


Prepared/Amended by: Shanon Simon
Municipal Secretary

Manager Approved: 
Date: April 23, 2009

TOPIC: CLOSURE OF STREETS, ROADS OR LANES

Purpose:

To regulate and control the closure of streets, roads and/or lanes within the boundaries of the Town of Redcliff as provided for in the Municipal Government Act R.S.A. 1994, chapter M-1, Section 22.

To promote orderly development and utility servicing within the Town of Redcliff, or facilitate creation of lots or parcels for sale, as it relates to roadways.

To provide proper process, advice and background on applications for the closure of roadways.

Procedure:

1. Typically there are two reasons for requiring the closure of a roadway.
 - a) Preparing land for future subdivision and development of land. (Typically this would involve re-opening a road structure with alternate routing at a future time through the subdivision process.)
 - b) For the purpose of acquisition of a portion of the road or lane, creating a titled property for use as is, or for being consolidated to an adjacent property.

2. When the request is for the purpose of using/acquiring the closed portion of a roadway, and there is no intention for the road or lane to be reopened in an alternate location, the matter should first be forwarded to Committee of the Whole Council. They (Committee of the Whole Council) will then provide their opinion on whether they would like to have Administration initiate the formal process to close the roadway for the purpose of it being sold. By getting this initial opinion, if the proposal were unacceptable, it would save the need for an application, advertising, and the administrative process related to initiating a closure.

Comments from the following individuals should be obtained and presented to the Committee of the Whole Council, when the closure is initially considered:

- a) The Town's Planning Advisor
- b) the Town's Manager of Engineering
- c) the Director of Public Services.

Upon having a consensus of Council (at Committee of the Whole Council) Administration shall proceed as directed. If the request is found unacceptable, then the person requesting the closure shall be advised of that. In the event the "concept" of the closure is deemed acceptable, then Administration shall initiate an agreement for the sale, with all applicable conditions, and initiate the closure as provided for in this procedure.

3. The first step of the formal process is to complete an application for a lane closure. In order for the application to be considered, the application shall include the following:
 - Payment of the fee, if applicable.
 - Providing a diagram, prepared by an Alberta Land Surveyor.
 - Providing the proper wording describing the areas being closed, for the purpose of describing the closure by Bylaw. (This wording must be provided in writing, by an Alberta Land Surveyor.)
4. Administration would now prepare/draft the Bylaw.
5. Circulation of the application/request and the Draft Bylaw for comments to: the Municipal Planning Commission, Redcliff Planning Board, Director of Public Services, the Town's Planning Advisor, and Manager of Engineering.
6. Upon completion of the circulation as outlined, present proposed bylaw to Council for consideration for first reading, with all comments received.
7. Provided that Bylaw has been given 1st reading, advertise as per section 606 of the MGA. (This advertising to advise of the establishment of a public hearing, which will normally be established at a regular Council meeting.)

Note: In addition to the media advertising as described in section 606 of the MGA, as a courtesy the Town of Redcliff may also send notice of intention of Council to close the roadway, by certified mail to all landowners abutting the road, street or lane proposed to be closed.
8. Forward copies (initially by FAX and follow up by mailing original hard copy) of the advertisements as submitted to the media to the utility companies listed below, requesting they confirm (Initially by FAX and follow up by mailing original hard copy), their requirements for easements in writing as soon as possible.
 - a) City of Medicine Hat
2172 Brier Park Place NW
Medicine Hat, Alberta T1C 1S6
Attn: Gary Bailey
Tel: 529-8257, Fax: 502-8061

- b) City of Medicine Hat Gas Department
364 Kipling Street SE
Medicine Hat, Alberta T1A 1Y4
Attn: Ms. Jamie Baker
Tel: 529-8248, Fax: 529-2591

 - c) Shaw Cablesystems G.P..
954 Factory Street SE
Medicine Hat, Alberta T1A 8A5
Attn: Senior Systems Planner
Tel: 528-1826, Fax: 527-4770

 - d) Telus Communications Inc.
Provisioning Technician
456 5 Street SE
Medicine Hat, AB T1A 0N1
Attn: Ross Campbell
Tel: (403) 529-3490, Fax: (403) 527-7308 Cell: (403) 502-3597

 - e) Other agencies as/if deemed necessary by administration.
9. Hold the Public Hearing at the date and time specified in the advertisement. 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 of Alberta Transportation.
10. Upon completion of the Public Hearing, send the following information by courier to:
- Alberta Transportation
3rd Floor Administration Building
909 – Third Avenue North
Box 314
Lethbridge, Alberta T1H 0H5
Attn: John Thomas
Development / Planning Technologist
Phone: (403) 382-4081
Fax: (403) 382-4412
- a) The Original Bylaw with first reading only, signed by the proper officers for the Town of Redcliff.

- b) Letters of response, if any, from utility companies or other government agencies, included in circulation, as well as any comments that arose at the Public Hearing.
11. Check back with District Operations Engineer after two weeks to confirm documentation is complete.
12. Upon receiving ministerial approval of the Bylaw place Bylaw on agenda of next Council meeting for consideration for 2nd and 3rd readings.
13. After passage of the Bylaw submit the Bylaw to Land Titles Office in Calgary and request a new title be issued and specifically request the title be returned to Town of Redcliff. Land Titles Office will require a certified true copy of the Bylaw and if applicable, copies of easements or other encumbrances.
14. Alberta Transportation will require:
- a) Copy of the easement indicating (by land titles) that it has been registered against on the new title.
 - b) Confirmation date of 2nd and 3rd readings.

ADDITIONAL INFORMATION

See Attached "Important Notice" regarding Certificate of Designated Officer for registration of Road Plans.

IMPORTANT NOTICE**Certificate of Designated Officer for Registration of Road Plans**

Please note that **effective immediately**, the new format of "Certificate of Designated Officer" Survey Form 5 must accompany all road plans to be registered. The form can be downloaded from:

<http://governmentservices.gov.ab.ca/pdf/ltmanual/SURVEY-FORM5.pdf>

Section 62(2) of the *Municipal Government Act* that addresses the contents of the affidavit required from the Designated Officer states:

62(2) When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, 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 with the Registrar of Land Titles

- (a) plans of survey showing the land to be acquired, and
- (b) a certificate of a designated officer stating that
 - (i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,
 - (ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and
 - (iii) the person signing the certificate is a designated officer.

Based on the requirements of section 62 of the *Municipal Government Act*, Land Titles has amended the Certificate of Designated Officer Survey Form 5 of the Land Titles Procedures Manual (see Attachment).



A New Direction for Road Cancellations and Closures

Commencing May 15, 1996, local municipalities, requesting approval of bylaws and resolutions, will be responsible for providing written proof to the District Operations Manager of Alberta Transportation that all interested parties have been notified of the proposed cancellation/closure and that any easement requirements have been addressed prior to submitting for approval of the Minister. The District Operations Manager will ensure the integrity of the transportation network is not jeopardised, while providing an "one window" contact for the Department. This method will streamline the process for obtaining the approval of the Minister of Transportation by allowing the local municipality to deal at a local level with local Department staff.

Referral to interested parties includes other government departments, utility companies, and the holders of any easements that may cross the road proposed to be closed.

The following sections will outline the requirements and procedures for the different types of closures and will provided contact information for third party referrals.

0.0 Municipal Government Act (M.G.A.)

1.0 Road Closing Bylaws – Section 22

1.1 Minimum Requirements

- Prior to first reading and advertising, the municipality shall obtain a correct and acceptable description of the closure area. This can be obtained from an Alberta Land Surveyor or the Land Titles Office.
- The bylaw and advertising (Sec. 606, M.G.A.) 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 should also state the time and place for a public hearing.
- 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.

1.2 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 Lands or water)
- The owner/operator of any pipeline or right-of-way which crosses the subject closure area.

It is the responsibility of the municipality to ensure all third party interests are protected and therefore to provide the Department with written documentation to that effect. If easements or conditions are required, the municipality must supply the proper documentation to accompany the bylaw when submitting for approval. All easements will be granted by the Crown.

SAMPLE BY-LAW

(Municipality) of (Name and Number if applicable)

A BYLAW OF THE (Municipality) OF (Name and Number) 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 HIGHWAY IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26.1, REVISED STATUTES OF ALBERTA 1994, 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 highway closed, and

WHEREAS the Council of the (Municipality) of (Name and Number if applicable) 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 (Municipality) 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 highways, 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 Transportation

Received second reading this _____ day of _____, 2____.

Received third reading this _____ day of _____, 2____.

2.0 Cancellation by Resolution – Section 24

2.1 Minimum Requirements

- May only be used by Municipal Districts, Counties, or Special Municipality 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.”***
- 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.
- No advertising is necessary, but an agreement or consent must be obtained for the adjacent landowner (see sample letter). If there is more than one adjacent owner, direction from the municipality as to disposition of the road, and consent from all adjacent owners is required.
- 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.

2.2 Required Referrals

- Telus Limited
- Power Authority
- The owner/operator of any pipeline or right-of-way which crosses the subject closure area.

As in the bylaw process, the municipality will be responsible for ensuring that all third party interests are protected, and that the documentation for such accompanies the Council resolution when submitted. **Easements will be granted by the Crown.**

SAMPLE RESOLUTION

(Municipality) of (Name and Number if applicable)

A Resolution of the (Municipality) of (Name and Number if applicable) for the purpose of closing to public travel and cancelling a public highway in accordance with Section 24 of the Municipal Government Act, Chapter M26.1, Revised Statutes of Alberta 1994, as amended.

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

NOW THEREFORE be it resolved that the Council of the (Municipality) of (Name and Number if applicable) 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 Transportation

SAMPLE LETTER FOR RESOLUTION

Date

Name

address

Town AB T0J 9L0

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 the *municipality* 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.

Yours truly,

A. Smith

I hereby certify that I have no objections to the cancellation of the Road Plan
XXXXXX located in _____.

Date

Signature

SAMPLE LETTER TO UTILITY COMPANY FOR BY-LAW & RESOLUTIONS

Date

Name
address
Town AB T0J 9L0

To Whom It May Concern:

Re: Proposed Road Plan Cancellation

This letter will serve as Notification that the "Municipality" 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 Transportation" as the Grantor. Please fax/forward your **written** reply by _____, 2002.

Yours truly,

A.Smith

Referral List for Road Closures and Bylaws

Telus Limited
Real Estate
33rd Floor, 10020-100 Street
Edmonton AB T5J 0N5

Attn: Shirley LaPlante
Real Estate Transaction Clerk
Phone: (780) 493-4674
Fax: (780) 493-4678
email: shirley.laplante@telus.com

ATCO Gas
10035-105 Street
Edmonton AB T5J 2V6

Attn: Kay Beauchamp
Land Acquisitions Clerk
Phone: (780) 420-7356
Fax: (780) 420-7364

ATCO Electric
12th Floor
10035-105 Street
Edmonton AB T5J 2V6

Attn: Linda Pethick
Phone: (780) 420-7959

Alta Gas Utilities
5509 – 45 Avenue
Leduc AB T9E 6T6

Attn: Barry Robinson
Supervisor, Land
Phone: (780) 986--5215
Fax: (780) 985-5220

Aquila Networks (Utilicorps)
see attached letter

If affecting a water body or adjacent to Crown Land:

Alberta Sustainable Resources
Public Lands Division
5th Floor, 9915 – 108 Street
Edmonton, AB T5K 2G8

Attn: Darlene Craven, Specialist
Roadway & Reservation Program
Phone (780) 427-4682
Fax: (780) 422-9670

Only if selling a Government Road Allowance:

Alberta Sustainable Resources
Land Management & Energy Liaison Group
3rd Floor 9915-108 Street
Edmonton AB T5K 2G8

Attn: Evelyn Findley
Phone: (780) 422-4843

NOTE: Because most Municipalities have a 3 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.

**FINAL PACKAGE COMPLETE WITH RELPIES IS TO BE SENT TO:
DISTRICT DEVELOPMENT TECHNOLOGIST
SEE ATTACHED LIST**

January 5th, 2001

AQUILA

**UtiliCorp Networks Canada
Power line Crossing Request Information Sheet**

Dear Customers;

Since power lines in the former TransAlta Service area may now be owned and operated by a number of companies or Organizations UtiliCorp Networks Canada has set up the following procedure to help you determine the right party for your crossing applications of overhead power lines: (Please call Alberta 1 call @1-800-242-3447 for Underground lines)

TO ESTABLISH LINE OWNERSHIP PLEASE CALL 1-800-332-1002 REQUEST THE UTILICORP DATA INTEGRITY GROUP RETURN YOUR CALL WITH THE OWNERSHIP INFORMATION ON THE LINE IN QUESTION. IF THE CROSSING IS OF A UTILICORP DISTRIBUTION LINE THE FOLLOWING INFORMATION APPLIES:

Crossing/Proximity requests for crossing of distribution power lines (less than 69kV) can be FAXED to 403-514-4411. Please do not send the hard copy if you choose to FAX. Please include only one crossing or proximity per letter and a unique file number per project.

Our Mail Address is: UtiliCorp Networks Canada (Alberta) Ltd.
6th Floor, 801 - 7th Ave. S.W.
Calgary, AB T2P 3P7 Attention Land Services
PO Box 2570 Station M Calgary, Alta. T2P 5H4

Contacts:
Garry Simpson 403-514-4241
Jennifer Graville 403-514-4155
Jill Bussey 403-514-4119

We are pleased to help.

If the crossing is of a TransAlta Utilities Corporation Transmission line (69kV or more) Please call 267-7616

Thank you, for helping us in directing your applications to the right place.

FAX
514-4001

**ALBERTA TRANSPORTATION
DEVELOPMENT & UTILITY APPROVAL CONTACTS
BY DISTRICT OFFICE**

<u>DISTRICT ADDRESS</u>	<u>CONTACT</u>	<u>PHONE/FAX NUMBERS</u>
Calgary District 803 Manning Road N.E. Calgary T2M 2Z8	Mike Seifert, Development Officer	297-7662 Fax: 297-7682
Lethbridge District 3 rd Floor, Admin. Bldg. 9 th Street & 3 rd Ave. North Lethbridge T1H 0H5	John Thomas, Development Officer	382-4081 Fax: 381-5253
Red Deer District #404, 4920 – 51 Street Red Deer T4N 6K8	Lee Bowman, Development Officer	340-4966 Fax: 340-4876
Hanna District P.O. Box 1300 Hanna T0J 1P0	Tony Chelick, Project Services Tech.	854-5550 Fax: 854-3086
Vermilion District P.O. Box 1300 Vermilion T0B 4M0	Neal Reynolds, Project Services Tech.	853-8271 Fax: 853-8270
Edson District 103, 111 – 54 Street Edson T7E 1T2	Jim Cox, Development Officer	723-8513 Fax: 723-8387
Athabasca District Unit #2, 3603 – 63 Street Athabasca T9S 1A9	Howard Peterson, Project Services Tech.	675-2624 Fax: 675-5855
Stony Plain District Box 223, Provincial Bldg. 4709 – 44 Avenue Stony Plain T7Z 1N4	Murray Armitage, Development Officer	963-5711 Fax: 963-7420
Grande Prairie District 8424 – 108 Street Grande Prairie T8V 4C7	Don Bradley, Project Services Technologist	538-6120 Fax: 538-5384
Peace River District (includes High Level) Bag 900, Box 25 Peace River T8S 1T4	Gerard Gravel, Development Offer	624-6372 Fax: 624-2440

**CERTIFICATE OF DESIGNATED OFFICER
(SECTION 62, MUNICIPAL GOVERNMENT ACT)**

RE: ROAD PLAN PREPARED BY _____ A.L.S.

(Surveyor's file no. _____ and our file no. _____)

LEGAL DESCRIPTION: _____

I, _____
of _____ Alberta,
make oath and say:

1. I am the designated officer of the _____
(Name of Municipality)
2. An agreement has been reached with the owner of the land to be acquired and the price to be paid.
3. All persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plan of survey have been notified by registered mail.
4. The land is to be acquired for the purposes of _____.

SWORN before me at the _____)
of _____ in the Province) _____
of Alberta this ____ day of _____) Title (if any)

_____)
A Commissioner for Oaths in and for the Province of Alberta

Print Name

My commission expires _____