

Function: Infrastructure & Planning-04
Department: Real Estate-60
Policy No.: 002



Public Requests to Purchase Municipal Land

Effective Date: March 10th, 2022

Review Date: March 10th, 2027

Cancel:

Resolution #: 120-2022

CAO Signature: _____



Purpose: The purpose of this policy is to provide a framework when considering requests to purchase municipal property for consolidation with an adjoining parcel. It is also to provide transparency to the public when land purchase requests are received and considered.

Council has the ability to dispose of municipal land in accordance with the *Municipal Government Act* (the “Act”). In some cases, property owners may wish to purchase portions of municipal property abutting their property. This policy is intended to guide Council with a transparent and consistent approach to considering disposition of municipal lands in these cases.

Guidelines:

This policy affects any resident who is wishing to acquire municipal property that is directly adjacent to their lot. Municipal property includes property owned by the County and land that is subject to the direction, control and management of the County.

Land purchase requests will be circulated to all County departments for comment. This policy will be administered by the Planning and Development Department, the Chief Administrative Officer, and Council.

Responsibilities:

Lac Ste. Anne County is entrusted to direct, control and manage municipally owned property and municipal road allowances on behalf of the public. There may be situations where municipal land disposition to an adjacent property owner is acceptable to the County.

When an application is submitted to purchase all or a portion of a municipally owned lot or a road allowance, Administration will review the request and make a recommendation to Council with consideration of all applicable policies and regulations of Lac Ste. Anne County and relevant provisions of the Act.

Requests to purchase all or a portion of a municipally owned lot or a road allowance (the "Land") may be considered if:

- The Land abuts the parcel owned by the applicant;
- There is no adverse impact anticipated with respect to wildlife corridors or habitat;
- It is not anticipated that the Land will be required for a municipal purpose in the future;
- The sale of the Land would not adversely impact or substantially alter the overall layout of the subdivision plan in which the applicant's parcel is located;
- The sale of the Land would not adversely affect property owners whose land abuts the subject municipal parcel;
- All encroachments on the Land in question have been removed prior to submission of an application for consideration of a disposition of the Land, unless such is impractical; and
- The resulting subdivision would not conflict with regulations governing subdivision.

Requests to purchase all or a portion of a municipally owned lot or a road allowance (the "Land") **will not** be considered when:

- The disposition of the Land would accommodate an encroachment that creates an unsafe or potentially hazardous condition to the public. Examples include, but are not limited to, an encroachment that: impedes sight lines or normal access; obstructs vision of traffic or pedestrians; creates operational conflicts or creates hazards during the winter season when snow covers the ground;

- The disposition of the Land diminishes the public's right of usage, including, but not limited to, the public's passage and/or access along a travelled portion of a road, or interferes or obstructs normal pedestrian or bicycle use, except where the road or portion thereof is no longer required for use by the travelling public;
- The disposition of the Land would inhibit, harm, or impede a wildlife corridor or habitat;
- The applicant is unable to reasonably demonstrate a need for the Land;
- The request would interfere with the County's intent and purpose in holding the Land;
- The request may create a conflict with an adjacent property owner;
- The request would adversely affect municipal operations, work, plans, efforts or initiatives of the County to maintain municipally owned lands, undertake capital works projects or future service extensions or necessary right-of-way's for public utilities;
- The request interferes with any existing or planned utility or municipal infrastructure on municipally owned lands including underground infrastructure;
- The request creates a situation that is contrary to any municipal Bylaw, policy, or resolution, or any provincial or federal regulation or legislation;
or
- The Lands provide direct access to a waterbody.

Costs:

All costs associated with the purchase of the Land shall be borne by the applicant. The applicant shall pay the following costs of acquisition of the Lands:

- Land Purchase Request Application;
- Appraisal of property;
- The purchase price for the Land, as determined by Council in its sole and absolute discretion. The purchase price is not subject to negotiation or appeal, However the price shall be as close to Market Value as possible.;
- Survey costs to complete plan for subdivision, if required;
- Costs to register plan of subdivision, if required; and
- Legal costs to carry out the purchase, registration of plans, transfer of ownership, and extension of any charges on the property titles.

Exception:

This policy shall not apply to the sale of municipally owned property and municipal road allowances initiated by the County, where the parcel being considered is capable of being a stand-alone lot or where other adjacent properties have an interest in acquiring the same property.

Notwithstanding anything in this policy all parcels that are being sold in accordance to this policy must be advertised for sale for a minimum of 14 days prior to their sale.