>Date</i>	<i>Resolution Number</i>
Approved	June 3, 1985	# 590 - Page # 4944
Amended	June 16, 2005	# 479 - Page # 7960
Amended	November 25, 2010	

SCHEDULE "A"
SAMPLE RESOLUTION

Date: _____ Resolution Number: _____

WHEREAS, Smoky Lake County requires a resolution for the purpose of closing to public travel and canceling a public highway in accordance with Section 24, of the *Municipal Government Act*, Chapter M26 Revised Statutes of Alberta 2000, as amended; and

WHEREAS, the lands hereafter described are no longer required for public travel.

NOW THEREFORE be it resolved that the Council of Smoky Lake County does hereby close the following described road, subject to rights of access granted by other legislation.

Road Plan _____, within the land(s) legally described as:

Excepting Thereout All Mines and Minerals.

Chief Elected Official

- SEAL -

Chief Administrative Officer

Approved this _____ day of _____, 20____.

Minister of Transportation

SCHEDULE "B"

Date:

Name

Address

Town, Alberta Postal Code

To Whom It May Concern:

RE: Proposed Road Plan Cancellation
Road Plan ##### in XX XX-XXX-XX W4

Enclosed is a copy of the above mentioned Road Plan that is located on land registered in your name. Please be advised that Smoky Lake County proposes to cancel this Road Plan and that all lands from the cancelled road will revert to the Title(s) from which it was excepted.

In order to proceed with the Road Plan cancellation, it is necessary for you to indicate your consent of the cancellation by signing and returning the duplicate of this letter.

Yours truly,

Chief Administrative Officer

I, _____, landowner of _____,
Name Section Township Range Median

hereby certify that I have no objections to the cancellation of Road Plan _____,

located within _____ W4.
Section Township Range Median

Date: _____

Signature: _____

SCHEDULE "C"

Date:

Name

Address

Town, Alberta Postal Code

To Whom It May Concern:

RE: Proposed Road Cancellation and Closure

On behalf of Smoky Lake County, this letter serves as notification that Smoky Lake County intends to close to public travel and cancel a portion of public highway or roadway in accordance with Section 22 or 24 of the Municipal Government Act M-26.1, Revised Statutes 2000, and amendments thereto.

To be Cancelled: Road Plan _____, in the _____, as shown on the enclosed sketch.

If an easement is required to protect your interests within this road closure, please advise us. **Alberta Transportation** will be the **GRANTOR** for all easements. They will be registered at the Land Titles Office in conjunction with the other Road Closure documents.

Please return the following to our office by _____, 20__:

- o Three fully executed easement documents by your company. These documents will be forwarded to Alberta Transportation for final execution.
- o This letter signed, which shall grant approval of the Road Closure and Cancellation.

If you have any concerns or require any further information, please contact the undersigned.

Sincerely,

/ Enclosures

<p>APPROVAL GRANTED (Utility Company)</p> <hr/> <p>Signature</p> <hr/> <p>Print Name</p> <hr/> <p>Date</p>

**SCHEDULE “D”
SAMPLE BYLAW**

A BYLAW OF THE SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CLOSING PUBLIC TRAVEL AND (*choose which one applies and insert: “creating title to”, “disposing of” or “leasing of”*) PORTIONS OF A PUBLIC ROAD IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26, REVISED STATUTES OF ALBERTA, 2000, AS AMENDED.

WHEREAS, the lands hereafter described are no longer required for public travel, and

WHEREAS, a request has been made to Council to have the road closed, and

WHEREAS, the Council of Smoky Lake County deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same, and

WHEREAS, notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*, and

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw.

NOW THEREFORE BE IT RESOLVED that the Council of Smoky Lake County in the Province of Alberta does hereby close to public travel for the purpose of (*choose which one applies and insert: “creating title to”, “disposing of” or “leasing of”*) the following described roads, subject to rights of access granted by other legislation:

(insert proper description)

Excepting thereout all mines and minerals.

Received first reading this ____ day of _____, 20__.

Chief Elected Official

- SEAL -

Chief Administrative Officer

Approved this ____ day of _____, 20__.

Minister of Transportation

- SEAL -

Received second reading this ____ day of _____, 20__.

Received third reading this ____ day of _____, 20__.

PUBLIC NOTICE

SMOKY LAKE COUNTY

BYLAW No. 1200-09: PUBLIC HEARING

The purpose of **Bylaw No. 1200-09** is to close to public travel for the purpose of disposing of and consolidating the unused portion of road registered as

**Road Plan 2463BM within
SE 02-58-13 W4
Excepting thereout all mines and minerals**

AREA AFFECTED:

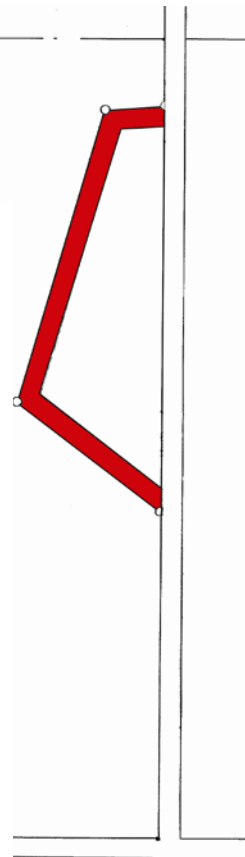
SE 02-58-13 W4 – 2.56 acres (1.036 hectare)

Copy of **Bylaw No. 1200-09** is available at the County Administration Office in Smoky Lake, during regular business hours, for inspection at the following address:

**Smoky Lake County Office
4612 McDougall Drive (Box 310)
Smoky Lake, Alberta T0A 3C0**

Any person wishing to file a letter or comment on the proposed Bylaw is welcome to submit written correspondence prior to the Public Hearing or appear in person at the Public Hearing.

A **Public Hearing** has been scheduled for **October 29, 2009** at **1:00 P.M.**, in the **County Council Chambers**, Smoky Lake, to provide the public with the opportunity to comment on **Bylaw 1200-09** prior to its proposed adoption.



Cory Ollikka
Chief Administrative Officer

**SCHEDULE “F”
REFERRAL LIST**

Telus Communications Engineering OPS – Right of Ways 16 th Floor, 10020 – 100 Street Edmonton, Alberta T5J 0N5	ATTENTION: Cindy Sparks Real Estate Agreements Assistant III Phone: (780) 493-4619 Phone: (780) 425-0843
ATCO Electric Land & Properties Acquisition 12 th Floor, 10035 – 105 Street Edmonton, Alberta T5J 2V6	ATTENTION: Andy Sharun Phone: (780) 420-3748 Phone: (780) 420-5410
If affecting a water body or adjacent to Crown Land	
Alberta Sustainable Resources Public Lands Division Roadway and Reservation Program 5 th Floor, 9915 – 108 Street South Petroleum Plaza Edmonton, Alberta T5K 2G8	Phone: (780) 427-3570 Fax: (780) 422-3120
Only if selling a Government Road Allowance:	
Alberta Sustainable Resource Development Technical and Logistics Unit 3 rd Floor, 9915 – 108 Street Edmonton, Alberta T5K 2G8	ATTENTION: Bev Cormack Phone: (780) 422-4737 Phone: (780) 422-4251
NOTE: Because most Municipalities have a three month termination clause in their lease agreements, Alberta Environment and Pipeline Companies in the area do not need to be notified of leases on Statutory Road Allowances.	