

Function: 04- Infrastructure Planning
Department: 060- Real
Estate Policy No.: 004



Surplus of Municipal Land Determined by Administration

Effective Date: February 10, 2022

Review Date: February 10, 2027

Cancel:

Resolution #: 50-2022

CAO Signature:

A handwritten signature in blue ink, appearing to be "D. J. ...", is written over a horizontal line.

Purpose: The purpose of this policy is to ensure transparent and accountable processes are followed in the disposal of all surplus County owned real property and to ensure that returns are fair, reasonable and in the best interest of the County.

Guidelines:

The complete list of the County owned Real Property of shall be reviewed every ten (10) years by the Planning and Development department to determine what real property may be deemed surplus and as a result may be disposed of at current Market Value. Additionally Administration may initiate the surplus of land when ever is deemed necessary by Council.

This policy shall not apply to the disposal of Real Property that is subject of an agreement entered into by the County for the provision of municipal capital facilities or required road widening.

County owned Real Property will only be considered for surplus if all municipal departments agree that the land is no longer needed for long term future municipal development.

Prior to any surplusing of County owned Real Property, an attempt shall be made to lease or license the property in accordance with Lac Ste. Anne County policy.

Methods of Sale:

Council shall have absolute discretion in selecting the method of disposing of a parcel of County owned Real Property to the public. Such methods shall include but are not limited to:

- a. Sale by Public Tender;
- b. Listing with Real Estate firms or Brokers;
- c. Direct Sale (No Real Estate Agent); or
- d. Other methods as determined by Council.

Unsolicited offers shall only be considered when in compliance with the Request to Purchase Municipal Land policies and any applicable procedures.

Notwithstanding this policy or any other County Policy where one or more persons have expressed an interest in purchasing land, that land shall be sold by public tender.

Where the assessed value of a land and improvements are greater than \$50,000 an appraisal shall be conducted prior to sale. In situations where vacant land is being surplused the land must be appraised prior to surplus

Sale Price of Land:

Council shall determine the sale price of any land or minimum tender bid. The sale price or minimum tender bid shall include the sale price of the land plus the costs anticipated to be incurred by the municipality with respect to the sale including but not limited to legal fees, surveys, appraisal fees, publication notices.

The Purchaser may be responsible for all costs incurred or required to dispose of the land, including but not limited to legal, survey, appraisal fees, encumbrances, advertising, improvements, environmental testing/remediation, demolition, due diligence, research, administrative fees, land transfers and registration fees.

Where land is not disposed of by public tender all costs as stated above as calculated by the municipality shall be paid prior to the transfer of ownership of the land from the municipality to the purchaser.

Exemptions:

The following classes of land disposal are exempt from the provisions of this policy:

- Municipal Tax Sales in accordance with the Municipal Government Act;
- Closed Highways if sold to an owner of land abutting the closed highway;
- Land that does not have direct access to a highway if sold to the owner of land abutting the land;
- Land either swapped or purchased in accordance with the Expropriation Act;
- Easements where granted to public utilities or telephone companies; and
- Land where the sale is governed by another municipal policy.

Process for Municipally Initiated Land Surplussing:

1. Administration reviews land supply every 10 years;
2. All administrative departments sign off that land is surplus;
3. Attempt to lease or license land;
4. Physical site inspection of land up for surplus;
5. If Parcel is over 20 acres, outside of a named subdivision or hamlet lands must be tested for aggregate.
6. If Parcel is within a multiparcel subdivision a Stormwater Analysis must be conducted prior to the property being added to the surplus list.
7. List of potentially surplus lands are provided to Council;
8. Council declares land to be surplus;
9. Council determines method of sale;
10. Appraisal;
11. Sale price of land or minimum tender amount is established;
12. Notice of Land Surplus will be provided to directly adjacent landowners or all landowners within a multiparcel subdivision where land is being surplus;
13. Finalization of sale of Surplus land.

Errors and Omissions

It is acknowledged that any error or omission in following the procedures, in which error or omission was not the result of bad faith on behalf of the County will not necessarily render such disposal invalid or void.
