

## SMOKY LAKE COUNTY

<b>Title:</b> Road Closure or Cancellation	<b>Policy No.:</b> 16-02	<b>E</b>
<b>Section:</b> 03	<b>Page No.:</b> 1 of 8	

<b>Legislation Reference:</b>	Alberta Provincial Statutes
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<b>Purpose:</b>	To provide an application to close a Road Allowance, or cancel a Road Plan.
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<b>Policy Statement and Guidelines:</b>
<p><b>ROAD CLOSURE: TEMPORARY</b></p> <p>Application to <b>CLOSE</b> a Road Allowance must be submitted to the County Council in writing. The request must contain the reason(s) for the proposed closure and the correct name and address of the Applicant. The County Council will consider the request and if approved, will proceed under the <i>Municipal Government Act, Section 25</i>.</p> <p><b>ROAD CLOSURE: CANCELLATION</b></p> <p>Application to <b>CANCEL</b> Road Plans must be submitted to the County Council in writing and state the reason(s) for the request and the correct name and address of the Applicant. If the County Council approves cancellation of a Road Plan and unless the Applicant requests specifically not to have the area amalgamated into his Title, the normal procedure will be to revert the area closed into the Title of the parcel in which the Road Plan is located.</p> <p>Referral to interested parties including government departments, utility companies, and the holders of any easements that may cross the road proposed to be closed will be notified of the proposed cancellation/closure and any easements requirements have been addressed prior to submitted for approval of the Minister of Transportation.</p> <p>Following sections will outline the requirements and procedures for the different types of closures and will provide contact information for third party referrals.</p> <p><b>Road Closing Bylaw:</b> <i>Municipal Government Act – Section 22</i></p> <p><u>Minimum Requirements:</u></p> <ol style="list-style-type: none"><li>1. Prior to first reading and advertising, 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 Land Titles Office.</li></ol>

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**Policy Statement and Guidelines:**

2. The bylaw and advertising (*Section 606, Municipal Government Act*) must state the ultimate purpose of the closure (i.e., to public travel only, for lease or for creation of a title). It is the opinion of the Department that the public, through the advertising or notice, should be made aware of the nature of the closure and its long term consequences. The advertising will state the time and place for a public hearing.
3. 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 must be made clear to the District Operations Manager.

Required Referrals:

- Telus Limited.
- Power Authority.
- Gas Distribution Authority.
- Land Management of Energy Liaison Group of Alberta Sustainable Resources (if a Statutory Road Allowance is for sale).
- Public Land Management Branch of Alberta Agriculture, Food, and Rural Development (if adjacent to Crown Land of water).
- The owner/operator of any pipeline or right-of-way which crosses the subject closure area.

Smoky Lake County is responsible to ensure all third party interests are protected and therefore will provide the Department with written documentation to that effect. If easements or conditions are required, Smoky Lake County must supply the proper documentation to accompany the bylaw when submitting for approval.

**Road Cancellation by Resolution:** *Municipal Government Act – Section 24*

Minimum Requirements:

1. Smoky Lake County, may be resolution, by agreement with the Minister of Transportation, and only for roads that are the subject of “**a surveyed road plan which is registered at Land Titles as a Road Plan**”.

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<b>Policy Statement and Guidelines:</b>
<p>2. Separate title may occasionally be issued generally the road must be returned to the title from which it is excepted (i.e., the ¼ section). Consolidation with adjacent land parcels may require a descriptive plan or a plan of survey. Land Title Office should be consulted in this regard. None of these costs will be borne by the Crown.</p> <p>3. No advertising is necessary, but an agreement or consent must be obtained for the adjacent landowner. If there is more than one adjacent owner, direction from Smoky Lake County as to disposition of the road, and consent from all adjacent owners is required.</p> <p>4. Alberta Transportation will prepare the documentation (Notification to Registrar) necessary to transfer the road to the appropriate owner. Descriptions are not critical but the municipality must provide a clear indication of the extent of the proposed cancellation.</p> <p><u>Required Referrals:</u></p> <ul style="list-style-type: none"> <li>■ Telus Limited.</li> <li>■ Power Authority.</li> <li>■ The owner/operator of any pipeline or right-of-way which crosses the subject closure area.</li> </ul> <p>Smoky Lake County is responsible to ensure all third party interests are protected, and that the documentation for such accompanies the Council resolution when submitted.</p> <p><b>Forming a part of this policy are attached:</b></p> <ul style="list-style-type: none"> <li>■ <b>Bylaw</b></li> <li>■ <b>Resolution</b></li> <li>■ <b>Letter for Resolution</b></li> <li>■ <b>Letter to Utility Company for Bylaw and Resolutions</b></li> <li>■ <b>Referral List for Road Closures and Bylaws</b></li> </ul>

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



# Bylaw of SMOKY LAKE COUNTY

A BYLAW OF THE SMOKY LAKE COUNTY FOR THE PURPOSE OF CLOSING PUBLIC TRAVEL AND (choose which one applies and insert: creating title to, disposing of, 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, application 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, 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 \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Chief Elected Official  
SEAL

\_\_\_\_\_  
Chief Administrative Officer

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
For: Minister of Infrastructure and Transportation

Received second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Received third reading this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.



# Resolution of SMOKY LAKE COUNTY

Date: \_\_\_\_\_ Resolution Number: \_\_\_\_\_

A Resolution of Smoky Lake County for the purpose of closing to public travel and canceling a public road in accordance with Section 24, of the *Municipal Government Act*, Chapter M26, Revised Statutes of Alberta, 2000, as amended.

WHEREAS, the lands hereafter described are not 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 \_\_\_\_\_, affecting the following ¼  
Sections \_\_\_\_\_.

\_\_\_\_\_  
Chief Elected Official

SEAL

\_\_\_\_\_  
Chief Administrative Officer

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
For: Minister of Infrastructure and Transportation



## Letter for Resolution of SMOKY LAKE COUNTY

Date:

Name

Address

Town, Alberta Postal Code

To Whom It May Concern:

**RE: Proposed Road Plan Cancellation**

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 from which it was exempted.

Your comments regarding this proposed Road Plan cancellation would be appreciated. Further, in order to proceed with the Road Plan cancellation, it is necessary for you to indicate your approval of the cancellation by signing and returning this letter.

Please sign and date both copies of this letter and return one copy back to this office for our processing.

Yours truly,

Chief Administrative Officer

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I, \_\_\_\_\_, landowner of \_\_\_\_\_, hereby agree to the  
Name Section Township Range Median  
cancellation of road plan \_\_\_\_\_, within the said quarter section and consolidation  
within \_\_\_\_\_.  
Section Township Range Median

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



**Letter to Utility Company for Bylaw and Resolutions  
of  
SMOKY LAKE COUNTY**

Date:

Name

Address

Town, Alberta Postal Code

To Whom It May Concern:

**RE: Proposed Road Plan Cancellation**

This letter will serve as Notification that "Smoky Lake County" intends to close and cancel a portion of public road.

Please refer to the attached sketches showing the location of the above noted cancellation and advise whether you have any objections and/or require easement protection. If an easement is required, please forward three signed and sealed copies with "Her Majesty the Queen in Right of Alberta as represented by the Minister of Infrastructure and Transportation" as the Grantor. Please fax or forward your **written** reply by \_\_\_\_\_, 2\_\_\_\_.

Yours truly,

Chief Administrative Officer



## Referral List for Road Closures and Bylaws

<b>Telus Limited</b> Real Estate 33 <sup>rd</sup> Floor, 10020 – 100 Street Edmonton, Alberta T5J 0N5	ATTENTION: Shirley LaPlante Real Estate Transaction Clerk Phone: (780) 493-4674
<b>ATCO Gas</b> 10035 – 105 Street Edmonton, Alberta T5J 2V6	ATTENTION: Kay Beauchamp Land Acquisitions Clerk Phone: (780) 420-7356 Fax: (780) 420-7364
<b>ATCO Electric</b> 12 <sup>th</sup> Floor 10035 – 105 Street Edmonton, Alberta T5J 2V6	ATTENTION: Linda Pethick  Phone: (780) 420-7959
<b>Alta Gas Utilities</b> 5509 – 45 Avenue Leduc, Alberta T9E 6T6	ATTENTION: Barry Robinson Supervisor, Land Phone: (780) 986-5215 Fax: (780) 985-5220
<b>If affecting a water body or adjacent to Crown Land</b>	
<b>Alberta Sustainable Resources</b> Public Lands Division 5 <sup>th</sup> Floor, 9915 – 108 Street Edmonton, Alberta T5K 2G8	ATTENTION: Darlene Craven, Specialist Roadway and Reservation Program Phone: (780) 427-4682 Fax: (780) 422-9670
<b>Only if selling a Government Road Allowance:</b>	
<b>Alberta Sustainable Resources</b> Land Management and Energy Liaison Group 3 <sup>rd</sup> Floor, 9915 – 108 Street Edmonton, Alberta T5K 2G8	ATTENTION: Evelyn Findley  Phone: (780) 422-4843
<b>NOTE:</b> 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.	
<b><i>Final Package complete with replies is to be sent to: District Development Technologist.</i></b>	
<b>Athabasca District</b> Unit @2, 3603 – 63 Street Athabasca, Alberta T9S 1A9	Howard Peterson Project Services Tech. Phone: (780)675-2624 Fax: (780) 675-5855