



## Rural Municipality of Corman Park No. 344 Policy

Policy # TS-003

### Policy Title: Closure of Road Allowances

**Policy Objective:** Provides for the permanent closure and sale or lease of road allowances of municipal road(s).

**Authority:** (Resolution No. 43, January 21, 2013)

#### Policy:

#### **CLOSURE of Road Allowances (May include sale or lease of a road)**

Provides for the permanent closure and sale or lease of road allowances of municipal road(s) where an Applicant is desirous of acquiring or leasing the Road and the Municipality is prepared to close and sell or lease the road to the Purchaser, providing that:

- I. The road is no longer required for use by the travelling public, owing to the existence of an alternate route and the closure does not eliminate access to land;
- II. Upon receipt of application, the Municipality shall seek written consent from the Ministry of Highways & Infrastructure (MOHI). If permission is not granted the application shall be denied.
  - a. If the Road provides access to a provincial highway, or to a public highway in any other municipality, Indian reserve or other jurisdiction, then the Municipality must seek consent from the affected jurisdiction.
  - b. Written consent from MOHI is **not** required if council wishes to either close (without leasing or selling) or close and lease a street or road that has:
    - i. Never been constructed;
    - ii. If constructed, is not being maintained for use or is no longer being used by the general public;
    - iii. If constructed and maintained, consists only of those parts of the street or road that are not part of the roadway itself.
- III. If written consent for closure of the Road is granted by MOHI and the Applicant wishes to lease or acquire the road then the Municipality and the Applicant shall enter into a written agreement.
- IV. Terms and conditions of the written agreement between the Applicant and Municipality shall include, but not be limited to:
  - a) Sale/lease cost (the price per acre value);
  - b) Provision that Applicant be responsible for advertising, hearing and/or administrative costs related to the closure and sale or lease of the Road;
  - c) Provision for the termination of the agreement;

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- d) Provision for the granting of utility line easements or relocations;
  - e) Statement indemnifying Municipality for future expenses, damages, claims, demands or judgements concerning the Road;
  - f) Provision holding the Applicant responsible for the control and elimination of noxious weeds as defined by or pursuant to *The Noxious Weeds Act* and destruction of pests, such as grasshoppers and gophers, upon written request by Council;
  - g) Provision preventing the assignment of the lease or subletting of any portion of the Road, expressly negating the implied provision contained in Section 13 of *The Landlord and Tenants Act*.
- V. If the Applicant and Municipality agree upon the terms and conditions set out in the agreement then the agreement shall be executed and pursuant to Section 13(4) of the Municipalities Act, "council shall ensure that public notice is given before initially considering any report on a proposed bylaw to close a street or road". If the Applicant and Municipality cannot agree upon terms and conditions for the closure and sale or lease of the Road, then the application shall be denied.
- VI. Public notice as required pursuant to *Municipal Bylaw 02/07-Public Notice Policy Bylaw* shall be provided as follows:
- a. Notice of Closure advertisement be placed in a local paper for at least one (1) week, at least seven (7) clear days prior to the Council meeting where the application is to be considered;
  - b. Advisory letters shall be sent to all public utilities (i.e. SaskPower, SaskTel, SaskEnergy) and to all landowners adjacent to the Road by ordinary mail which is to be postmarked no later than seven (7) clear days prior to the Council meeting where the application is to be considered;
  - c. Notice of Closure shall be posted in the municipal office and on the municipal website at least seven (7) clear days prior to the Council meeting where the application is to be considered.
- VII. A draft bylaw, planning report and the signed sale or lease agreement shall be presented to council. The report shall include any written submissions from the public, affected landowners and/or public utilities and an appropriate recommendation for Council's consideration. At this same meeting, pursuant to section 13(5) of the Municipalities Act, "an opportunity to be heard by council" shall be offered to any person who has raised an objection within the noted response period.
- VIII. If road closure is approved by Council, the Reeve and Administrator shall execute three (3) copies of the bylaw.
- IX. ISC Submission: Transform Approval Certificate (TAC) Request  
Road closure agreement shall be registered on title with Information Services Corporation (ISC). A request letter shall be sent to ISC requesting a TAC—enclosed with the request letter shall be the Notice of Closure advertisement and a photocopy of the bylaw.



- X. Bylaw Submission to Ministry of Highways & Infrastructure (MOHI)  
Once the TAC is granted by ISC a submission package shall be sent to MOHI that includes:
- i. Road closure request letter from Municipality;
  - ii. Copy of the Notice of Closure advertisement in the paper;
  - iii. Copy of the signed road closure & lease or sale agreement;
  - iv. 2 original copies of the bylaw;
  - v. Copy of TAC from ISC; and
  - vi. Request letter shall advise that proper notice was provided to all public utilities and should note that they have no objections or include their comments.
- XI. Final copy of the bylaw shall be kept on file with Municipality, and Applicant shall be notified in writing of the approval of their request and the amount due to the Municipality, specifically advertisement costs and Purchase or Lease amount.
- XII. Within 30 days after issuing, renewing or terminating any lease entered into pursuant to the bylaw, the administrator shall send a copy of the bylaw and the lease to the minister responsible for the administration of *The Highways and Transportation Act, 1997*.