



Disposal of Roadway Policy

C-3A.022

Section: 3.0 Planning and Community Services
- A. Planning and Development

Authority: Council

Administering Department: Planning and Community Services

Statement

The Municipal District of Bonnyville (M.D.) acknowledges that the closure and disposal of certain roadways within its jurisdiction can yield strategic advantages.

Purpose

The purpose of this policy is to provide specific guidelines pertaining to the administrative care and control of the roadways under the M.D.'s authority and for Council when considering roadway closures and disposal pursuant to provincial legislation.

Definitions

For the purposes of this policy:

- (1) "Adjacent Landowner" means an identified titled owner of adjacent land that is contiguous to the area of land for which a roadway closure application is being submitted. and includes land that would be contiguous if not for a roadway, river, or stream;
- (2) "Assessor" means a registered land appraiser and/or the M.D.'s Property Assessor, as defined in the *Municipal Government Act*, who will determine what Fair Market Value shall be;
- (3) "Chief Administrative Officer" (CAO) means the Chief Administrative Officer of the M.D. appointed by Council, or their authorized delegate;
- (4) "Council" means the duly elected Council of the M.D.;
- (5) "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;
- (6) "Highest and best use" means the reasonably probable and legal use of property, that is physically possible, appropriately supported, and financially feasible, and that results in the highest value in accordance with the Appraisal Institute of Canada Canadian Uniform Standards of Professional Appraisal Practice;
- (7) "Roadway" means a portion of a road allowance as designated by the Canadian Dominion Land Survey System to allow access to land every second Township line going North and every mile going West, which is owned by the Province of Alberta, but under the care and control of municipalities, and/or road plan shown as a road on a plan of survey that has been filed or registered in a land titles office.

Date Adopted:

Resolution No:

Date Amended:

Resolution No:

Policy

- (1) The process for a proposed roadway closure and disposal may be initiated by an administrative review, Council inquiry, or receipt of a public application.
- (2) The roadway closure and disposal process and associated bylaw shall be in accordance with the requirements set out in the *Municipal Government Act, RSA 2000, c M-26* (MGA) and the Government of Alberta road closure bylaw package.
- (3) The Planning and Development department will manage applications submitted for a roadway closure and disposal and the roadway closure and disposal process in accordance with this Policy.
- (4) The application for roadway closure and disposal must include the following:
 - (a) The appropriate application fees as outlined in the M.D. Master Rates Bylaw;
 - (b) A completed application form signed by the applicant(s);
 - (c) A current copy of the applicant's Certificate of Title confirming they are an adjacent landowner to the roadway;
 - (d) The reasons for the roadway closure and disposal application, which may be provided on either the application form or as an attachment; and
 - (e) An appropriate description of the proposed roadway closure and disposal area.
- (5) In order to proceed with a Roadway Closure and Disposal Application submitted by a landowner, the following criteria must be met:
 - (a) The applicant has ownership of lands adjacent to the roadway;
 - (b) The roadway or portion thereof, is no longer needed for public travel or access, and closure and disposal of the roadway will not have negative implications on the existing and future roadway network and accessibility as identified at the time of application;
 - (c) The proposed roadway closure and disposal does not land lock or remove legal access to a property, and does not prevent existing public access to nearby lands for any purpose including but not limited to recreational; and
 - (d) The proposed roadway closure and disposal does not hinder current or potential municipal infrastructure or utility corridors.
- (6) The proposed closure and disposal of a portion of roadway may also be considered if the intent of the closure and disposal is to bring a lot into conformity regarding existing permanent non-conforming developments.
- (7) Applications for roadway closure and disposal for the purpose of creating a larger more desirable lot will not be considered.
- (8) When processing a roadway closure and disposal application, the Planning and Development department shall consider the implications on the existing and future roadway network and overall accessibility.
- (9) A roadway or a portion of a roadway that is closed and disposed must be consolidated with the applicant's adjacent parcel by way of registered survey plan.
- (10) The purchase price for a closed roadway shall be the current FMV of the land as determined by the Assessor.

- (a) Should the applicant not agree with the FMV which has been provided, the applicant, at their own cost, may have a third-party independent market value appraisal completed in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) by a certified Appraiser, for consideration.
- (b) FMV determined by either the Assessor or a certified Appraiser shall be based on the highest and best use of the proposed closure and disposal area.
- (11) The applicant shall be responsible for covering all expenses related to the roadway closure and disposal. This may include, but is not limited to, the costs of acquiring a land appraisal, surveying fees, registration expenses, and legal charges.
- (12) If the application does not meet the criteria outlined in this Policy, the application may be presented to Council for consideration.
- (13) If approved by the Alberta Minister of Transportation and Council, the Planning and Development department shall prepare the necessary municipal documents for a registered Alberta Land Surveyor, procured by the applicant, to survey the precise area and register the roadway closure and adjacent land consolidation with the Alberta Land Titles Office.
- (14) Payment for FMV of the closure and disposal area as approved by Council must be received by the M.D. before land transfer is completed.
- (15) When the M.D. receives the official roadway closure and disposal registration number from Alberta Land Titles, the appropriate authorities shall be notified.

Policy Review

Within four (4) years from date adopted / amended / reviewed.

For administrative use only:

Related Documentation: (plans, bylaws, policies, procedures, etc.)	Form: Roadway Closure and Disposal Application Bylaw: M.D. Master Rates Bylaw
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