

Title: Land Acquisition for Road Right-of-Way for Subdivisions

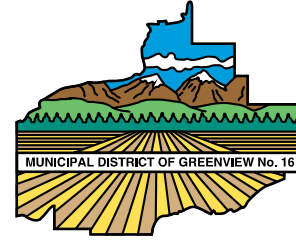
Policy No: 6003

Effective Date: January, 2023

Motion Number: 23.01.20

Supersedes Policy No: 6003

Review Date: January, 2026



Legal References:

Municipal Government Act, R.S.A. 2000, c. M-26

Cross References:

Bylaw 18-800 "Land Use Bylaw"
 Bylaw 95-158 "Subdivision Authority"
 Bylaw 799 "Land Use Bylaw" – Grande Cache
 Policy 4031 "Right-of-Way Acquisitions"

Purpose: In accordance with subdivision and development guidelines and decisions of the Municipal Planning Commission, this policy provides guidelines for acquiring road widening along road right-of-way as part of the subdivision process.

1. DEFINITIONS

- 1.1. **Applicant** means the individual or organization which is applying for a subdivision.
- 1.2. **Greenview** means the Municipal District of Greenview No. 16.
- 1.3. **Lot** means one or more lots or area being subdivided.
- 1.4. **Municipal Government Act (MGA)** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- 1.5. **Parcel** means a piece of land being a Lot, Block, quarter section, legal subdivision, river lot, condominium unit, described lot or other quantifiable piece of Real Property contained within the legal description of a valid Certificate of Title registered with the Alberta Land Titles Office.
- 1.6. **Plan of Survey** means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan or registered in a land titles office.
- 1.7. **Road Rights-of-Way** means an agreement that confers on the municipality the right to use the land for the construction of a public road.
- 1.8. **Road Widening** means the acquisition of additional right-of-way for road construction.
- 1.9. **Schedule of Fees** means that bylaw which outlines the rates and fees Greenview may charge for the supply of information, goods, or services.

- 1.10. **Subdivision Authority** means a person or body appointed by Council established under the Subdivision Authority Bylaw to perform the powers and duties of a Subdivision Authority in accordance with the MGA. The Subdivision Authority can include the following members: any or all members of Council, a designated officer, Municipal Planning Commission or another person or organization in accordance with the MGA.

2. POLICY STATEMENT

- 2.1. Road Widening will be taken along road rights-of-way on all parcels being subdivided in accordance with the MGA, unless previously taken along the respective road rights-of-way or as recommended by the Director of Infrastructure & Engineering.

3. PROCEDURE

- 3.1. Greenview will require road widening along the road rights-of-way unless previously taken. The Director of Infrastructure & Engineering, or designate, may ask for additional land adjacent to all parcels being subdivided at the time of subdivision.
- 3.2. Greenview will determine the area required for road widening based on roadway requirements, network importance, drainage, future construction considerations and other relevant factors.
- 3.3. Road widening along the road rights-of-way adjacent to any proposed lot boundaries shall be dedicated as a condition of subdivision with no compensation being provided by Greenview.
- 3.4. Greenview will purchase road widening along the road rights-of-way on the balance of the parcel as recommended by the Director of Infrastructure & Engineering or designate. Land acquisition rates will be those outlined in the Schedule of Fees Bylaw.
- 3.5. All road widening acquired as a result of subdivision shall be registered by a Plan of Survey unless otherwise authorized by the Subdivision Authority.
- 3.6. The Plan of Survey requirements and responsibilities for costs will be borne by the Applicant.