



CLOSURE AND CANCELLATION OF ROADS

Policy Owner: Roads

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CLOSURE AND CANCELLATION OF ROADS

Purpose

Cypress County will consider applications for the disposal of roads, road allowances, streets, lanes, and other public thoroughfares not required for public use by the County and not adversely affecting adjacent landowners.

Legislative Authority

Section 22 of the Municipal Government Act, (MGA) hereinafter referred to as the MGA. Closures pursuant to Section 22 require a Bylaw. Cancellations pursuant to Section 22 require a resolution.

Guidelines

1. Landowners who wish to purchase, lease, or otherwise acquire the whole or portion of a road, street, or lane adjacent to their property must complete an “Application to Close or Cancel a Road” form and submit it to the County office.
2. An application for the disposal of a road, road allowance, street, lane, or other public thoroughfare, shall be accompanied by a Plan of Survey, at the applicant’s expense, unless otherwise agreed upon by the County.
3. Where the whole or portion of a road is proposed to be closed or cancelled under Section 22 of the MGA, those portions shall be consolidated into the adjacent land at the time of registration with Alberta Land Titles.
4. Processing and administration of an application will be in accordance with procedures and provisions contained within this Policy and the MGA.
5. The disposal of any road, street or lane is subject to any encumbrances and restrictions under the MGA or any other Act or Regulation and to any right granted by the County to any person for the use of the road, street or lane hereto disposed.
6. The purchase price, lease, rental rate or other fees and conditions shall be set by Council based on the following criteria:
 - a. fair market value of the land or intended use of the land;
 - b. benefit, if any, to the County or the general public;
 - c. fees and charges represent the actual costs of services provided.

Part I. Road Closures - Section 22 of the MGA

1. No road in a municipality that is subject to the discretion, control and management of the municipality may be closed except by Bylaw.
2. If an adjacent landowner requests the closure of the whole or any portion of a road, road allowance, street, lane or other public thoroughfare, an application shall be made on the attached “Application to Close or Cancel a Road” form and shall be accompanied by a Plan of Survey and an application fee of \$450.00 to cover the cost of administration and advertising.
3. Administration will present the application to Council for review and consideration. If Council, by resolution, decides not to proceed, \$300.00 of the fee shall be refunded to the applicant.
4. If Council, by resolution decides to proceed, a price for the land is established and the application proceeds in accordance with Section 22 of the MGA and the following general guidelines:
 - a. Advertise and notify adjacent landowners of the proposed bylaw pursuant to Section 606 of the MGA providing ample time (30 days) for any person who claims to be prejudicially affected by the bylaw an opportunity to be heard by the Council.
 - b. Notify all utility companies operating in the area of the proposed bylaw for their comments and instructions if any.
 - c. Council hears anyone prejudicially affected, reviews any other information submitted, and considers the bylaw for first reading.
 - d. If the bylaw receives first reading the required information is submitted to Alberta Transportation for approval and instructions, if any. Upon approval from Alberta Transportation the bylaw is presented to Council for second and third reading.
 - e. The bylaw is registered at the Land Titles Office. Upon receipt of outstanding costs from the applicant the closed portion of the road is transferred, leased, or otherwise disposed of to the applicant.

Part II. Road Cancellations - Section 22 of the MGA

1. Generally, when the County constructs or reconstructs local roads outside of an existing plan of survey, the surveyor advises which portions of the old plan of survey are being abandoned. Despite section 22, the Council of a municipal district 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 alternate route.
2. The proposed cancellations are referred to utility companies operating in the area for their comment and instructions, if any. An information package and prescribed resolution are submitted to Council for adoption and subsequent approval by Alberta Transportation. Once approved, the new road is registered, and the portions being cancelled are transferred and consolidated with the parcel from which they were originally taken.
3. If an adjacent landowner requests the cancellation of a surveyed road that appears to have been inadvertently missed or overlooked at the time of reconstruction or resurvey, the County will proceed as in number 1 above.
4. If an adjacent landowner requests the cancellation of an existing surveyed road for any other personal or operational reason, an application shall be made on the attached “Application to Close

or Cancel a Road” form accompanied by a Plan of Survey and an application fee of \$450.00 to cover the cost of administration and advertising.

5. Administration will present the application to Council for review and direction for further processing. If Council, by resolution, decides not to proceed with the processing of the application, \$300.00 of the fee shall be refunded to the applicant. If Council, by resolution, decides to proceed, the application is processed in the same manner as a Road Closure outlined in Part I, number 3 above pursuant to Section 22 of the MGA, except that a bylaw is not required.

Policy History

Amendment Dates & Descriptions:

September 19,2000 - Resolution 2000/280
August 21, 2018 - Resolution No. 2018/459

Review Dates & Outcomes: