



# CITY OF LEDUC POLICY

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**POLICY NUMBER: 61.00:21**

<b>AUTHORITY:</b>	DIRECTOR OF PLANNING AND ENGINEERING SERVICES	<b>ISSUE DATE:</b> 06/23/97 <b>SUPERSEDES:</b> 61.00:12 Resolution 150/89 & 123/94 <b>REVISION #:</b>
<b>AREA/CHAPTER:</b>	DEPARTMENT OPERATIONS	
<b>POLICY NAME/TITLE/SUBJECT:</b>	SALE OR LEASE OF REDUNDANT PUBLIC UTILITY LOTS, WALKWAYS, AND PUBLIC RIGHTS-OF-WAY	
<b>DEPARTMENT/SECTION:</b>	PLANNING & DEVELOPMENT	
<b>RELEVANT LEGISLATION:</b>	N/A	
<b>RELEVANT BYLAW/RESOLUTION:</b>	RESOLUTION 195/97	

**Policy Objective :**

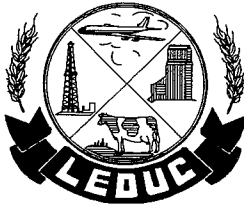
To establish a guide for City Administration in approaching the sale or lease of public utility lots, walkways, and public rights-of-ways to adjacent landowners where the surface use is no longer required.

**Policy :**

A. RESIDENTIAL DISTRICTS

1. Purchase of Public Utility Lots or Walkways

- a) Where the City of Leduc has received a privately initiated request to purchase a public utility lot or walkway in a residential district which abuts more than one person's property, each property owner shall be given the opportunity to submit a reserve bid and sealed tenders for the sale.
- b) If it is determined that only one adjacent property owner is interested in purchasing the public utility lot or walkway, the City shall offer to sell directly for \$1.00.
- c) If the landowner has had a previous lease agreement with the City, the City shall offer to sell directly for \$1.00.
- d) Where no bid is made to purchase the parcel, the City shall offer to sell to the most obvious user for \$1.00.



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- d) Where no bid is made to purchase the parcel, the City shall offer to sell to the most obvious user for \$1.00.
- e) Where the land is purchased, the City must retain access to underground utilities through the registration of an easement.
- f) Where the land is purchased, the parcel must be legally consolidated with the adjacent parcel.
- g) The purchaser will be responsible for all associated costs of the sale, including, but not limited to, the cost of the Surveyor, subdivision and consolidation fees, and Land Titles registration fees.

## 2. Lease of Public Utility Lots or Walkways

- a) If no adjacent landowners wish to purchase the parcel, then it will be available for lease for a term of five years, with the option to renew for an additional five years, at a rate equivalent to the property taxes levied on the land as if it had been sold.
- b) The lease agreement shall include, but is not limited to, the following conditions:
  - (1) No permanent structure will be permitted to be developed on the leased area.
  - (2) The Lessee will be required to maintain the leased area.
  - (3) All regulations of the City of Leduc Land Use Bylaw and revisions shall apply to any leased area.

3. The Lessee will be responsible for all legal and administrative fees.

4. Notwithstanding, if none of the above solutions are to the satisfaction of an adjacent owner who is currently maintaining the public utility lot or walkway or that has a previous lease with the City, then the public utility lot or walkway in question should be left in its present state, since in most cases these parcels are being maintained adequately by the private citizen.

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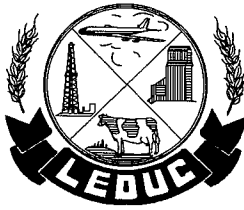
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**B. COMMERCIAL AND INDUSTRIAL DISTRICTS (Leasing Only)**

1. Where the City of Leduc has received a privately initiated request to lease a public right-of-way deemed surplus by having no anticipated public use for a ten-year period, or a public utility lot where the surface use is no longer required, a lease agreement may be entered into with the City of Leduc.
  2. The lease agreement shall include, but is not limited to, the following conditions:
    - a) All proposed uses will have prior approval of the Development Officer.
    - b) No permanent structure will be permitted to be developed on the leased area.
    - c) Any direct access to any leased area to existing public roads will be approved by the City.
    - d) The Lessee will be required to maintain the leased area, including snow removal, and return it to its original state once the lease has expired. A letter of credit will be required as security.
    - e) The Lessee will be required to provide required servicing to the leased area.
    - f) All requirements of the City of Leduc Land Use Bylaw and revisions shall apply to any leased area.
    - g) A minimum 3.0 m landscaped or grassed area shall be maintained between the leased right-of-way and any road and/or sidewalk.
  3. Public rights-of-way and public utility lots will be leased for an amount equivalent to the annual property taxes plus an annual minimum rental fee of \$500.00 to \$2,000.00 based on commercial viability. The Lessee will be responsible for all legal and administrative fees.
  4. Public rights-of-way shall be leased to the directly adjacent property owner only. If more than one property owner owns lands that could be termed "adjacent" to a right-of-way, then the owner with the greatest common property line with the right-of-way will have priority.
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Private landowners will not be permitted to lease land not directly adjacent to their parcel.

5. Where the public right-of-way is adjacent to a multi-tenant parcel, it shall be the owner of the parcel that may lease the land for a specific approved use.
6. The City of Leduc forbids registration of the lease agreement at Alberta Land Titles Office.
7. The City shall take into consideration the affect the proposed lease will have on adjacent property owners and on the subject area before entering into a lease agreement.

**AUTHORITY'S SIGNATURE:**

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