

POLICY MANUAL



TITLE: Disposal of Municipal Property
DATE: June 13, 2019
AUTHORITY: Council
DEPARTMENT: Administration

Policy Title: Disposal of Municipal Property

Policy Statement

The Municipality of The Town of Fox Creek requires a policy to formalize a process for the disposition of Municipal owned lands including Reserve Land, former Reserve Land, and Fee Simple Land which meets the requirements as set out in the Alberta Municipal Government Act.

1. Reason for Policy

- 1.1 The purpose of the Disposal of Municipal Property Policy is to administer a fair and consistent formal process in the disposition of municipal owned land and doing so fulfilling its legislative mandate through meeting legal and statutory requirements for the disposition of Municipal lands.

2. Related Information

- 2.1 The disposal of municipal lands will be considered in the context of the overall policies of the municipality, including the Municipal Development Plan, Land Use Bylaw, and Community Strategic Plan.
- 2.2 The sale of land may be initiated by either the Municipality or by an individual, company or organization that is interested in acquiring the land.
- 2.3 All matters related to the disposal of Municipal property shall meet the following requirements of the Municipal Government Act:
- 2.3.1 Municipal Government Act, Part 3, Division 8 - Limits of Municipal Powers, Division of Lands - Section 70
 - 2.3.2 Municipal Government Act, Part 16 - Requirements for Advertising - Section 606

Disposal of Municipal Property Procedure - attached

3. Definitions

- 3.1 **Appraisal** - means an official valuation of property by an authorized person.
- 3.2 **Direct Sales** - means the sale of municipal lands that has been initiated by the public.
- 3.3 **Disposition** - shall mean the process of disposal of property.
- 3.4 **Land** - includes all properties whether vacant land or land containing buildings.
- 3.5 **Land Purchase Application Form** - means the form that contains purchase conditions as set out by the Municipality, purchaser's information, and purchase value. Form is to be completed and submitted to initiate the purchase process.
- 3.6 **Municipality** - means the Municipal Corporation of The Town of Fox Creek

- 3.7 **Policy** - is a guide to decision-making, prescribes limits and assigns responsibilities within an organization and is accompanied by procedures.
- 3.8 **Public Sales** - means the sale of lands that the Municipality are actively trying to dispose of.
- 3.9 **Procedure** - shall mean the method of giving direction according to which operations are conducted within the framework of the policy.
- 3.10 **Responsible Department**- shall mean the office or department that will develop and administer a particular policy and procedures and will be accountable for the accuracy of its subject matter, issuance and timely updating.

4. Responsibilities

4.1 Municipal Council to:

- 4.1.1 Approve by resolution this policy and any amendments.
- 4.1.2 Consider the allocation of resources for successful implementation of this policy in the annual budget process.

4.2 Chief Administrative Officer to:


- 4.2.1 Implement this policy and approve procedures.
- 4.2.2 Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

4.3 Director of the Department to:

- 4.3.1 Ensure implementation of this policy and procedure.
- 4.3.2 Ensure that this policy and procedure is reviewed every three years.
- 4.3.3 Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

End of Policy

Approval



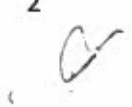
Jim Hailes,
Mayor



Roy Dell,
Chief Administrative Officer

June 24/19

Date





TITLE: Disposal of Municipal Property
POLICY: PO71-2019
DEPARTMENT: Administration

PROCEDURE

The disposal of lands may take place through two separate methods. Public sale of land includes land that the Municipality knowingly and actively wants to sell. Direct sales include lands that are not actively advertised and that are initiated through the public. The Municipality shall proceed through the following process once it is prepared to sell its municipal lands.

1. Public Sales

- 1.1 Reference will be made to statutory documents including the Land Use Bylaw and Municipal Development Plan prior to consideration of, and advertising the sale of municipal property.
- 1.2 The Chief Administrative Officer, or designate, shall have an appraisal done on the subject property to assist in establishing a market value.
- 1.3 The Chief Administrative Officer, or designate, shall have prepared an information package(s) on the subject land(s) that includes the following:
 - 1.3.1 A brief description of the subject land(s) (including the location, minimum sale price, zoning and any other relevant information)
 - 1.3.2 Copy of the title and plan
 - 1.3.3 Copy of relevant Zoning guidelines and Development Permit guidelines, if applicable
 - 1.3.4 Copy of any covenants registered on the property.
 - 1.3.5 Land Purchase Application form that is to be completed by the prospective purchaser.
- 1.4 The Municipal newsletter and website will be utilized to list Municipal owned lands that are being offered up for sale to the public.
- 1.5 The Chief Administrative Officer may have public notices published in local newspaper(s). The notice must include a description of the land or improvements, the nature and terms of the proposed disposition, and the process by which the land and/or improvements may be acquired.
- 1.6 The Chief Administrative Officer may utilize a Request for Proposal process to solicit interest for purchase of Municipal land for the purposes of sale and development of such land.
- 1.7 The Chief Administrative Officer may choose to market Municipal properties through local real estate companies.
- 1.8 Upon receiving Land Purchase Application form(s) the Chief Administrative Officer shall review any proposals received and prepare a report for Council.
- 1.9 All decisions on the disposal of municipally owned lands shall be made by Council.

- 1.10 The Chief Administrative Officer, or designate, shall provide a letter to the applicants informing them of the decision of Council.
- 1.11 Time period for land purchase processes shall take place within a 90 day time period.

2. Direct Sales

- 2.1 All inquiries made with regards to the purchase of municipally owned property shall be directed to the Chief Administrative Officer.
- 2.2 The Chief Administrative Officer shall prepare a report for Council which will include the Land Purchase Application form.
- 2.3 The Chief Administrative Officer shall include in the report information on the subject land(s) that includes the following:
 - 2.3.1 A brief description of the subject land(s) (including the location, minimum sale price, zoning and any other relevant information)
 - 2.3.2 Copy of the title and plan
 - 2.3.3 Copy of relevant Zoning guidelines and Development Permit guidelines, if applicable
 - 2.3.4 Copy of any covenants registered on the property
 - 2.3.5 Land Purchase Application form that is to be completed by the prospective purchaser.
- 2.4 Council will determine how they wish to proceed based on the terms of the offer. The applicant shall be notified once Council has considered the terms of the offer.
- 2.5 An opportunity may be afforded the applicant to make a presentation at the delegation session of a scheduled Governance and Priorities Committee or Council meeting regarding his/her interest in the municipal lands.
- 2.6 If Council elects to sell the lands or improvements, the Chief Administrative Officer, or designate, shall have an appraisal done on the subject property to assist in establishing the fair market value price. Appraisal costs will be the responsibility of the purchaser as per the established fee within the Fee and Charges Bylaw 800-2017.
- 2.7 Should Council agree with the price; the Chief Administrative Officer may be directed to proceed with the sale process.
- 2.8 A notice will be placed in the local newspaper(s) for two consecutive weeks advising of the intended sale of the property.
- 2.9 During the two week advertising period residents will be provided the opportunity to appeal the sale of land. Appeals must be writing and identify the reason for the appeal. The appeal will be heard by the Chief Administrative Officer.
- 2.10 The successful purchaser must satisfy themselves as to any additional geotechnical or environmental investigative works that may be required. The Municipality will grant access to the site to conduct these investigations and any and all cost shall be the responsibility of the purchaser.
- 2.11 The Chief Administrative Officer, or designate shall complete the sale agreement process upon satisfaction of matters related to conditions.

End of Procedure

Approval



Jim Hailes,
Mayor



Roy Dell,
Chief Administrative Officer

June 24/19
Date