

VULCAN COUNTY POLICY NO. 69-1005	Road Closure Policy
Effective: October 18, 2023	Amended:
Cross Reference: CC 2023-10-18-05	Page 1 of 3
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Road Closure Policy

1) PURPOSE

The Municipal Government Act grants municipalities the ability to request the closure of a road, or undeveloped road allowance, that they have determined is no longer needed for public travel. The purpose of this policy is to establish a fair and consistent process for the closure and sale of undeveloped road allowances in Vulcan County.

2) DEFINITIONS

- a) **“Administration”**: an employee of Vulcan County as directed by the Chief Administrative Officer;
- b) **“Assessor”** LD MR OF PRSD CKMC COQIFDQ MCNCSB NTMNR W RDRNQ RDEHDC in the Municipal Government Act, who will determine what Fair Market Value shall be.
- c) **“Adjacent Landowner”** means the registered landowner(s) of the parcels directly adjacent to the road or undeveloped road allowance.
- d) **“Council”** means the elected official Council of Vulcan County, in the Province of Alberta.
- e) **“Fair Market Value (FMV)”** means a purchase rate based on a professionally prepared market value assessment to determine a fair market rate for the subject lands.
- f) **“MGA”** Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, as amended.
- g) **“Road”** as defined in the *Municipal Government Act*.
- h) **“Undeveloped Road Allowance”** means any land dedicated as a road right of way that has not been fully developed or has not yet been required for vehicular traffic. The right of way may or may not be shown as a road on a plan of survey that has been filed or registered in a land titles office.

3) PROCEDURES

- a) A request to close all or any portion of a road allowance shall be submitted on the County R COB SNM to Close a Road KIV MBD ENQ.
- b) The application must include a sketch of the road allowance proposed for closure, the location of feature(s) (i.e., pivot, etc.) or other characteristics of the surrounding land that will impact the road allowance, and a statement of the reason(s) for the closure request. An application to close a road allowance must be accompanied by the applicable fee, as set out in the Fees for Service Bylaw.

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- c) For an application to close and purchase a road allowance, Council may, by resolution, choose one of the following:
 - i. refuse the application for closure or;
 - ii. give first reading of the bylaw and allow the application to proceed with the next steps of closure (public hearing and provincial approval).
- d) A public hearing will be held after first reading and shall be advertised in accordance with ~~TIB M NTMEXR / TAMB - NSEB SNIM XKV MCL TRSMBKCD SED ENKIVMF~~
 - i. Notify landowners adjacent to the proposed road closure; and
 - ii. Notify utility companies, required referrals, and any companies with an interest on the title.
- e) Prior to closing the public hearing, administration will request a motion from Council to confirm the application be forwarded to the required provincial body for review and endorsement.
- f) If Council refuses the road closure request, it will proceed no further. The applicant will be notified of the decision. A decision of Council may not be appealed.
- g) Upon approval from the Minister of Transportation and Economic Corridors, the Bylaw will be presented to Council for Second and Third Reading.
- h) If the Minister does not approve a road closure and there is no possibility of amending the Bylaw or Resolution so as to be acceptable to the Minister, administration will update Council and the applicant on the refusal. The bylaw shall be left to expire.

4) GUIDELINES

- a) The road closure process shall be in accordance with the requirements set out in the MGA.
- b) The County will not consider closing a road, undeveloped road allowance or portion thereof, unless it is determined that it is no longer needed for public travel. When considering a road closure request, Administration will consider the implications on the existing and future road network and present those to Council.
- c) Applications seeking to purchase undeveloped road allowances following closure of the road allowance can only come from adjacent landowners. All landowners who own property adjacent to a road being considered for closure and sale, must be given equal opportunity to acquire half or an otherwise equal portion of the road.
- d) A road closure cannot land lock or remove legal access to a property and will not be considered if closure would prevent existing public access to nearby lands for any purpose including recreational pursuits such as walking, fishing, swimming, skiing, hunting, and/or recreational vehicle use.

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- e) A road closure cannot land lock or remove legal access to a property and will not be considered if the closure hinders current or potential irrigation or utility corridors.
- f) In an effort to promote the development of Hamlets and allow for orderly growth, road closures within Hamlets are strongly discouraged without compelling reason to do so.
- g) A road allowance that is closed and purchased must be consolidated with the ~~COMB~~ MSR adjacent parcel in a manner such that the resulting Certificate of Title cannot be subdivided without the approval of the Subdivision Authority.
- h) The purchaser will be required to pay all costs associated with the road closure. This may include but does not limit to the cost of obtaining a land appraisal, surveying costs, registration costs and legal fees.
- i) The purchase price for a closed road will be the current Fair Market Value of the land as determined by the County Assessor. This amount is based on similar and comparable uses and land in the area. Should the potential purchaser not agree with the market value which has been provided, the potential purchaser, at their cost, may have a third-party independent market value appraisal completed in accordance with the Uniform Standards of Professional Appraisal Practice by a certified Appraiser, for consideration.