



Policy

Closure of Undeveloped Road Allowance

Policy Number: PDS 7005-02

Supersedes Policy Number: PDS 7005-01

Approved by Council: August 19, 2024

Next Review Date: 2028

Resolution No: 2024-151

Last Review Date: June 19, 2023

POLICY STATEMENT

The *Municipal Government Act* grants the County the ability to request the closure of a road plan, or undeveloped road allowance, that they have determined is no longer needed for the travelling public.

PURPOSE

County Council recognizes that under certain circumstances, it can be advantageous to allow ratepayers the opportunity to request closure of a road allowance or of a whole or any part of a road described in a surveyed road plan that is determined to be no longer required for use by the travelling public owing the existence of an alternate route.

DEFINITIONS

Assessor means a registered land appraiser and/or the County's Tax Assessor, as defined in the *Municipal Government Act*, who will determine what Fair Market Value shall be.

Adjacent Landowner means the registered landowner(s) of the parcels directly adjacent to the road plan or undeveloped road allowance.

Council means the Reeve and Councillors, as a whole, duly elected in the County that hold office at that time.

County means the County of Minburn No. 27.

Fair Market Value (FMV) means a purchase rate based on a professionally prepared market value assessment to determine a fair market rate for the subject lands.

MGA means the *Municipal Government Act*, RSA 2000, c M-26.

Public Hearing means a hearing held in accordance with Part 7 of the *MGA* and advertised in accordance with Section 606 of the *MGA*.

Administration means the operations and staff of the County under the direction of the Chief Administrative Officer.

Road as defined in the *MGA*.

Undeveloped Road Allowance means any land dedicated as a road right of way that has not been fully developed or has not yet been required for vehicular traffic. The right of way may or may not be shown as a road on a plan of survey that has been filed or registered in a land titles office.

GUIDELINES

1. Planning and Development will manage the road closure process as defined in this Policy.
2. Administration will receive Road Closure Applications (Schedule "A") in accordance with the *MGA*.
3. The County will not consider closing a road, undeveloped road allowance or portion thereof, unless it is determined that it is no longer needed for public travel. When considering the initial road closure request, Council will consider the implications on the existing and future road network for the community.
4. If Council refuses the initial application review, the application fee will be refunded to the applicant.
5. A road closure cannot land lock or remove legal access to a property.
6. Council will review and decide on the application's approval or refusal.
7. Fair Market Value (FMV) shall be determined by County Council in consultation with the Assessor. County Council's FMV is final. However, the rate shall be agreed upon prior to the bylaw receiving first reading.
8. The applicant may apply to purchase a road or undeveloped road allowance, or a portion thereof at FMV. If the road or undeveloped road allowance severs the applicant's property and where the applicant has land on both sides of the road or undeveloped road allowance, only that landowner will have the ability to apply to purchase the lands. If the landowner does not wish to purchase the area at FMV, the land will not be sold and will be retained by the County.
9. The County will not accept applications for a road closure from landowners who do not have ownership of lands adjacent to the undeveloped road.
10. When an applicant wishes to purchase a road or undeveloped road allowance, or portion thereof that adjoins property owned by two or more landowners, the municipality will offer the lands to the highest bidder, but not less than the current FMV. If there is only one bidder, the land will be sold at FMV. If two or

more bidders offer the same purchase price, Council may choose to split the area and sell a portion to each bidder or may choose not to sell the lands and re-tender the sale.

11. The road closure process shall be in accordance with the requirements set out in the *MGA*.
12. The purchaser will be required to pay all costs associated with the road closure. This may include but does not limit to the cost of obtaining the land appraisal, surveying costs, registration costs, and legal fees.
13. This policy shall not apply for License of Occupation agreements with Public Lands.



ROAD CLOSURE APPLICATION

APPLICANT INFORMATION

Registered Landowner(s): _____

Mailing Address: _____ Town/City: _____ Postal Code: _____

Phone: _____ Email: _____

**By providing an email address, you authorize the County to contact you via email*

LAND INFORMATION

Legal Land Location: _____ ¼ of Sec. _____ Twp. _____ Range _____ W4M

Lot: _____ Block: _____ Plan: _____ Hamlet/Subdivision: _____

The subject road allowance is located immediately

N ☐

S ☐

E ☐

W ☐

NE ☐

NW ☐

SE ☐

SW ☐

of my property

Note: This application is for undeveloped road allowance closure, road plan closure, and/or consolidation only.

Please identify the purpose for requesting the closure in the space provided below:

I/We, _____ hereby certify that
(FULL NAME OF REGISTERED LANDOWNER(S))

I am the registered owner and that the information provided on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for road closure.

Applicant Signature

Date

Applicant Signature

Personal Information is collected under the authority of s. 33 (c) of the Freedom of Information and Protection Act and will be used in the management and administration of the County of Minburn's planning and permitting processes. Information related to your road closure application and/or any permit(s) issued may be disclosed as allowed or required by law. If you have any questions about the collection, use, or disclosure of your personal information, contact Planning and Community Services at 780-632-2082.

FOR ADMINISTRATIVE USE:

APPLICATION NO: _____

APPLICATION DEEMED COMPLETE (DATE): _____

ROLL NUMBER: _____