



Policy statement

Leduc County shall provide appropriate compensation when road or utility Right of Way and/or Working Space is required by the County for repair, replacement or construction of infrastructure.

Definitions

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 municipality of Leduc County.

County Manager means the chief administrative officer.

Expropriation means the taking of land as per the Municipal Government Act, RSA 2000 and the Expropriation Act, RSA 2000.

Landowner means the person who is responsible for a property who: is the legal owner of it, has lawful possession of it, or has the right to exercise control over it.

Market Value means the amount the land might be expected to realize if sold on the open market by a willing seller to a willing buyer.

Resident means the person(s) who reside(s) on the property.

Right of Way means the legal plan of survey that has been filed or registered at the Alberta Land Titles office that defines the boundary of the right-of-way limits.

Working Space means an area temporarily required during construction and restoration to allow the infrastructure to be repaired, replaced, or constructed.

Policy authority

Legislative implications:

- *Municipal Government Act, RSA 2000*
- *Expropriation Act, RSA 2000*

Bylaw implications:

- None

Policy standards

1. Leduc County will negotiate with the Landowner for the required Right of Way and/or Working Space required for the repair, replacement, or construction of County infrastructure.
2. Negotiation of the compensation will be based on fair Market Value of the land and current industry practice.
3. The restoration of the Working Space will be to the satisfaction of the Landowner, as outlined in the working space agreement.
4. For approval of the compensation negotiated:

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- For values up to and including \$25,000, the negotiated compensation for the Right of Way and/or Working Space will be approved by County Manager.
 - For values over \$25,000, the negotiated compensation for the Right of Way and/or Working Space will be approved by Council.
5. If appropriate compensation for the Right of Way and/or Working Space cannot be negotiated, Leduc County will:
- Attempt to redesign the project to avoid the need for Right of Way and/or Working Space from the Landowner.
 - If the project cannot be reasonably redesigned to avoid the need for the Right of Way and/or Working Space, Leduc County may, as a last resort, select to proceed with Expropriation of the necessary areas for Right of Way and/or Working Space.

Policy responsibilities

Council responsibilities:

Council will,

- Approve the Acquisition of Land for Right of Way/Working Space policy.

Administration responsibilities:

Director, Engineering and Utilities will,

- Provide administrative recommendations to Council for approval of the land compensation and Expropriation, if necessary.
- Maintain, update, and adhere to this policy.

Monitoring and updating

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

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