

TOWN POLICY NUMBER: 012/2014

REFERENCE:

ADOPTED BY:

SUPERSEDES:

Town Council

PREPARED BY:

EFFECTIVE DATE:

Planning & Community Development

September 16, 2014

TITLE: Request for Road Closure and Sale Policy

POLICY STATEMENT

As a matter of general policy, the Town should seek to make the “highest and best use” of its lands, in accordance with the Municipal Development Plan and other statutory plans. Where land is not being used as a developed road for access, and there exists no future plans for public use of the land, there may be potential for the lands to be developed by other private or public users. This would result in more complete and harmonious development of the community, the inflow of cash (sale proceeds) to the Town, and an increase in tax revenue when the land is developed.

PURPOSE

To establish a procedure for the submission, review, and approval of applications for Road closures, and the associated sale of land within Road right-of-ways. The procedure established is developed in accordance with Section 22: Road Closure of the *Municipal Government Act Chapter M-26*.

PROCEDURE

1. All applications for Road Closure and Sale of land must include the following:
 - a. The appropriate application fee (listed in Schedule “A”)

- b. Signed and completed application form
 - c. Copy of Certificate of Title (which proves ownership of land adjacent to the road allowance)
 - d. A description of the reasons for the Road Closure and Sale application (In a letter or on application form).
 - e. Plan of Land Survey of road allowance land desired for purchase.
2. The Planning and Community Development Department will review the application, ensure its completeness, and then circulate the application to internal departments, adjacent landowners, and affected external agencies for review and written comment. The circulation period will be 30 days.
 - a. Internal departments will determine if there are any expected future public uses for the road allowance land requested. If there are potential uses for the land that are expected in the near future, the Town will not proceed with the requested Road Closure and sale.
 - b. If a road is in active use for access, there may be adverse impacts on adjacent landowners. Planning staff will consider the impact of a request for Road Closure on adjacent landowners, and if it is determined that an adjacent landowner will sustain significant damages (as specified in Section 23(1) of MGA), the Town will not proceed with the requested Road Closure and sale.
3. Following the circulation period, Planning staff will review all circulation responses and determine if the request for Road Closure and sale should proceed to Council for review. If it is deemed that the request for Road Closure and sale can proceed, a Council report will be generated requesting that a Public Hearing date for a proposed Road Closure bylaw be set and advertised for a three week period in the local newspaper.
4. After the Public Hearing with respect to the Road Closure bylaw takes place, Council may give first reading of the proposed Road Closure Bylaw. If first reading is not given, the request for Road Closure and sale application is denied and the Sale agreement becomes null and void.
5. If first reading is given, the Road Closure Bylaw will be forwarded to the Minister of Transportation for consideration and approval. This could be a lengthy time period.
6. Following first reading, Planning staff will advise the applicant to prepare a sale agreement that is subject to the following conditions:
 - a. sale price to be fair market value based on formal appraisal by a certified appraiser at the applicant's expense;
 - b. passage by Council of a bylaw closing the road;

- c. passage by Council of a bylaw re-zoning the road to the same land use district as the adjacent parcel;
 - d. consolidation of the closed road with the adjacent parcel after the sale;
 - e. release of any claims for damage by adjacent owner(s).
7. Once the sale agreement has been finalized, Planning staff will then prepare a Council report recommending that the sale agreement be entered into through Council resolution.
 8. If the Road Closure Bylaw is received back from the Minister of Transportation with approval, Planning staff will prepare a Council report to discuss giving the Bylaw second and third reading.
 9. If second and third reading is given, the applicant shall submit the transfer of land documents at their expense, and any required easements for review and acceptance by the Town of Rocky Mountain House. The sale of Town land by way of Road Closure and in conjunction with this policy is exempt from having to follow the Town's Policy on the Sale of Town Owned Land, or any amendments thereof.
 10. Any other conditions imposed by the sale agreement (i.e. rezoning, consolidation, release of claims of damage) must be satisfied prior to approval of land transfer documents. Once payment for the land purchased is processed and all conditions satisfied, the approved transfer of land documents, easements, and survey will be sent back to the applicant for Land titles registration.

ITEMS OF EXPENSE FOR APPLICANTS:

- Application Fee in accordance to Schedule "A" attached.
- All costs related to producing a Plan of Land Survey, draft Sale agreement, and Transfer of Land documents.
- All costs related to the rezoning of Road Allowance land procured.
- Fair Market Appraisal Expense
- The purchase cost of the Road Allowance land.

SCHEDULE "A"

Application Fee for requests for Road Closure and Sale..... \$500.00