Subject: Bylaw No. 13/013 – Laneway Closure and Authorization to Sell

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

Administrative Recommendations:

1. THAT Bylaw No. 13/013, being a bylaw to close a laneway, be read for the first time.

2. THAT subject to the laneway closure, and in accordance with the terms and conditions outlined in the Summary Land Sale – Terms and Conditions dated January 7, 2013 (Attachment 2), Administration be authorized to proceed with sale of the laneway to the purchaser for the purpose of a land consolidation.

3. THAT the required public hearing be held on Tuesday, March 26, 2013.

Summary:

The Municipality received an unsolicited offer to purchase the remaining portion of an undeveloped laneway located adjacent to the property legally described as Plan 972 2462, Block 4, Lot 36 (Attachment 3 – Subject Area Map). Once closed, the remnant laneway will be consolidated with the adjacent land to accommodate a development project.

To create a title and facilitate sale of the laneway, the subject laneway must first be closed by a bylaw. In accordance with the Municipal Government Act, a laneway closure must be effected by a bylaw which requires Council approval.

Background:

The subject property contains a total area of 0.02 ha (0.05 ac). It is the remaining portion of a former laneway that was originally dedicated as part of Block 4, Plan 6344AY and subsequently closed. The purchaser is simultaneously acquiring the adjacent lands that surround the undeveloped remnant laneway to accommodate a proposed development. Consolidation of the subject laneway with the adjacent lands will create a more functional land base due to the enlarged footprint.

Section 16 of the Act provides the Municipality with title to the roads in the Urban Service Area. Upon closure of the laneway, title will be created which will enable the Municipality to transfer ownership of the land. This will allow for the property to be consolidated with the adjacent lands, resulting in the consolidated properties becoming one contiguous parcel.
The proposed laneway closure has been circulated to internal municipal departments, franchise and utility agencies, as well as Alberta Land Titles. No objections were raised regarding the proposed laneway closure. The laneway closure will have no impact on municipal or franchise operations.

**Budget/Financial Implications:**

To establish the sale price, an independent appraisal was prepared to determine the current market value for the subject property.

**Rationale for Recommendations:**

Administration supports the laneway closure, subsequent sale, and consolidation with the adjacent property. The subject laneway does not provide physical access to any public utilities nor does it serve as public access to any of the adjacent lands. Legal and physical access to the newly consolidated parcel will continue to be via King Street.

**Attachments:**

1. Bylaw No. 13/013
3. Subject Area Map
BYLAW NO. 13/013

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING AND CREATING TITLE TO A LANEWAY IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED

WHEREAS application has been made to the Council of the Regional Municipality of Wood Buffalo to close a laneway 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, and

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.

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 laneway, subject to the rights of access granted by other legislation:

1. PLAN 6344AY
   ALL THAT PORTION OF LANE WHICH LIES SOUTH EAST OF A LINE DRAWN FROM THE MOST NORTHERLY CORNER OF LOT 21, BLOCK 4, PLAN 6344AY TO THE MOST WESTERLY CORNER OF LOT 36, BLOCK 4, PLAN 9722462 AND WHICH ALSO LIES NORTH WEST OF PLAN 9722462 EXCEPTING THEREOUT ALL MINES AND MINERALS

2. This Bylaw shall be become effective when it has received third and final reading and has been signed by the Mayor and Chief Legislative Officer.

READ a first time this ______ day of ________________, 2013.

READ a second time this ______ day of ________________, 2013.

READ a third and final time this ______ day of ________________, 2013.

SIGNED and PASSED this ______ day of ________________, 2013.

______________________________
Mayor

______________________________
Chief Legislative Officer
### Summary

#### Land Sale – Terms and Conditions

| **Legal Description:** | Plan 6344AY  
Block 4  
All that portion of lane lying North West  
of the most southerly North West  
boundary of Lot 36, Block 4, Plan  
9722462  
Excepting thereout all mines and minerals |
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<td><strong>Purchaser:</strong></td>
<td>W. De Silva Properties Inc.</td>
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| **Sale Price:** | $152,500.00  
Plus additional seven percent of sale price  
for administration fee |
| **Environmental Considerations:** | The subject lands will be sold on an “as is –  
where is” basis. |
| **Survey and Consolidation:** | The purchaser shall be responsible for  
preparation of a legal survey plan that will  
consolidate the closed lane with the adjacent lots.  
The purchaser 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.  
The sale will be conditional upon consolidation and approval of a plan of subdivision. |
| **Fees and Disbursements:** | The purchaser shall be responsible for all legal and registration fees associated with the transactions. |
LANE CLOSURE AND
AUTHORIZATION TO SELL
36/4/972 2462

Attachment 3

Map produced by the Geographic Information Systems Group on November 02, 2012

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