



# Road Surfacing – Country Residential

PREPARED BY:	Engineering Services	COUNCIL APPROVAL DATE:	September 10, 2019
EFFECTIVE DATE:	September 10, 2019		
REFERENCES:	<i>Municipal Government Act</i> <i>Freedom of Information and Protection of Privacy Act</i>	PREVIOUS REVISION DATE:	November 28, 2017
FUNCTION:	Infrastructure Management	LS REVIEW DATE:	September 3, 2019

## PURPOSE

The purpose of this policy is to establish the method under which Parkland County will respond to requests for upgrading gravel surfaced roads within country residential subdivisions to paved surfaced roads, and provides a mechanism for the landowners in country residential subdivisions to fund the upgrading.

## POLICY STATEMENT

Parkland County will give consideration to upgrading gravel surfaced country residential subdivision roads to paved surfaced roads as a local improvement pursuant to the provisions of the *Municipal Government Act*. Local improvements carried out under this policy will result in the levy of a local improvement tax against all lands in the subdivision that Parkland County deems to benefit from the local improvement.

## DEFINITIONS

The following definitions and interpretations apply in this policy:

1. Benefiting parcel – is any titled parcel of land that has legal access from an internal subdivision road or access across or through a buffer strip from the adjacent municipal road, rather than from the internal subdivision road.
2. Buffer strip – Municipal Reserve parcel that exists between the road right of way / road plan and the country residential subdivision lots. A municipal reserve buffer strip is typically 5.0 m wide and runs the full length of the subdivision along the grid road. Buffer strips exist to prevent country residential subdivision lots from accessing their property directly off a County grid road.
3. Country residential subdivision – is a multi-parcel subdivision having four (4) or more parcels (excluding reserves) with an average parcel area less than ten (10) acres.
4. Country residential subdivision road – is the road located within a country residential subdivision.
5. Local improvement – is a project that is considered to be for the greater benefit to an area of a municipality such as Parkland County as defined in the *Municipal Government Act*.

6. Residential development – (on a parcel) shall mean the establishment and occupancy of an approved residential unit on the parcel.

## SCOPE

This policy applies to titled properties that are located within a country residential subdivision and are deemed to be benefiting from the local improvement.

## RESPONSIBILITIES

The General Manager of Operations Services is responsible for overseeing and implementing this policy.

## STANDARDS

### 1. Eligibility

Parkland County Council may authorize the upgrading of gravel surfaced country residential subdivision roads to paved surfaced roads be carried out as a local improvement pursuant to the provisions of the *Municipal Government Act* where the following conditions are met:

- a. The area requesting surfacing of a gravel road must be considered to be a country residential subdivision.
- b. The only roads to be considered for surfacing under this policy are internal country residential subdivision roads.
- c. Residential development has taken place on at least fifty percent (50%) of the parcels (excluding reserve parcels) within the area that would benefit from the local improvement. Residential development on a parcel shall mean the establishment and occupancy of an approved residential unit on the parcel.
- d. The General Manager of Operations Services determines that the roadway conditions are such that the construction of a paved surface is physically practical.
- e. Council has received a valid and proper petition requesting the local improvement. To be valid the petition must be signed by a least two thirds (2/3) of the owners of lands to be benefited and representing at least half (1/2) of the value of the assessments for the land in respect of which the local improvement tax will be imposed. Pursuant to the provisions of the *Municipal Government Act*, Parkland County will exercise its right to withdraw its name and the assessment value of its land from those to be counted in determining the validity of a petition.
- f. Except where it feels that special circumstances exist, pursuant to the provisions of the *Municipal Government Act*, Council will not normally initiate the surfacing of gravel surfaced country residential subdivision roads without following this policy.
- g. When a local improvement plan has been presented, per the *Municipal Government Act*, the benefitting parcels have the opportunity to petition and object to the local improvement. Such a petition must be signed by two thirds (2/3) of the landowners of the lands to be benefited from the local improvement and meet any other requirement outlined in the *Municipal Government Act*. If a petition objecting to the local improvement is filed with the Chief Administrative Officer within thirty (30) days from the notices being sent and the Chief Administrative Officer declares the petition objecting to the surfacing to be sufficient, the County will not proceed with the local

improvement. If the local improvement surface upgrade project is rejected, residents will be informed that their gravel subdivision roads will not be surfaced.

- h. In the event that a local improvement for the surface upgrade project has been rejected through filing of a petition objecting the local improvement, owners of the benefiting parcels in the country residential subdivision have the opportunity to reactivate the local improvement process providing one year has lapsed since the date of filing of any petition rejecting a local improvement surface upgrade project. A new petition supporting the project would have to be obtained and filed with Parkland County's Administration.
2. Implementation
- a. Property owners interested in having gravel surfaced country residential subdivision roads surfaced through the local improvement process, must contact Parkland County's Administration for information on the procedure for properly completing the required petition and for the determination of the area to be benefited by the local improvement.
  - b. For an authorized local improvement, a uniform local improvement tax rate, in the total amount of one hundred percent (100%) of the total project cost, divided by the total number of benefiting parcels, will be levied against each benefiting parcel of land pursuant to the provisions of the *Municipal Government Act*. The annual payments based on this uniform rate will be calculated on the basis of the debenture borrowing interest rate in effect at the time of approval of the local improvement.
  - c. Benefiting parcels will be determined by the location of the access to the parcel. If a parcel has access across or through a buffer strip from the adjacent municipal roadway rather than the internal subdivision roadway, that parcel will be considered to be benefiting from this local improvement and the levy will be applied. Prior to carrying out the petition, the local improvement project area and benefiting parcels must be identified and approved by the General Manager, Operations Services.
  - d. The period of time over which the local improvement tax will be levied against each benefiting parcel of land will be taken to be ten (10) years. Owners of benefiting lands may at any time choose to pay in total all outstanding amounts of principal and interest applicable to their local improvement tax.
  - e. Unless otherwise approved by Council, Parkland County will receive valid and proper petitions for roads surfacing within country residential developments up to and including November 1<sup>st</sup> of each calendar year for approval, consideration and implementation during the following calendar year. The prioritizing of local improvements authorized by Council for implementation will be based on the date of receipt of the valid petition.
  - f. Surfacing of a segment of a subdivision will be permitted. The subdivision segment must be integral to the subdivision roadway network. Approved segments will be determined by the General Manager of Operations Services. Petitions will be validated and the local improvement will be levied against each benefiting parcel pertaining to that roadway segment.

## **ATTACHMENTS**

"Schedule 1" Petition Requirements

"Schedule 2" Country Residential Road Surfacing Petition

**“SCHEDULE 1”**

## PETITION REQUIREMENTS

1. Each page of the petition must contain an accurate statement of the purpose and objective of the petition identical to the statement contained on all other pages of the petition.
2. The name of each signatory must be clearly printed.
3. The signature of each petitioner is required.
4. The legal description of the property(ies) owned by each signatory must be shown.
5. Each property owner’s signature must be witnessed by an adult person who signs opposite to the petitioner’s signature.
6. The date of each signature is required.
7. In the case of joint or municipal property ownership, the petition must be signed by both or a majority of the legal owners. All names appearing on the certificate of title must sign the petition.
8. Where a property is owned by a corporation or a church or other religious organization or an estate, the petition may be signed on its behalf by a person who:
  - a. Is the full age of 18 years
  - b. Has, and produces a certificate
    - i. From the head office of the corporation or from its principal office in Alberta certifying that the corporation has authorized him or her to represent it.
    - ii. From the local governing body of the church or other religious organization certifying that the local governing body has authorized him or her to represent the church or other religious organization, or
    - iii. From the executor or administrator of the estate certifying that he or she has authorized him or her to represent the estate,

As the case may be.
7. The petition shall be filed with the Chief Administrative Officer and must include:
  - a. An affidavit by each person witnessing signatures on the petition, and
  - b. A signed statement of a person whose name appears on the petition stating that he or she is the representative of the petitioners and that he or she is the person to whom the municipality may direct any enquiries with regard to the petition.

