

Miscellaneous Municipal Item REPORT TO COUNCIL Request to Purchase an Undeveloped Road Allowance June 26, 2024

Letter of Request information File: PL1828-09N

LEGAL DESCRIPTION:

Undeveloped road allowance between N $\frac{1}{2}$ 9-18-28 W4M and S $\frac{1}{2}$ 16-18-28 W4M containing ~ 7.97 acres

LANDOWNER: Foothills County

LICENCE APPLICANT: Roscoe and Janessa Waddell

PROPOSAL: Request to Purchase an Undeveloped Road Allowance

DIVISION NO: 1 COUNCILLOR: Rob Siewert

FILE MANAGER: Donna Fowler, Municipal Lands Administrator

LOCATION

The undeveloped road allowance is located approximately 1.6km East of Highway 2 and 6km Southeast of the Town of High River, within an undeveloped portion of 594 Ave East.

BACKGROUND

February 28, 2024:

Staff provided a brief presentation to Council for the consideration of the request of Roscoe and Janessa Waddell for the closure and purchase of the undeveloped road allowance adjacent to their property.

Council directed administration to proceed with a public hearing in order to consider the road closure of the undeveloped road allowance between N $\frac{1}{2}$ 9-18-28 W4M and S $\frac{1}{2}$ 16-18-28 W4M for purchase.

CIRCULATION:

The Application File was circulated internally and externally with responses as indicated:

Foothills County Website – Application file posted on June 12, 2024 Western Wheel Advertisement – June 12th and June 19th, 2024 Adjacent Landowner Circulation – No concerns to June 18, 2024 External Agencies Circulated with two concerns identified

- One concern from ATCO Gas (see Appendix B)
- One concern from Altalink (see Appendix B)

Internal Circulation – No Concerns although Public Works provided the following comments:

 Public Works has no concerns with the request. There are steep grades and bridges required if this road was ever to be built. All quarters (SW & SE 16, NW & NE 9) have access to developed County roads (136 ST E & 152 ST E)

REQUEST OF COUNCIL

OPTION 1 – APPROVAL

That Council grants first reading to bylaw ##/2024 to authorize the closure for purchase of the undeveloped statutory road allowance located adjacent to the north boundary the NW and NE quarters of Section 9, Township 18 Range 28 W4M, to be consolidated into the applicants adjacent parcels within the North half of Section 9, Township 10 Range 28 W4M.

Subject to ministerial approval and the applicant entering into Utility Right of Way Agreements with both Telus and Altalink, prior to second and third reading of the Bylaw.

OPTION 2 – POSTPONE

That Council postpones their decision to allow administration to gather more information

OPTION 3 - REFUSAL

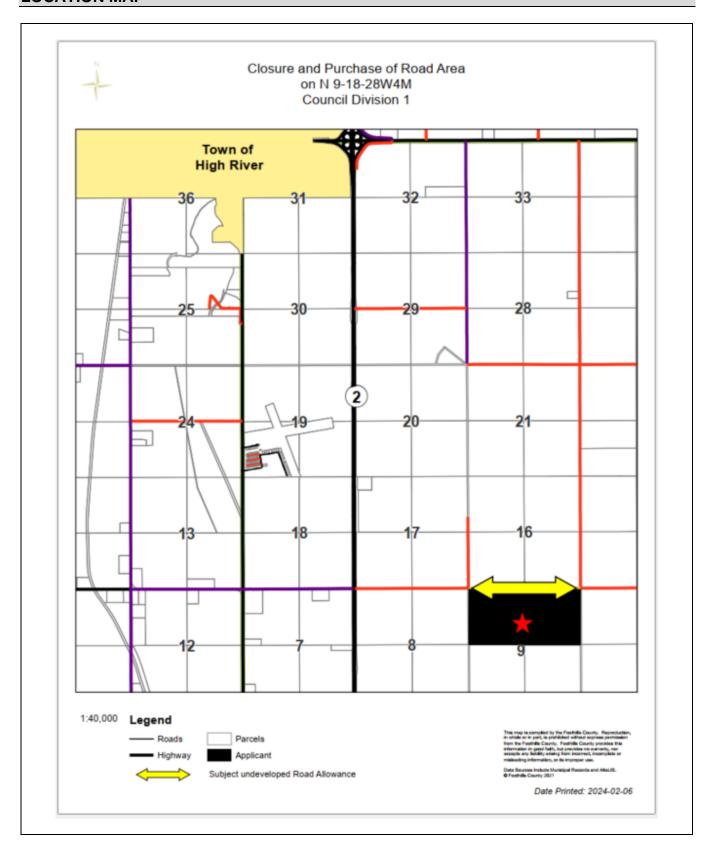
That Council denies the application, at this time

APPENDICES

APPENDIX A – Location Maps

APPENDIX B -ATCO and Altalink response to circulation

<u>APPENDIX C</u> – Draft Bylaw XX/2024





Closure and Purchase of Road Area on N 9-18-28W4M Council Division 1



1:9,889

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Data Sources Include Municipal Records and AlfaLIS

Date Printed: 2024-02-06

APPENDIX B:

Telus and Altalink Circulation Response

Donna Fowler

From:

circulations . <circulations@telus.com>

Sent:

June 3, 2024 9:33 AM

To:

FCLands

Subject:

Re: Circulation for Public Lands File PL 1828-09N, Please Reply by June 10, 2024 - TELUS

FILE: ABROW-296

Attachments:

PL1828-09N_Waddell_File.pdf

Follow Up Flag:

Follow up

Flag Status:

Flagged

Good Day,

Thank you for including TELUS in your circulation (attached).

Please be advised that we have reviewed the proposed closure - kindly note that we will require a ROW Agreement for the portion of road that will be closed.

We kindly request the name of the Grantor and a description of the area to be closed be forwarded to rightofwayab@telus.com so that we can proceed with creating a Right of Way Agreement, for same.

We will send you the Right of Way Agreement, pre-executed, for your final execution and registration.

RIGHTS OF WAY FILE: ABROW-296

We kindly request that, if possible, our Rights of Way file number be quoted on upcoming agreements and related correspondence for this file.

Please correspond directly with rightofwayAB@telus.com further on this circulation regarding the required ROW Agreement.

Thanks

Jaylene Perkins (she/her)

Real Estate Specialist | TELUS Land Solutions Team Customer Network Planning (CNP) 18811 107 Avenue NW, Edmonton, AB T5S 2L9

The future is friendly®

circulations@telus.com

Donna Fowler

From: Whitford, Paul (AltaLink) <Paul.Whitford@AltaLink.ca>

 Sent:
 May 9, 2024 12:16 PM

 To:
 Donna Fowler; FCLands

Subject: FW: EXT △ - Circulation for Public Lands File PL 1828-09N, Please Reply by June 10,

2024

Attachments: PL1828-09N_Waddell_File.pdf; 8510006.pdf; N 9-18-28 NW4.PNG; SPIN MAP.PNG

Follow Up Flag: Follow up Flag Status: Flagged

You don't often get email from paul.whitford@altalink.ca. Learn why this is important

Hi Donna,

Further to our call today.

Please note that should this road be closed and transferred to a landowner AltaLink Management Ltd. will require a Utility Right of Way / Easement Agreement for our existing 1201L as it cross's the road allowance going North / South.

Should you have any questions please do not hesitate to call me.

Thank you,

Paul

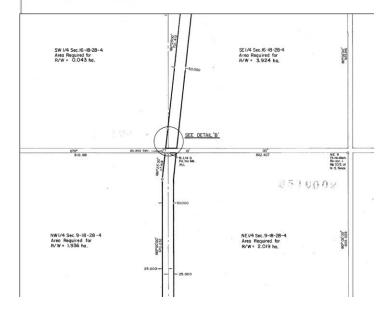
Paul Whitford, SR/WA, Surface Land Coordinator

T (403) 267-4422 C (403) 512-5704 E paul.whitford@altalink.ca

AltaLink A Berkshire Hathaway Energy Company

2611 - 3rd Avenue SE, Calgary, AB, T2A 7W7

www.altalink.ca



APPENDIX C:Draft Bylaw

BYLAW ##/2024

A BYLAW OF FOOTHILLS COUNTY FOR THE PURPOSE OF CLOSING TO PUBLIC TRAVEL AND PURCHASE OF PORTIONS OF A PUBLIC HIGHWAY IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26, 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 Foothills County deems it expedient to provide for a bylaw for the purpose of closing certain roads, or portions thereof, situated in the said municipality, and

WHEREAS notice of intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and published in the Western Wheel on June 12th and June 19th, 2024, and

WHEREAS Council was not petitioned in writing by a person claiming to be prejudicially affected by the bylaw.

NOW THEREFORE BE IT RESOLVED that the Council of Foothills County in the Province of Alberta does hereby close to public travel and create title to the following described highways, subject to the rights of access granted by other legislation:

PARCEL A

A PORTION OF THE ROAD ALLOWANCE LYING NORTH OF THE NW ¼ OF SECTION 9 TOWNSHIP 18 RANGE 28 WEST OF THE 4TH MERIDIAN CONTAINING 4 ACRES MORE OR LESS. Excepting thereout all mines and minerals

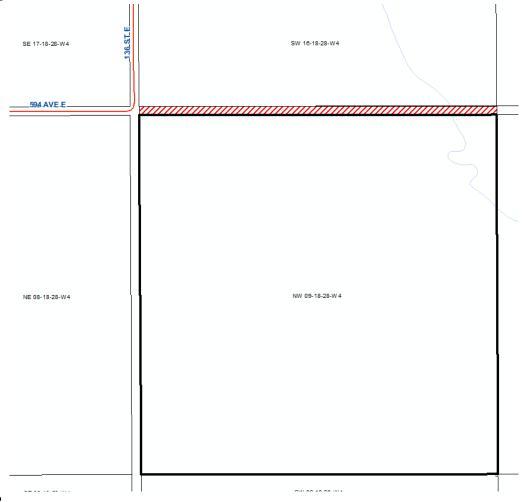
PARCEL B

A PORTION OF THE ROAD ALLOWANCE LYING NORTH OF THE NE ¼ OF SECTION 9 TOWNSHIP 18 RANGE 28 WEST OF THE 4TH MERIDIAN CONTAINING 4 ACRES MORE OR LESS. Excepting thereout all mines and minerals

Received first reading this day of	f	, 2024.	
		Chief Elected Official	(Seal)
APPROVED this day of	20	Chief Administrative Offi	icer
Minister of Transportation			
Received second reading this	day of	,	
Received third reading and finally passed this		day of	,
		Chief Elected Official	(Seal)
		Chief Administrative Offi	icer

SCHEDULE "A" (Site Plan)

Parcel A



Parcel B

