

Policy statement

This policy provides guidance on the manner Leduc County will manage the use of undeveloped road allowances (URA).

Definitions

Adjacent Land means land that is next to or adjoining to the URA.

Administration means the staff of Leduc County under the direction of the county manager.

Council means the duly elected council of Leduc County.

County means the municipal district of Leduc County in the Province of Alberta.

License to Occupy (LTO) grants legal access to an undeveloped road allowance.

Undeveloped Road Allowance is any land laid out for roads by a Crown surveyor that has not been fully developed or not yet required for vehicular traffic. This does not include surveyed road plans.

Licensee means a person to whom a license is granted or issued.

Policy authority

Legislative implications:

- In accordance with the Municipal Government Act
 - Section 22

Policy standards

- Leduc County’s preferred manner to allow use of a URA is through a license to occupy (LTO).
- Leduc County supports the agricultural use of a URA where there is a mutual benefit to the County and adjacent landowners.
- A license to occupy a URA will only be granted to adjacent landowners.
- Undeveloped road allowances will be left in a natural state.
- The placement of buildings or storage of equipment is strictly prohibited.
- No work, development, improvement, or change to the condition of the URA is permitted without prior written authorization from the County.
- Leduc County will only support the closure and sale of a URA in very specific circumstances, such as when:
 - It increases land efficiency and promotes effective planning and development as determined by Leduc County.
 - A structural encroachment exists that is difficult to move (i.e. residence with a basement).
 - It restricts access to highly disruptive pedestrian areas where there is a chronic issue of multi-person gatherings where trash and other biological hazards damage the allowance.

License to Occupy (LTO)

Benefits with an LTO

Leduc County may consider a license to occupy for undeveloped road allowances. A license to occupy is an agreement between the County and the interested party in which temporary use of a URA is granted for a specified term. Benefits of this approach are:

- Allows for better land use and to achieve maximum agricultural productivity of the land.
- Minimizes cost to rate payers.
- Eliminates the lengthy referral road closure process.

Interested parties in obtaining an LTO

Interested parties should be aware of the set of standards that comes with a URA license to occupy.

- All inquiries on obtaining a license to occupy shall be directed to Leduc County’s Assessment and Land Management Services department.
- LTO annual lease will be determined by the County and will reflect the current market lease rates.
- A license of up to five years may be obtained for the URA. If a license is entered into part way through a year it will be considered as a full year and will be charged the full fee.
- The license holder is:
 - Restricted from clearing any vegetation or forestry unless approved by the County.
 - Restricted from putting up any structures other than fencing.
 - Required to properly care and maintain the road allowance in compliance with County standards.
 - Required to maintain general liability insurance for up to \$2,000,000 for the duration of the license.
 - Licensees cannot sublet the URA.
 - Public foot traffic must be allowed by licensee.
- Leduc County will not make financial contributions towards any improvements undertaken by the licensee.

Termination of an LTO

Leduc County holds the right to terminate any license under any of these circumstances, but not limited to:

- A license can be terminated if the County requires the road for development purposes. Termination on the basis of road development will result in a return of the current year’s annual fee.
- A license can be terminated if the County finds the licensee is in violation of any of the standards found within this policy. Termination on the basis of violation of the County’s standards will not result in a return of fees paid.

- Complaints regarding the access or use of a URA will be solved by the licensee and the affected party. If an agreement cannot be reached with the affected party, the URA license may be revoked by the County.
- Before termination, a thirty-day notice from the County will be issued. The licensee has thirty days to remove any structures (e.g. fencing, personal items). Failure to do so will result in a fine of \$500 along with the cost associated for the County to remove it.

License renewal

- Fees for renewal periods will be invoiced on a lump sum basis at the beginning of the term. Failure to pay the invoice within the payment terms identified on the invoice will result in the termination of the LTO agreement.
- A 30-day window after the expiration of a license will be granted to renew it. If the window has expired the license will be considered terminated and will follow the termination procedure.
- Licenses are not transferable. If ownership of a parcel of land that has a URA agreement, the new owner will have to go through the application process to be granted use of the URA.

LTO administration process

In the case of acquiring a license to occupy, the county will follow these procedures:

- Once an initial inquiry is received, a preliminary screening of the request will be completed.
- Receive the required payment and an agreement jointly signed.
- A report with a recommendation to circulate the LTO request will hold a 30-day period in which it will be sent to the adjacent landowners.
- During the LTO circulation, letters from adjacent landowners voicing their support for the LTO will be required.
- A report will be sent to the Public Works Committee with the results of the LTO circulation for feedback.
- A report will be brought to Council for approval.
- If approved, the interested party will be granted non-exclusive access to the road allowance and the initial LTO fee will be paid.
- A denial letter will be sent if the application is not successful and a portion of the LTO fee will be returned.

LTO signage requirements

1. Leduc County will provide the Licensee with a “Road Permitted” sign. The Licensee is required to maintain the sign and to have it in proper and clear visual location.
2. The Licensee is required to provide correct information of their name, location, and telephone number on the sign.
3. Replacement signs due to damage or removal will be given by the County upon request of the Licensee at their own expense.

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Sale of Undeveloped Road Allowance

1. Leduc County strongly discourages seeking the closure and sale of road allowances. The preferred route is utilizing the license to occupy to allow for the use of a URA. Closure can create both a difficult and time-consuming process for all parties involved. The interested parties should know:
 - The time allotted for the process of purchasing an undeveloped road allowance is exponentially higher than acquiring a license to occupy. A closure can take up to two years to complete.
 - Requests must first be approved by Council before being sent to Alberta Transportation.
 - Alberta Transportation can deny any road allowance closure, and the approval process may take an extended period.
 - For closures and sales, if applications are denied there will be no money returned, whereas a portion of the fees will be returned if a license is denied.
 - Full authority and the decision to bring the road closure to Council will be managed by the County Manager.
 - Approval of road closures leading to a body of water or to crownland are not supported by Alberta Transportation and therefore will not be considered by Leduc County.

2. A road closure requires the approval of the Leduc County Council which does not fully guarantee approval by the Government of Alberta. All inquiries about the sale of a URA shall be directed to Leduc County’s Assessment and Land Management Services Department.

3. The fees associated with the process of initiating a closure, sale and consolidation are:
 - Non-refundable \$10,000.00 application fee payable to Leduc County. An Alberta Transportation denial of an application will not result in a return of the application fee.
 - The sale price will be based on the fair market value of the land, as determined by Leduc County’s Assessment department or a third-party appraisal.

Policy responsibilities

Council responsibilities:

Council will,

- Approve this policy.
- Approve license to occupy.
- Approve any road closure requests before submission to Alberta Transportation.

Administration responsibilities:

Administration will,

- Adhere to this policy when processing requests involving undeveloped road allowances.

Monitoring and updating

- This policy will be posted on Leduc County’s website.
- This policy will be reviewed at least once every four (4) years.

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Municipal Policy

LM-01 Undeveloped Road Allowance Policy

Assessment
Land Management

Appendix A:



Undeveloped Road Allowance application

Engineering
101-1101 5 St., Nisku, AB T9E 2X3
p: 780-979-6185 f: 780-955-3444
PWE@leduc-county.com

Date _____

Applicant information

Applicant name		Phone	
Applicant mailing address		Fax	
Town/city	Province	Postal code	
Email			

Legal land description of road to be purchased

¼	Section	Township	Range	West of	Roll #
Lot	Block	Plan	Subdivision/hamlet		

This application is for (please check one)

Undeveloped road allowance purchase
 Undeveloped road allowance license to occupy

Purpose of the undeveloped road allowance purchase (please include a map of the road allowance)

Declaration

I, _____ hereby certify that:

_____ I am the registered owner _____ I am authorized to act on behalf of the registered owner

of the above noted land and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the fact relating to this application for road closure/opening/lease. I hereby authorize Leduc County by this signature to commence the Road Allowance Closure process.

Signature of applicant _____ Name of registered owner (if different from applicant) _____ Signature of registered owner

Application fee information (\$10,000):

Fee not applicable for License to occupy.

Invoice/Account number	<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	<input type="checkbox"/> EFT
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Personal information provided is collected by Leduc County under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act (the FOIP Act) and we will protect it in accordance with Part 2 of that Act. We will use it to administer programs and



services for which you have registered and contact you if necessary. Should you require further information about collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-770-9251 or foip@leduc-county.com.

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Municipal Policy

LM-01 Undeveloped Road Allowance Policy

Assessment
Land Management

Appendix B:



License to occupy application
LTO # _____

Engineering
101-1101 5 St., Nisku, AB T9E 2X3
p: 780-979-6185 f: 780-955-3444
roadclosures@leduc-county.com

Date _____

Applicant information

Applicant name		Phone	
Applicant mailing address		Fax	
Town/city	Province	Postal code	
Email			

Legal land description of undeveloped road allowance

%		Section		Township		Range		West of		Roll #	
Lot		Block		Plan		Subdivision/hamlet					

Between Leduc County (the Lessor) and _____ (the Licensee).

In consideration of the receipt of the license fee as established per acre or portion thereof, a per Policy _____ - Fees and Charges and subject to the terms and conditions stated below, the Lessor hereby grants a license to occupy to the Licensee as noted above in the legal land description.

Terms and Conditions:

1. The Licensee hereby indemnifies and holds harmless the Lessor from any and all claims or causes of action, including personal injury, death, or property damage brought by the Licensee or his/her agent that may arise or result from or in connection with the Licensee's use of the leased land under this license. Without restricting the generality of the foregoing, the Licensee indemnifies and holds harmless the Lessor from any and all claims that may arise as a result of use of the leased land by the Licensee for _____ (the reason for the lease would be populated here, i.e. Grazing of livestock).
2. The Licensee shall obtain general public liability insurance of not less than two million (\$2,000,000) dollars for claims brought as a result of personal injury, death, or property damage, occasioned as result of the use of the road allowance by third parties, provided that such use was authorized by the Licensee and occasioned by or in connection with actions or responsibilities, include the grazing of livestock, of the Licensee.
3. The Licensee shall be responsible for managing and control of noxious and other weeds on the leased lands caused by or in connection with the Licensee use of the leased lands. Any existing trees on the road allowance are not to be removed or destroyed without the prior approval of the Public Works Committee.
4. The Licensee shall be responsible for prevention and repair of any erosion to soil or waterways caused by or in connection with the Licensee use of the leased lands.
5. The Licensee may erect and maintain fences or other structures reasonably required in connection with their use of the leased lands under this license, provided that such fences or structures shall not unreasonably impede or prevent legal access by the public and are approved in advance. Any gate structure to be installed across the

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road allowance shall be a minimum width of 6m (20 feet). Should a developed or vehicle travelled roadway lead up to said gate, an Alberta Transportation regulated Checkerboard (WA-8) sign. Shall be erected and maintained on the subject gate or immediately adjacent to the approaching traffic side of the roadway in a visible location.

6. The permittee agrees to the County or County authorized individuals or firms being provided with unrestricted ingress or egress to the road allowance at any time or for any reason whatsoever.
7. The Licensee shall not prohibit or unreasonably restrict public access and passage over the road allowance but may from time to time impose conditions or restrictions on access and use where such conditions are temporary in nature and reasonably necessary or appropriate to the Licensee operations and responsibilities under this agreement. The Licensee may install an approved sign to indicate the public conditions of access. Signs must be purchased from Leduc County Engineering Department for a cost of \$4.00 + GST.
8. Your license to occupy will remain in effect, provided that applicable fees are paid, and all terms and conditions are met for five years from January 1st to December 31st. The fee is \$1000.00 per acres per year with a minimum fee of \$500.00.
9. Your license to occupy does not transfer to an applicant not listed on this agreement nor to the benefit of the respective successor. In the case of a land sale a new application must be submitted, however approval is not guaranteed.
10. This license may be revoked or terminated for cause by the Lessor upon thirty (30) day's written notice to the Licensee, and the Licensee shall immediately cease using and remove any gates, fences, structures or livestock from the road allowance, and this agreement shall be terminated. The Licensee shall have no claim in connection with rightful termination by the Lessor under this section.

X

Licensee

X

Licensee Witness

X

Leduc County

X

Leduc County Witness

X

Commission of Oaths

Office use only
LTO yearly fee:

Invoice/Account number		<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	<input type="checkbox"/> EFT
Payment Amount		Payment Schedule	<input type="checkbox"/> Yearly	<input type="checkbox"/> 3 Years
Exemption Required	<input type="checkbox"/> Yes <input type="checkbox"/> No	Exemption Type	<input type="checkbox"/> Building	<input type="checkbox"/> Road

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Appendix C:

ROAD PERMITTED

LEDUC COUNTY has issued a permit for the occupation of this road (road allowance). This road is therefore CLOSED to all and any traffic in accordance with the terms of the permit. For further information, please contact:

THE PERMITTEE

NAME _____

LOCATION _____

TELEPHONE _____

OR



**LEDUC
COUNTY**

LEDUC COUNTY
Suite 101, 1101 - 5th Street
Nisku, Alberta T9E 2X3
Telephone: 780-955-3555