



Closures, Leasing and Licensing of Surplus Municipal Roads

Planning & Development Services
Policy M10

Policy:	M10 – Closures, Leasing and Licensing of Surplus Municipal Roads
Policy Department(s):	Planning & Development Services
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Policy Purpose

To provide the framework and establish transparent guidelines for which the County will consider the Licensing of Undeveloped Surplus Roads and the Closing of County Roads for the purpose of Disposal or Leasing.

Policy Statement

Under the authority of the Municipal Government Act, the County has the jurisdiction to direct, control and manage all roads within the municipality. Council strives to ensure these roads are maintained through effective transportation networks for its residents, businesses and industries. The County recognizes there may be benefits that derive from utilizing the land contained within non-essential Road Allowances or road plans through road closures, if it results in minimal adverse impacts to adjacent landowners or County infrastructure requirements. The benefits that may arise from these requests can aid in the generation of revenue to increase fiscal sustainability, aid in creating a safe and prosperous community as well as promote effective land use management.

Definitions

“Chief Administrative Officer” means the person appointed by Council to the position of Chief Administrative Officer under the Municipal Government Act for the County or designate.

“Council” means the duly elected Council members of the County of Grande Prairie No. 1.

“Consolidation” means the process of combining more than one Certificate of Title(s) into a single Certificate of Title. A method of Disposal.

“Disposal” means the process of reutilizing, transferring, donating, selling, or other disposition of County owned assets.



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“Lessee” means a person to whom an exclusive lease agreement is granted for a determined use.

“Licensee” means a person to whom a non-exclusive license agreement is granted for a determined use.

“Public Lands” means a parcel of land not privately owned, held by the federal, provincial, or municipal government Land, and including Road Allowances.

“Public Travel” means any travel on the Road Allowance by the general public, excluding the Lessee, Licensee or owner, and includes all modes of travel with the exception of foot access. Examples of modes of Public Travel may include but are not limited to horseback, bicycle, vehicle, machinery or equipment.

“Road Allowance” means land that is dedicated for the purpose of a public road right of way, where a public road could be constructed if the need arose. Road Allowances are owned by the Province of Alberta, but under the care and control of municipalities.

“Surplus Roads” means roads within the County that are not required for Public Travel and are considered non-essential in the overall context to the County. Surplus Roads largely consist of undeveloped Road Allowances, road rights-of-way and or service roads but may also be surveyed roads that are not required due to the existence of an alternate route.

Policy Guidelines

1. The County strives to maintain and utilize its land interest to its highest and best use. This includes Road Allowances within its jurisdiction. Roads within the County may be considered Surplus if they are non-essential (not required for Public Travel) or undeveloped due to changes to existing operational requirements or no anticipated future County expansions.
 - 1.1. Considering roads as Surplus will be reviewed in the context of all regulatory documents, including but not limited to: Municipal Development Plan(s), Master Plan(s), Area Structure Plan(s) and Intermunicipal Development Plan(s).
 - 1.2. Roads may not be considered Surplus if a road closure or exclusivity of an agreement would restrict the public’s reasonable access to Public Lands.
2. All matters related to road closures or cancellations shall meet the following requirements:
 - 2.1. Municipal Government Act Part 3 Division 2 – Roads, Road Closure – Section 22.
 - 2.2. Municipal Government Act Part 3 Division 8 – Limits on Municipal Powers, Disposal of Land – Section 70.



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- 2.3. Municipal Government Act Part 16 – Requirement for Advertising – Section 606
 - 2.4. Alberta Transportation’s Road Closure approval process.
 - 2.5. Land Titles Sur-11 Road Closures Procedure.
 3. Council may consider the following requests on Surplus Roads:
 - 3.1. Road Closure for the purpose of Leasing.
 - 3.2. Road Closure for the purpose of Disposal.
 - 3.3. Licensing of an Undeveloped Road Allowance/Right of Way.
 4. All proposals are required to outline the reasoning for the request and will be evaluated based on current municipal objectives, bylaws and procedures as well as applicable Provincial legislation.
 5. If the intent of the road closure is for Disposal purposes, it must be consolidated into an adjacent property for a price that has been determined pursuant to Policy M4 – Disposal and Licensing of Surplus Municipal Land and all other applicable legislation.
 - 5.1. A request to consolidate requires a transfer of municipal interest to a third party, as such the applicant must purchase the portion of land in order to consolidate it.
 - 5.2. All proceeds received through the Disposal of Surplus Roads will be recorded as revenue to be utilized to support future County infrastructure requirements.
 6. Requests to Lease or License Surplus Roads, must be for a use that does not conflict with surrounding properties unless consultation has been done with adjacent landowners.
 7. The County shall be permitted to impose the following conditions on any Lease or License Agreement to restrict potential adverse effects, including but not limited to:
 - 7.1. Limitations on the use, insurance requirements, whether obstructions such as fences and gates are permissible, weed control, compensation, strictly prohibiting activities unless otherwise receiving written approval from the County (storage of infrastructure, removal of vegetation, etc.) and any other additional terms as required by County Administration.
 - 7.2. Limit the term of agreements to three years, unless otherwise directed by Council, to internally review operational requirements, expansion needs, or any concerns, conflicts or considerations that may arise during the term of the agreement.
 - 7.3. To ensure compliance of the above statements, applicants are encouraged to review the samples of the Lease and License Agreement prior to applying.



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8. All requests are subject to Administration procedures and the Schedule of Fees, Rates and Charges Bylaw.

Attachments

Schedule A – Road Allowance Lease Agreement Template

Schedule B – Undeveloped Road Allowance License Template

References

Legal Authorities	Municipal Government Act, RSA 2000, c M-26 Land Titles Sur-11 Road Closures Procedure
Related Plans, Bylaws, Policies, Etc.	Policy B1 – Policy Development Policy M4 – Disposal and Licensing of Surplus Municipal Land Schedule of Fees, Rates and Charges Bylaw
Other	Road Allowance Closure / Lease / Purchase Application Form

Revision History

Review Date	Description
June 12, 2023	Reviewed and Amended CM20230612.011
November 9, 2020	Adoption Date CM20201109.033