

# **FREEWAY INTERSECTION REMOVAL AGREEMENT (the “Agreement”)**

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**THIS AGREEMENT is made BETWEEN:**

**HER MAJESTY THE QUEEN**, in right of Alberta,  
as represented by the Minister of Transportation  
(hereinafter called the “Minister”)

## **OF THE FIRST PART**

- and -

**Parkland County** in the Province of  
Alberta (hereinafter called the “Municipality”)

## **OF THE SECOND PART**

WHEREAS the Municipality wishes to permit the development of the lands adjacent to Highway 16 and Highway 43;

AND WHEREAS the Municipality is the subdivision and development authority for land within the municipal boundaries of the Municipality, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, and any amendments thereto;

AND WHEREAS Highway 16 and Highway 43 (the “Highway”) are “provincial highways” under the *Highways Development and Protection Act*, R.S.A. 2004, c. H-8.5, and any amendments thereto, (the “HDP”), the Highway is subject to the direction, control and management of the Minister;

AND WHEREAS, pursuant to Section 4(1) and 4(2) of the HDP, the Highway has been designated a freeway by Order in Council 587/2009, and any amendments thereto, along with its interchange locations at which access to and from the Highway is to be permitted. Copy of the Order in Council can be found on Alberta Queen’s Printer website (<http://www.qp.alberta.ca/507.cfm>);

AND WHEREAS the Minister may make Regulations respecting a controlled highway pursuant to Section 13(1) of the HDP; and

Section 4(1) of the *Highways Development and Protection Regulation*, AR326/2009, and any amendment thereto, (the “HDP”) requires a development permit from the Minister in order to commence a development within a prescribed distance of 300 metres from a freeway right-of-way, or 800 metres from the centre point of the intersection of a freeway and a public road; and

Section 5(1)(a) and 5(1)(b) of the HDP defines a freeway development to include the placement, construction, renovation, expansion or replacement of a building, structure or fixture located within the prescribed distance from a freeway; and

Section 5(1)(c) of the HDP defines freeway developments to include any developments that cause intensification of the type or volume of vehicles that may enter a freeway from the parcel or exit from the freeway onto the parcel; and

Under Section 5(3) of the HDP, the Minister shall not issue a permit for a development unless:

- (a) a plan setting out physical access from the parcel of land on which the development is located to the nearest designated access locations is submitted;
- (b) the plan is approved by the Minister; and
- (c) the Municipality agrees to remove any roadways that are located between the parcel and a designated access within the time and in a manner satisfactory to the Minister.

Pursuant to Section 6 of the HDPR, the Municipality may make application for cost share funding to assist in the cost of constructing local roads and/or removing Highway accesses.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties mutually agree as follows:

1. In accordance to Section 5(3) of the HDPR, the Municipality shall submit to the Minister for acceptance a plan that sets out a system of local roads that will provide an adequate means of access from the parcel of land on which the development is located to the nearest designated locations on the Highway in both directions from the development. Once the plan is accepted by the Minister, it shall be attached to Appendix "A" of the Agreement.
2. If further developments or traffic intensification changes are proposed which impact any intersection on the Highway, at the Minister's request, the Municipality shall provide a Traffic Impact Assessment (the "TIA") or an update to an existing TIA to the Minister for review and acceptance. The TIA shall be conducted as per *Alberta Transportation TIA Guideline* and any amendments thereto (<http://www.transportation.alberta.ca/613.htm>). If the TIA concludes that the Highway intersection can no longer operate to the Minister's standards, the Municipality shall remove the Highway intersection within the time and manner satisfactory to the Minister.
3. The Minister retains the right under Section 20 of the HDP to implement the removal of any Highway intersections that are not the designated access locations at its own cost at any time. The Minister agrees to give the Municipality one (1) years notice of the Minister's intention to implement the Highway intersection removal to allow the Municipality to provide for the undertaking of necessary improvements to the local road systems and other intersections to accommodate the resulting traffic impacts.
4. Notices or communications required or desired to be given pursuant to this Agreement may be given to the Minister by delivery to or by mail addressed:

**Alberta Transportation  
2<sup>nd</sup> Floor Twin Atria Building  
4999 – 98 Avenue  
Edmonton, Alberta, T6B 2X3  
Attention: Director, Regional Strategies and Integration Section**

Notices or communications required or desired to be given pursuant to this Agreement may be given to the Municipality by delivery to or by mail addressed:

**Parkland County  
53109A Highway 779  
Parkland County, Alberta, T7Z 1R1  
Attention: Mayor, Parkland County**

Either party may change its address by advising the other party in writing.

5. The parties agree to give this Agreement a fair and reasonable interpretation, and, when required, to negotiate with fairness and candour any modification or alteration thereof for the purpose of carrying out the intent of this Agreement and rectifying any omission in any of its provisions.
6. The parties agree to cooperate and work together to implement the terms of this Agreement.
7. The parties agree that this Agreement shall be to the benefit of the Minister and Municipality, their successors and assignees and that it shall be binding.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the latest date upon which the parties executes this Agreement.

Signed in the presence of:

HER MAJESTY THE QUEEN in Right of Alberta  
as Represented by:

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Witness

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for the Minister of Transportation

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Date

Parkland County

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Witness

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Mayor, Parkland County

\_\_\_\_\_

Date

**Appendix:A”**  
**(Parkland County Transportation Master Plan**  
**forthcoming)**