

Function: 04- Infrastructure Planning  
Department: 060- Real Estate  
Policy No.: 003



# Land Acquisition

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Effective Date: February 10, 2022

Review Date: February 10, 2027

References:

Cancel:

Resolution #: 49-2022

CAO Signature: 

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**PURPOSE:** The purpose of this Policy is to ensure that a consistent and equitable framework is followed in acquiring real property interests which support Council-approved projects, programs and policies.

This Policy applies where real property rights are acquired by Lac Ste. Anne County and includes any right, interest or benefit in land, but is not limited to, fee simple acquisitions, easements, rights-of-way and other limited interests such as joint-use agreements, temporary working occupancies, consents to enter and licences.

This Policy applies to all Lac Ste Anne County employees, any agents or assigns acting on behalf of the County and consultants authorized to acquire real property on behalf of the County. Real property such as road dedications and easements that are acquired through the planning/subdivision processes will continue to be dealt with as part of that process and in accordance with the Municipal Government Act and any regulations therein.

## GUIDELINES:

### *Council approval*

Council approval of a capital project requiring property interests shall include authority for the appropriate person(s) or body to initiate and undertake legal surveys, appraisals, negotiations, expropriations, legal and other such related activities, as required.

### *Funding*

Funding for the acquisition of real property must be identified through a Council-approved budget item, specific to the program, project or policy defining the need, or allocated from an approved departmental budget, with approval of the General Manager of the client department.

### Acquisition

Notwithstanding any section of this Policy no acquisition of land shall be commenced without prior Council resolution authorizing the investigation of the purchase or the approval of a capital project which requires real property. This requirement shall not apply to Charitable donations or lands taken thru the Development Approvals process

## Methods of acquisition

### *Negotiation*

Negotiation is the preferred method of obtaining real property rights. Negotiation is a process by which the County and the property owner (Vendor) reach a mutually acceptable agreement which complies with the requirements of this Policy.

### *Expropriation*

Expropriation through the statutory process required by the *Expropriations Act* will be used only where a negotiated acquisition is not reasonably possible. The County has the authority to expropriate land in accordance with the provisions of the *Expropriations Act as amended from time to time*.

Where property has been acquired by expropriation, the County shall pay compensation, including Market Value for the expropriated property interest(s) and any other statutory entitlements required by the *Expropriations Act*, in an amount negotiated between the

County and the expropriated party and approved by Council, delegated authority or in an amount ordered following an arbitration pursuant to the *Expropriations Act*.

Where necessary, County departments shall allow for a minimum of 12 months lead time following finalization of detailed design in their project planning, in anticipation that real property acquisition by expropriation may be required.

#### *Charitable donations*

The County may acquire real property through gifts or donations, subject to Council approval, or that of its delegated authority. Before acceptance or rejection of a gift of real property; an analysis to determine the conditions of the gift, existing restrictions of encumbrances, locating a suitable client department for stewardship, assumption of liabilities or any tax implications, shall be carried out. A charitable donation receipt may be issued in the amount of the appraised market value of the donated real property. An independent appraisal shall determine the market value of any donated real property.

#### *Development approval process*

The Infrastructure and Planning Department deals with land requirements such as reserve land, public utility lots, road widening through conditions of final approval for subdivisions, site plans or other development approvals under delegated authority.

#### *Land exchange*

When an acquisition is contemplated in support of a County initiative and it is deemed that an exchange of County-owned surplus real property is in the best interests of the County, negotiation and compensation shall be based on the market value of the respective real properties, pursuant to the Disposal of Real Property Policies.

## **Appraisal**

All real property acquisitions shall be supported with a market value estimate or appraisal. Such a value estimate or appraisal will be completed by an independent real estate professional or by a qualified County staff appraiser.

#### *Acquisition at market value*

Real property shall be acquired on the basis of market value, unless other considerations are included in the transaction and approved by Council or its Delegated Authority.

Administrative settlements can be used where the value of the acquisition does not exceed \$10,000.00.

*Environmental due diligence*

The County shall complete environmental pre-screening on all real property to be acquired to identify potential contamination issues associated with real property.

The acquisition of the fee simple interest of an entire parcel of land, shall require an Environmental Site Assessment (ESA) unless sufficient, reliable and recent environmental information is available from the pre-screening to reasonably alleviate potential environmental liability associated with the property acquisition. The decision to waive a ESA will be authorized in writing by the County Manager, along with a summary of the information that was considered to support the decision.