

Subject: Closure of Undeveloped Government Road Allowances and Authorization to Sell - Bylaw No. 14/003

APPROVAL

Marcel Ulliac, Director
Sudhir Sandhu, Executive Director
Glen Laubenstein, Chief Administrative Officer

Administrative Recommendations:

1. THAT Bylaw No. 14/003, being a bylaw to close undeveloped government road allowances, be read a first time.
2. THAT the required public hearing be held on Tuesday, February 11, 2014.
3. THAT subject to Bylaw No. 14/003 receiving third reading, Administration be authorized to proceed with the sale of the government road allowances to Pacific Investments & Development Ltd., in accordance with the terms and conditions outlined in Attachment 2 (Summary Land Sale – Terms and Conditions) for the purpose of land consolidation.

Summary:

The Municipality received an unsolicited offer from Pacific Investments & Development Ltd. to purchase a portion of the undeveloped government road allowances located adjacent to the property legally described as Plan 1025452, Block 1 Lot 1 (Attachment 3: Subject Area Map). Upon closure, these road allowances will be consolidated with the adjacent properties for the purpose of creating an industrial subdivision south of Fort McMurray (Prairie Creek Business Park).

To create titles and facilitate the sale of the undeveloped government road allowances, the subject road allowances must be closed by a bylaw. A bylaw closing a road in the Rural Service Area has no effect unless it is approved by the Minister of Infrastructure and Transportation before the bylaw receives second reading.

A public hearing must be held after the bylaw is given first reading in order to provide an opportunity for any individuals who may be affected by the closure to be heard by Council.

Background:

The Prairie Creek Business Park Outline Plan area encompasses 980.51 acres more or less of raw land located along the east side of Highway 63 and 3.2 kilometres south of the Fort McMurray Urban Service Area (USA).

Due to the recent amendments to the Municipal Development Plan and Highway 63/881 Corridor Area Structure Plan, the subject land has been identified to accommodate future

commercial and industrial development. The Municipality approved the Prairie Creek Outline Plan in June 2013 which formally designates the lands for commercial and industrial uses by way of area structure plan. The developer is set to commence development in the area and requires land consolidation in order to properly configure the land for development.

The road allowances designated for closure and consolidation are a portion of undeveloped government road allowances with a total area of 4.30 Ha (10.63 Ac). In 2011, the applicant acquired the adjacent property from Alberta Environment & Sustainable Resource Development (AESRD). The subject road allowances were not included in the initial acquisition from AESRD because jurisdiction to administer roads other than highways in a municipality lies with the Municipality.

The proposed road closure has been duly circulated to internal municipal departments, Alberta Transportation, AESRD, and franchise and utility agencies. No objections or concerns were raised regarding the proposed road closures. The road closures will have no impact on municipal operations in the area.

Budget/Financial Implications:

To establish the sale price an independent appraisal was used to determine the current market value for the portion of undeveloped government road allowances. The sale will not result in any financial loss to the Municipality.

Rationale for Recommendations:

Administration supports the road closure, subsequent sale, and consolidation of the subject property, because it is undeveloped and does not provide physical access to public utilities nor serve as public access to any of the adjacent lands. Further, there will be a new configuration of roads established as part of the subdivision development to provide access in the industrial subdivision.

Attachments:

1. Bylaw No. 14/003
2. Summary – Land Sale Terms and Conditions
3. Subject Area Map

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BYLAW NO. 14/003

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING AND CREATING TITLE TO GOVERNMENT ROAD ALLOWANCES

WHEREAS application has been made to the Council of the Regional Municipality of Wood Buffalo to close government road allowances pursuant to the requirements of Section 22 of the *Municipal Government Act*, RSA 2000, c.M-26, as amended;

WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it expedient to provide for a bylaw for the purpose of closing certain roads, or portions thereof, situated in the said Municipality, and thereafter disposing of same;

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

NOW THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Wood Buffalo in the Province of Alberta does hereby close for the purpose of creating title to the following described road allowances, subject to the rights of access granted by other legislation:

Firstly:

Meridian 4 Range 9 Township 88

All that portion of original government road allowance adjoining the west ½ of Section 1 which lies south of a line across the said road allowance having a dimension of 38.27 metres as shown on plan 1025452 (see attached Schedule A – Page 1).

EXCEPTING THEREOUT ALL MINES AND MINERALS

Secondly:

Meridian 4 Range 9 Township 88

All that portion of original government road allowance adjoining the south west ¼ of section 11 which lies north of a line across the said road allowance having a dimension of 29.86 metres as shown on plan 1025453 (see attached Schedule A – Page 2).

EXCEPTING THEREOUT ALL MINES AND MINERALS

READ a first time this _____ day of _____, 2014.

Mayor

Chief Legislative Officer

APPROVED this _____ day of _____, 2014.

Minister, Alberta Transportation

READ a second time this _____ day of _____, 2014.

READ a third and final time this _____ day of _____, 2014.

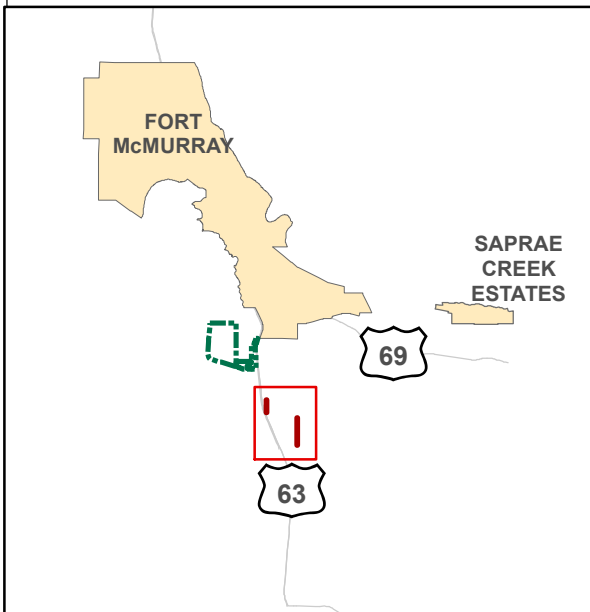
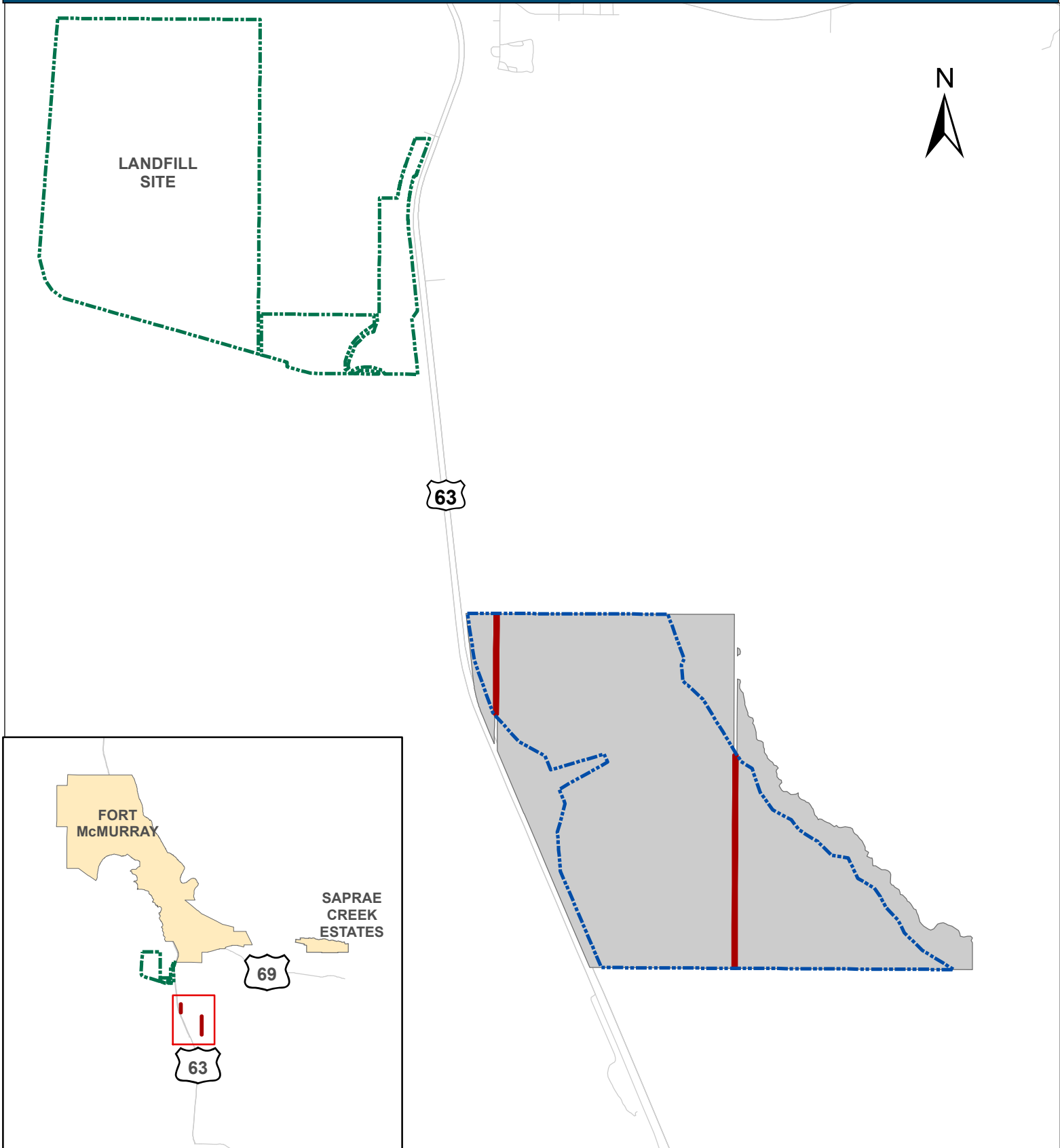
SIGNED and PASSED this _____ day of _____, 2014.





Mayor

Chief Legislative Officer

**Summary
Land Sale – Terms and Conditions**

- Purchaser:** Pacific Investments & Development Ltd.
- Legal Description:** Meridian 4 Range 9 Township 88. All that portion of original government road allowance adjoining the west ½ of Section 1 which lies south of a line across the said road allowance having a dimension of 38.27 metres as shown on plan 1025452. Excepting thereout all mines and minerals
- Meridian 4 Range 9 Township 88. All that portion of original government road allowance adjoining the south west ¼ of section 11 which lies north of a line across the said road allowance having a dimension of 29.86 metres as shown on plan 1025453. Excepting thereout all mines and minerals
- Sale Price:** \$403,940 plus G.S.T. – The sale price of the closed road allowance lands is based on an independent market value appraisal that was conducted on August 16th, 2013.
- Environmental Considerations:** The subject lands will be sold on an “as is – where is” basis.
- Survey and Consolidation:** The purchaser(s) shall be responsible for preparation of a legal survey plan that will consolidate those portions of the closed road allowances with their respective parcels.
- The purchaser(s) shall be responsible for applying and submitting the consolidation plan to the Municipality for subdivision approval.
- Upon approval, the Subdivision Approval Authority shall submit the plan(s) to Alberta Land Titles Office for registration.
- Fees and Disbursements:** The purchaser(s) shall be responsible for all legal and registration fees associated with the transactions.



-  Prairie Creek Plan Boundary
 -  Undeveloped Government Road Allowances
 -  Landfill_Site
 -  Urban/Community Boundaries
- 0 0.35 0.7 1.05 1.4 Kilometers

Undeveloped Government Road Allowances

**Within SW 11-88-9-4,
NW & SW 1-88-9-4**

