

Road Cancellations and Closures

Local municipalities requesting approval of bylaws and resolutions are responsible for notifying all parties who may have an interest in the proposed cancellation/closure and that any easement requirements have been addressed prior to submitting for approval from Alberta Transportation. Interested parties include land owners, government departments, utility companies and holders of easements that may cross the road proposed to be closed.

Once this referral process has been completed, the local municipality provides the District Operations Managers of Alberta Transportation with written proof that all interested parties have been notified of the proposed cancellation/closure, and that any easement requirements have been addressed. These documents will assure the District Operations Manager that the transportation network will not be jeopardised by the cancellation/closure. This also streamlines the process for obtaining approval of the Department of Transportation by allowing the Municipality to deal with Department Staff at the local level.

The following package outlines the requirements and procedures for the different types of closure and provides contact information for third party referrals.

If you have any questions contact:

Adrienne Kisko
Lands Technologist
Alberta Transportation
Divisional Services
2nd Floor, Twin Atria Building
4999 – 98 Avenue
Edmonton, AB, T6B 2X3
Ph: (780) 415-1538 Fax: (780) 422-2027

1.0 Road Closure Bylaw under Section 22 Municipal Government Act

1.1 Minimum Requirements

- Prior to first reading and advertising, the municipality shall obtain a correct and acceptable description of the closure area. This can be obtained from an Alberta Land Surveyor or the Land Titles Office.
- The bylaw and advertising (see Section 606, Municipal Government Act) must state the purpose of the closure (i.e. to public travel only, for lease, or for creation of a title (disposal)). It is the opinion of the Department that the public, through the advertising notice, should be made aware of the nature of the closure and its long term consequences. The advertising should also state the time and place for a public hearing. Copies of the advertisement **must** be included in the package submitted to Alberta Transportation.
- If objections are raised, either in writing or at the public hearing, Council should determine whether the objections are valid and whether they wish to continue in spite of the objections. If continuing with the closure, the rationale for the closure or cancellation must be clarified in the covering letter Alberta Transportation
- **Council must give first reading to the bylaw prior to submitting the signed, dated, original to the Department for approval (as per M.G.A. 22(3)).**

1.2 Required Referrals

- Alberta Transportation for comments on the proposed closure, and to schedule an inspection of the site to ensure access to adjacent lands will not be unduly impeded. **This referral should occur at the same time as other third party referrals, well before the signed bylaw is forwarded for final handling and approval.**
- Utility companies (telecommunications, power authorities, gas distribution etc.)
- Public Lands, Alberta Sustainable Resources, if a Statutory Road Allowance is for sale, or if the road is adjacent to Crown Lands or a water body.
- The owner/operator of any pipeline or right-of-way that crosses the subject closure area.

It is the responsibility of the municipality to ensure all third party interests are protected by an easement or (utility) right of way agreement, and therefore, must provide the Operations Manager, Alberta Transportation with written documentation to that effect.

1.3 Submission Package

The final package submitted to the Operations Manager, Alberta Transportation **must** include:

- Covering letter requesting the closure and rationale for the closure
- Original copy Bylaw signed and dated with first reading
- Sketch/plan of the road closure
- Copies of referral letters
- 3 copies of each utility easements (if required)
- Copies of objections (written or from the public hearing)

2nd and 3rd readings of bylaws must be within 2 years of the 1st reading and the Land Technologist, Alberta Transportation (Edmonton) notified.

SAMPLE BYLAW

{Municipality} of {Name and Number if applicable}

A Bylaw of the {Municipality} of {Name And Number} in the Province of Alberta for the purpose of closing public travel and {choose which one applies and insert: creating title to, disposing of, leasing of} portions of a public highway in accordance with Section 22 of the Municipal Government Act, Chapter M26.1, Revised Statutes Of Alberta 2000, as amended.

WHEREAS the lands hereafter described are no longer required for public travel, and

WHEREAS application has been made to Council to have the highway closed, and

WHEREAS the Council of the {Municipality} of {Name and Number if applicable} deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and therefore disposing of same, and

WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and {or put in dates of advertisement}

WHEREAS Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw

NOW THEREFORE BE IT RESOLVED that the Council of {Municipality} in the Province of Alberta does hereby close to public travel for the purpose of (choose which one applies and insert: creating title to, disposing of, leasing of) the following {described highways}, subject to rights of access granted by other legislation:

{insert proper description}

EXCEPTING THEREOUT ALL MINES AND MINERALS

Received first reading this ___ day of _____, 20__.

Chief Elected Official
<seal>

Chief Administrative Official

APPROVED this ___ day of _____, 20__.

Minister of Transportation
<seal>

Approval valid for ___ months

Received second reading this ___ day of _____, 20__.

Received third reading this ___ day of _____, 20__.

Chief Elected Official
<seal>

Chief Administrative Official

Sample Letter - Bylaw

Date

Name
Department
Address
Town, AB T__ __

Attention: Name and Title

Dear Sir or Madam:

Re: Proposed Road Closure (Road Plan ##### in XX XX-XXX-XX-WXM)

John Doe has made an application to Council to close the road plan as described above. This matter will be dealt with before Council in a public hearing on *{date and time}*. We are required to notify you of this proposed closure to give you the opportunity to reply. If you have an objection or concern, we require a **written** reply from you by *{date}*, which will be forwarded with the file to Alberta Transportation.

Please direct your replies to the Council Offices at the above address, Attention: *person looking after closures*.

We are enclosing a copy of the map showing the proposed road allowance. If you have any further questions or concerns, please do not hesitate to contact our office.

Yours truly,

/
Enclosures

2.0 Road Closure by Resolution under Section 24 Municipal Government Act

2.1 Minimum Requirements

- A resolution may only be used by Municipal Districts, Counties, or Special Municipalities by agreement with the Minister of Transportation. It can only be used to close roads that are *"a surveyed road plan which is registered at Land Titles as a Road Plan."*
- The road is usually returned to the title from which it was excepted (i.e. the ¼ section). Consolidation with the adjacent land parcels may require a descriptive plan or a plan of survey. **Land Titles should be consulted to ensure that the description is suitable for registration.** None of these costs will be borne by the Crown.
- No advertising is necessary, but an agreement or consent must be obtained from the landowner(s) affected (see sample letter). If there is more than one adjacent land owner, direction from the municipality as to disposition of the road, and consent from all affected land owners is required.
- Alberta Transportation will prepare the documentation (Notification to Registrar) to transfer the road to the appropriate owner(s). Descriptions are not critical, but the municipality must provide a clear indication of the extent of the proposed cancellation.

2.2 Required Referrals

- Alberta Transportation for comments on the proposed closure, and to schedule an inspection of the site to ensure access to adjacent lands will not unduly impeded. **This referral should occur at the same time as other third party referrals, well before the signed bylaw is forwarded for final handling and approval.**
- Utility companies (telecommunications, power authorities, gas distribution etc.)
- Public Lands, Alberta Sustainable Resources, if a Statutory Road Allowance is for sale, or if the road is adjacent to Crown Lands or a water body.
- The owner/operator of any pipeline or right-of-way that crosses the subject closure area.

It is the responsibility of the municipality to ensure all third party interests are protected by an easement or (utility) right of way agreement, and therefore, must provide the Operations Manager, Alberta Transportation with written documentation to that effect.

2.3 Submission Package

The final package submitted to the Operations Manager, Alberta Transportation **must** include:

- Covering letter requesting the closure and rationale for the closure
- Original copy Resolution signed and dated
- Sketch/plan of the road closure
- Copies of referral letters
- 3 copies of each utility easements (if required)

SAMPLE RESOLUTION

{Municipality} of {Name and Number if applicable}

A Resolution of the {Municipality} of {Name and Number if applicable} for the purpose of closing to public travel and cancelling a public highway in accordance with Section 24 of the Municipal Government Act, Chapter M26.1, Revised Statutes of Alberta 2000, as amended.

WHEREAS, the lands hereafter described are no longer required for public travel.

NOW THEREFORE be it resolved that the Council of (Municipality) of (Name and Number if applicable) does hereby close the following described road, subject to rights of access granted by other legislation.

Road Plan {Insert Registered number} within {Insert Legal description (e.g.: SE 12-56-23-4)}

Excepting Thereout All Mines And Minerals

Chief Elected Official
<seal>

Chief Administrative Official

APPROVED this ____ day of _____, 20____.

Minister of Transportation
<seal>

Approval valid for ____ months

SAMPLE LETTER OF RESOLUTION

Date

Name
Department
Address
Town, AB T__ __

Attention: Name and Title

Dear Sir or Madam:

Re: Proposed Road Cancellation (Road Plan ##### in XX XX-XXX-XX-WXM)

Enclosed is a copy of the above mentioned Road Plan that is located on land registered in your name. Please be advised the municipality proposes to cancel this Road Plan and that all lands from the cancelled road will revert to the Title(s) from which it was excepted.

In order to proceed with the Road Plan cancellation, it is necessary for you to indicate your agreement of the cancellation by signing and returning the duplicate copy of this letter.

Yours truly,

Jane Somebody
Typist

/cca
Enclosures

I hereby certify that I have no objections to the cancellation of Road Plan XXXXXX located in XX XX-XXX-XX-WXM

Date

Signature

SAMPLE LETTER TO UTILITY COMPANY

Date

[Utility Company]

Address

Town AB X0X 0X0

To Whom It May Concern

Re: Proposed Road Cancellation and Closure

On behalf of the *municipality*, this letter serves as notification that the *municipality* intends to close to public travel and cancel a portion of public highway or roadway in accordance with Section 24 of the Municipal Government Act M-26.1, Revised Statutes 2000, and amendments thereto.

To be Cancelled: Road Plan _____, in the _____, as shown on the enclosed sketch.

If an easement is required to protect your interests within this road closure, please advise us. **Alberta Transportation** will be the **GRANTOR** for all easements. They will be registered at Land Titles Office in conjunction with the other road closure documents.

Please return the following to our Office within thirty (30) days.

- Three fully executed easement documents by your firm. We will forward these documents to Alberta Transportation for final execution.
- This letter signed, and granting approval of the road closure and cancellation.

If you have any questions or concerns or require further information, please do not hesitate to contact the undersigned.

Yours truly,

APPROVAL GRANTED
[UTILITY COMPANY]

Signature

Print Name

Date: _____

/ Enclosures

Referral List for Road Closures

TELUS COMMUNICATIONS

TELUS Real Estate Right of Way Office
16C – 10020 – 100 St
EDMONTON, AB T5J 0N5

Attn: Cindy Sparks
Real Estate Agreements Assistant III
Phone: 1-800-774-7002
Fax: (780) 425-0843
rightofwayAB@telus.com

ATCO GAS (N. of Red Deer)

6th Floor 10035 – 105 St
EDMONTON, AB T5J 2V6
Attn: Tanya Zwaan
Phone: (780) 420-5526
Fax: (780) 420-7364

ATCO GAS (S. of Red Deer)

6th Floor 909 – 11 Ave SW
CALGARY, AB T2R 1L8
Attn: Reg Singleton
Phone: (403) 245-7787
Fax: (403) 245-7250

ATCO Electric

Land & Properties Acquisition
12th Floor, 10035 – 105 St
EDMONTON, AB T5J 2V6

Attn: Andy Sharun
Phone: (780) 420-3748
Fax: (780) 420-5410

ALTA GAS UTILITIES

5509 – 45 Ave
LEDUC, AB T9E 6T6

Attn: Alynne Kugler
Head Office Ph: (780) 986-5215
Ph: (780) 980-4976
Fax: (780) 980-6769

FORTISALBERTA INC.

320-17th Ave SW
CALGARY, AB T2S 2V1

Attn: Garry Simpson
Land Services
Ph: (403) 514-4241
Fax: (403) 514-4411

ALTA LINK (Twp 35+)

26315 Twp Rd 531A
ACHESON, AB T7X 5A3
Attn: Derek Stuart
Ph: (780) 948-4124 Fax: (780) 948-4132

ALTA LINK (Twp 1 – 34)

2611 – 3 Ave SE
CALGARY, AB T2A 7W7
3rdpartyrequests@altalink.ca
Ph: (403) 267-4253
Fax: (403) 267-3425

Agriculture and Rural Development
Business Services Branch
2nd fl JG O'Donoghue Building
7000 - 113 Street
Edmonton, AB T6H 5T6

Attn: Marie Chornohus
Easement Supervisor
Ph: (780) 427-0131
Fax: 780 422-1613

Note: A complete listing of natural gas distributors, utility companies and rural electrification associations is available from Alberta Agriculture and Food Rural Utilities Division.

If the Road Closure is affecting a water body or adjacent to Crown Land contact:

Alberta Sustainable Resource Development
Public Lands Division
5th Floor, 9915 – 108 St
South Petroleum Plaza
EDMONTON, AB T5K 2G8

Attn: Roadway & Reservation Unit
Phone: (780) 427-3570
Fax: (780) 422-3120

If closing and SELLING a Government Road Allowance contact:

Alberta Sustainable Resource Development
Technical and Logistics Unit
3rd Floor, 9915 – 108 St
EDMONTON, AB T5K 2G8

Attn: Bev Cormack
Ph: (780) 422-4737
Fax: (780) 422-4251

NOTE: Counties and M.D.s usually have a 1-3 month termination clause in their lease agreements, so Alberta Sustainable Resources and the pipeline companies in the area do not need to be notified of leases on Statutory Road Allowances.

The complete package sent to the District Operations Manager will include:

- original or certified copy of the bylaw or resolution (after first reading)
- copies of the notices sent to all interested parties
- copy of the notice published in the local newspaper (bylaws only)
- copy of the meeting minutes when the bylaw or resolution received first reading and public hearing.

**ALBERTA TRANSPORTATION OPERATIONS
DISTRICT OFFICES AND MANAGERS**

Calgary District

2nd Floor 803 Manning Rd. NE
Calgary T2E 7M8

Operations Manager: Tas Kollias

Ph: 403-297-7661

Fax: 403-297-7682

Lethbridge District

3rd Floor, Admin Bldg 909- 3rd Ave N Box 314
Lethbridge T1H 0H5

Operations Manager: Terry Becker

Ph: 403-382-4071

Fax: 403-382-4057

Red Deer District

401, 4920 - 51st St
Red Deer T4N 6K8

Operations Manager: Russell Watts

Ph: 403-340-4964

Fax: 403-340-4876

Hanna District

PO Box 13000
Hanna T0J 1P0

Operations Manager: Tony Chelick

Ph: 403-854-5550

Fax: 403-854-3086

Vermilion District

Box 28, 4701 - 52nd St
Vermilion T9X 1J9

Operations Manager: Bill Heaslip

Ph: 780-853-8182

Fax: 780-853-8270

Athabasca District

Unit #2, Jewell Bldg 3603- 53rd St
Athabasca T9S 1A9

Operations Manager: Vacant

Ph: 780-675-2624

Fax: 780-675-5855

Edson District

Rm 103, 111 54th St
Edson T7E 1T2

Operations Manager: Terry Carter

Ph: 780-723-8250

Fax: 780-723-8387

Stony Plain District

Rm 223, Provincial Bldg 4709 - 44th Ave
Stony Plain T7Z 1N6

Operations Manager: Neal Reynolds

Ph: 780-963-4218

Fax: 780-963-7420

Grande Prairie District

2301, Provincial Bldg 10320 - 99th St
Grande Prairie T8V 6J4

Operations Manager: Tom Williams

Ph: 780-538-6113

Fax: 780-538-5384

Peace River District

Bag 900, Box 29
Peace River T8S 1T4

Operations Manager: Bill Gish

Ph: 780-624-6220

Fax: 780-624-2440

Fort McMurray

Sixth Floor, West Tower 9915 Franklin Ave
Fort McMurray, AB T9H 2K4

NATC Manager: Ron Fraser

Ph: 780-743-7460

Fax: 780-743-7215