

Subject: **SURVEYS - EXAMINATION OF ROAD PLANS AND
OTHER PUBLIC WORKS PLANS**

BACKGROUND

Surveys of areas acquired for public purposes such as new roads, road widenings, diversions and drainage ditches are undertaken by the Provincial Government under the authority of the Public Works Act or by the municipality under the authority of the Municipal Government Act. Because these statutes do not contain specific instructions regarding the preparation of plans, the general instructions contained in Surveys - Examination of Plans [SUR-1](#) should be referred to in addition to this procedure.

When a municipality or the Crown acquires land for a road or other public work by an agreement with the owner, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta by filing a plan of survey at the Land Titles Office. A transfer of land is not generally required [\(1\)](#) except in the case of lands of the Crown in Right of Canada where a transfer should be submitted. [\(2\)](#)

As neither a municipality nor the Crown is entitled to the mines and minerals, the title to mines and minerals is not affected by the registration of the plan. [\(3\)](#)

REGISTRATION PROCEDURE

1. **Areas** - The area of the road or area surveyed must be given in each quarter section, lot or parcel affected, preferably below the designation of each quarter section, lot or parcel. When a number of lots in a subdivision are affected, the lot numbers and the area required in each lot should be shown in tabulated form. Areas are to be shown in accordance with the general instructions, except for areas less than 0.001 hectares which are shown as "part of lot". Where there are two or more diversions or separate parts of a road or other area in the same quarter section, lot or parcel, the area in each diversion or portion should be shown within or near it and the total area should be shown in accordance with the above.

2. **Water Areas** - If part of a bed or shore of any river, lake or other body of water is affected by the road or other surveyed area, the body of water must be plotted on the plan in accordance with the traverse on which the certificates of title to adjoining land are based. The area required within and without the bed must be shown separately on the plan.

3. **Widths of a Road** - The width of a new road as well as the width of a previously surveyed road are to be clearly shown.

4. **Re-survey of Registered Roads** - Where all or a portion of a previously registered road in a quarter section or parcel is still to be used in connection with a new road configuration, it should be included in the new plan of survey.
5. **Plans under the Public Works Act** - The plan must be accompanied by a certificate ([SURVEY-FORM 6](#)) in order to vest title in the Crown in the right of Alberta.
6. **Plans under the Municipal Government Act** - An affidavit ([\(4\) \(SURVEY-FORM 5\)](#)) must accompany the plan in order to vest title in a city, or in the case of any other municipality, the Crown in the right of Alberta.
7. **Plans affecting lands of the Crown in Right of Canada** – In addition to the plan being accompanied by the appropriate certificate or affidavit noted in paragraphs 5 or 6 above, road plans affecting lands of the Crown in Right of Canada must be accompanied by a transfer in favour of the City or the Crown in Right of Alberta as applicable. The transfer is to be registered concurrently with the plan of survey by attaching it to the road plan instrument.
8. **Plans affecting lands owned by the municipality** - If the land had previously been acquired by the municipality for a purpose other than a road, culvert, ditch or drain, the certificate of designated officer pursuant to section 62(2) of the Municipal Government Act is **not** required.

A letter from the municipality under seal confirming the above and stating that the plan is being registered under Section 82 of the Land Titles Act and that the requirements of Section 62 of the Municipal Government Act do not apply will be acceptable for registration of the road plan.
9. **Plans affecting common property** – In addition to the plan being accompanied by the appropriate certificate or affidavit noted in paragraphs 5 or 6 above, road plans affecting common property as shown on a condominium plan must be accompanied by a certificate in the prescribed form ([\(5\) \(CDE-1 - FORM 4\)](#)). The certificate is to be registered concurrently with the plan of survey by attaching it to the road plan instrument.
10. **Name of the Municipality or Government Department** - The name of the municipality or government department who requested the plan to be prepared must be drafted on the plan.
11. When a road plan includes land which is already included in a previously registered road plan,
 - a) the overlapping portion is outlined on the previously registered plan and the plan is endorsed with the road cancellation stamp,
 - b) the new certificate of title is to except the new road plan and any remaining portion of the old road plan.

12. **Certificate of Title** - Certificates of title are issued for public works other than roads free and clear of all encumbrances, caveats protecting encumbrances and caveats claiming an interest as a purchaser under an agreement of purchase and sale. (6) The following interests are carried forward:

- a) leases,
- b) easements,
- c) conservation easements,
- d) environmental reserve easements,
- e) utility rights of way,
- f) restrictive covenants,
- g) zoning regulations,
- h) public utility board orders,
- i) surface rights board orders,
- j) certificates under the Water Resources Act,
- k) orders under the Irrigation Act,
- l) orders under the Drainage Districts Act,
- m) notices of a restricted development area,
- n) caveats protecting any of the above, and
- o) deferred reserve caveats

This list is not necessarily exhaustive.

13. **Fees** - Pursuant to [Tariff item 2](#), no fee is charged for the registration of a road plan or public works plan unless it is submitted by a registrant who is not exempted pursuant to the section. In that case, [Tariff item 8\(1\)](#) is charged. In addition, except for plans within the City of Calgary, a cadastral mapping fee is charged pursuant to Alberta Regulation 94/2000 made pursuant to Surveys Act.

STATUTE AND CASE REFERENCES

1. s. 62, Municipal Government Act, R.S.A. 2000, c. M-26; see also procedure on Notifications Pursuant to the Public Works Act [NOT-1](#) for procedure on the Crown taking title to a public work by way of registration of a notification.
2. s. 13 of the Federal Real Property and Federal Immovables Act, Statutes of Canada 1991 c. 50; and s. 14 of the Interpretation Act RSA 2000, c. 1-8
3. s. 82(5), Land Titles Act, R.S.A. 2000, c. L-4
4. s. 62, Municipal Government Act
5. s. 49, Condominium Property Act, R.S.A. 2000, c. C22
6. s. 82(2)(c), Land Titles Act; s. 62, Municipal Government Act