



BIG LAKES COUNTY POLICY



TITLE: Permits, Sales, and Lease of County Roadways	
POLICY NUMBER: PW-04	
LEGAL AUTHORITY:	
APPROVED BY COUNCIL: August 24, 1994	
EFFECTIVE DATE: August 24, 1994	REVISED DATE: October 24, 2018

POLICY STATEMENT

Council recognizes that under certain circumstances it may be reasonable to close, lease and/or sell public roadways that are under its management and control.

POLICY

PROCEDURE / RESPONSIBILITY

Property designated as "roadway" which is under the jurisdiction management, and control of this County may be permitted, leased, or sold.

All new applications for a permit, lease, or purchase after the date of adoption of this policy shall be evaluated on its own merit by Council.

All potential road closures will be subject to a public hearing.

1.0 PERMITS

DEVELOPED ROAD ALLOWANCES

Permits will not be issues.

UNDEVELOPED ROAD ALLOWANCES

All permits shall:

- a) Be terminable on 30 days notice in writing;
- b) Be for a specific period of time and for a term not exceeding 364 days;
- c) Be limited to a specific purpose(s);
- d) Require an indemnification on the part of the permittee;



BIG LAKES COUNTY POLICY

- e) Require a fee as shown; and may be amended from time to time, in the schedule of fees by-law;
- f) Require the permittee to be responsible for any weed control;
- g) Require the permittee to install gates at suitable locations if applicable;
- h) Require the permittee to be responsible to restore any damage done to the permitted area to a state satisfactory to the County.

1.1 A permittee may be re-issues a new permit without having to go through the public hearing process if the request is for:

- a) the same property; and
- b) the same purpose; and
- c) is within 6 months of the expiry date of the last permit.

2.0 CLOSURE AND/OR SALE OF REGULAR ROAD ALLOWANCE

The closure and/or sale of regular road allowance or a portion thereof WILL NOT be considered unless extenuating circumstance exist. The closure and/or sale must be in the best interest of the County's ratepayers.

3.0 SALE OF ROAD PLANNED ROADWAY

The sale of roadway property, or portion thereof, which was previously purchased and/or excepted out of the title of deeded land by way of the registration of a Road Plan or subdivision plan at the Land Titles Office may be considered by Council if:

- a) the lands requested sold will be added to the title of an adjacent landowner(s) unless first approved by the appropriate subdivision authority (i.e. separate title will not be given); and
- b) in the instance of where more than landowner is abutting the area being sold then written consent must be obtained from the other landowners.



BIG LAKES COUNTY POLICY

The purchase price for a sale of this nature shall be for a nominal fee as may be amended from time to time in the Schedule of Fees By-Law.

When the administration brings forward a request for a cancellation and sale of roadway as described in 3.0, then the fees contained in the Schedule of Fees By-Law as previously described shall not apply.

4.0 LEASE

The leasing of regular road allowance WILL be considered where extenuating circumstances exist. The lease MUST BE in the best interest of the County and its' ratepayers.

A lease may be granted when:

- a) The applicant is the owner, lessee, occupant, or purchaser of lands adjoining the lands being requested to be leased; and
- b) The landowner(s) abutting the opposite side of the roadway has consented to his/her neighbour's leasing of the roadway.

Note: For a lease to come in effect the roadway must firstly be officially closed pursuant to applicable statutes for the specific purpose of leasing.

4.1 A lease shall:

- a) be expressly terminable on 90 days notice in writing;
- b) be for a term not exceeding 3 years in length (although it may be renewable);
- c) require an indemnification on the part of the lessee;
- d) allow the lessee the right of exclusion with the exception of the Council of the County., employees of the County., pedestrians, utility company personal (if any utility facilities exist on the leased area), and all other parties already provided for by existing legislation (i.e. Surveyors, Police, Minister of Transportation and Utilities);
- e) require a fee as may be amended from time to time, in the Schedule of Fees By-Law;
- f) require the lessee to be responsible to restore any damages done to the leased area to a state satisfactory to the County;



BIG LAKES COUNTY POLICY

- g) prohibit the building of any permanent structures on the leased area;
- h) require the lessee to be responsible for any fences;
- i) require the lessee to be responsible for any weed control;
- j) require the lessee to install gates at suitable locations if requested by the County;

Note: The lessee will not be entitled to any revenues from existing or future wellsites, lease roads, pipelines, or other dispositions that may exist or come into existence on or across the lease area.

No refunds will be issued to lessees who wish to cancel their leased road allowance agreements.

5.0 The following definitions shall apply to this policy:

- a) **“Roadway”** refers to:

Regular road allowances and road planned roadway.

- b) **“Regular Road Allowance”** refers to:

Road allowances or portions thereof as previously established by the Dominion of Canada with the implementation of the Grid System of Survey (i.e., 66 feet wide strips running north to south every mile and running east to west every two miles).

- c) **“Road Planned Roadway”** refers to:

Property, or portion thereof, which was previously purchased and/or excepted out of the title of deeded land by way of the registration of a Road Plan or subdivision plan at the Land Titles Office.

- d) **“Not required for public use”** refers to:

A condition which exists when after notification of adjacent landowners, advertisement, and public hearing, that either no legitimate objections have come forward or a legitimate



BIG LAKES COUNTY POLICY

objection(s) has come forward and suitable arrangements have been made to satisfy such objection(s).

e) **“Legitimate objection(s)”** are

Objections which have been brought forward and prove a pattern of usage or valid need for usage. Objections must also be for a present usage or a usage in the conceivable near future. With the exception of permits, what constitutes a “legitimate objection” shall be decided upon by the Council of the County whose decision shall be final.

Reeve

Chief Administrative Officer