



Request for Decision

Title	Bylaw 1401/18, Road Closure of Plan 762 0104 (First Reading)
Proposed Motion	That Council give first reading to Bylaw 1401/18, Road Closure of Plan 762 0104.
Administrative Recommendation	That Council approve first reading of Bylaw 1401/18 to allow the road closure to proceed to a Public Hearing.
Previous Council Direction	April 24, 2018 - Motion 129/18: That Council refer Item D.8 to Administration and bring back a report to the May 22, 2018 regular Council Meeting.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none">• On April 24, 2018, Council requested additional background information on this item.<ul style="list-style-type: none">○ Between 2015 and 2016, there were two Council Requests regarding a private gate that had been installed across the westerly access (at Range Road 203) to the County's undeveloped road allowance identified as Road Plan 762 0104 within NE 15-57-20 W4M (NE15).○ In March 2016, the County obtained a legal opinion (Attachment #3) regarding the gate across the County's road allowance. The County's solicitor advised that the gate should be removed because it prevented public access to a public road allowance. At this time the County was also advised that an alternative solution could be to close the public road allowance and transfer the land to the resident needing access to his property.○ In January 2017, the County sent the landowner NE15 a letter advising that he had 30 days to remove the gate from the road allowance.○ In January 2017, the two Council Requests were closed.○ In February 2017, the solicitor for the landowner requested that the County reconsider the removal of the gate and instead enter a License of Occupation for the road allowance.○ In February 2017, the County advised the landowner's solicitor that the County would not support the License of Occupation and granted additional time for the gate to be removed. The County also suggested that the gate could be relocated to the landowner's

property line on the eastern boundary of the undeveloped road allowance, immediately adjacent to his property.

- In March 2017, the landowner requested additional time to relocate the gate in the spring.
- In May 2017, the landowner met with Current Planning & Development to discuss closing the road and purchasing the land from the County.
- In July 2017, the County obtained a legal opinion (see Attachment #4) asking if the County could close a road and directly sell it to a specific individual. The County's solicitor advised that this could be done in a two-step process. The first step would be to close the road as per section 22 of the *Municipal Government Act* (MGA). This process requires that a road closure bylaw be advertised and allows anyone who claims to be prejudicially affected by the closure be given an opportunity to be heard by Council. Once the road has been closed and a certificate of title is issued to the County, the MGA allows the County to sell the property to a specific individual at fair market value.
- In August 2017, the County and the landowner met with Alberta Transportation (AT) to discuss the proposed road closure. AT recommended that a bylaw would be preferred over a resolution, as this would allow the County to demonstrate to the Minister that it heard and considered all affected parties positions (i.e. Public Hearing).
- On August 31, 2017, the landowner of NE15 applied to the County to close Road Plan 762 0104 and requested that it be consolidated into his property.
- Prior to this road plan being registered, NE15 was a landlocked parcel. According to the landowner, to develop the parcel, he was required to purchase the land to provide for the current public road allowance and dedicate it to the municipality (Thorhild County).
- The landowner obtained permission from Thorhild County in 1976 to place a gate across this roadway at Range Road 203 and stated that since then he has maintained this undeveloped public road allowance at his cost.
 - As a result of Order in Council 910/77, these lands were placed under the jurisdiction of Sturgeon County on September 6, 1977.
- On November 16, 2017, the County and landowner entered into an agreement contingent on Council approval of the road closure. The agreement generally outlines:
 - that the land would be transferred to the landowner for market value, if the road closure is successful;
 - that the road would be transferred on an "as is, where is" basis, and it allows the landowner the ability to test the lands to determine if it is suitable for its intended use;

- who would be responsible for costs of the road closure, such as but not limited to legal, surveying, land titles registration; and
- that the County is entering into the agreement in its capacity as an owner of land and not in its capacity as a regulatory, statutory or approving body pursuant to any law of the Province of Alberta.

External Communication

- Notification of the proposed road closure was sent to all third-party interests and parcels adjacent to the proposed closure.
- The attached map identifies the following:
 - the location of the road closure east of Range Road 203 (blue line);
 - the location of field accesses to the adjacent properties on the north and south sides of the proposed road closure; and
 - the legal access provided to adjacent properties northeast of the proposed road closure via the undeveloped Range Road 202 road allowance.
- Public Hearing notification will be sent out to all adjacent landowners of the proposed road closure. The Public Hearing will also be advertised in the local newspaper.

Relevant Policy/Legislation/Practices:

Section 22 of the *Municipal Government Act*

Implication of Administrative Recommendation

Strategic Alignment:

Planned Growth and Prosperity

Goal 2.3 is “Sturgeon County balances the demand for new infrastructure while managing investment in current assets”. This road is currently a County liability and may need to be rebuilt and maintained in the future if it is not closed.

Organizational:

Administration will coordinate the signing for first reading of the attached bylaw and forward to the Minister of Transportation for review and approval, following the Public Hearing. Second and third reading will proceed to Council after the Minister has signed the bylaw.

Financial:

The Road Closure Transfer Agreement outlines how the purchase of the road allowance will be completed. This agreement specifies an amount per acre as the purchase price of the subject land. The dollar per acre value was provided by the County Assessment Department.

Alternatives Considered

That Council does not give first reading to Bylaw 1401/18.

Implications of Alternatives	<p><u>Strategic Alignment:</u></p> <p>Goal 2.3 is “Sturgeon County balances the demand for new infrastructure while managing investment in current assets”. If this road is deemed to be needed, it may need to be built and maintained by the County.</p> <p><u>Organizational:</u></p> <p>The bylaws will not be forwarded to the Minister of Transportation as first reading is required prior to being able to do so.</p> <p><u>Financial:</u></p> <p>The County would have future operational obligations, which would have a financial impact.</p>
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Follow up Action	1. Advertise for Public Hearing.
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Attachment(s)	<ol style="list-style-type: none"> 1. Bylaw 1401/18 2. Surveyed Road Plan 762 0104 3. CONFIDENTIAL (s. 27 FOIP Act) – March 2016 Legal Opinion 4. CONFIDENTIAL (s. 27 FOIP Act) – July 2017 Legal Opinion 5. Location Map
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Report Reviewed by:	<div style="text-align: center;">  Collin Steffes, General Manager, Integrated Growth </div> <div style="text-align: center; margin-top: 20px;">  Bill Minnes, County Commissioner – CAO </div>
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Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Consistent with neighborhood role (see MDP), master plans, policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers cumulative costs and long-term funding implications</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Targets growth around current or planned infrastructure</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports and promotes volunteer efforts</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Provides programs and services that are accessible to all residents</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Staff have the knowledge, skills and capability to perform their jobs</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Streamlines operational processes and policies</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>