



## TOWN OF OKOTOKS ADMINISTRATIVE GUIDELINES

**Title:** Land Disposal

**Number:** A21-06

**CAO Approval Date:** July 5, 2021

**Review Date:** As required

**Revised Date(s):**

**Originating/Lead Business Centre:** Community Growth & Sustainability

- Reference(s):**
- *Municipal Government Act (MGA)*
  - *Expropriation Act*
  - Chief Administrative Officer's (CAO) Delegation of Authority Administrative Guideline
  - Chief Administrative Officer's (CAO) Bylaw

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### **Purpose:**

To formalize the process for the disposal of municipally owned lands that meets the requirements as set out in the *MGA*.

To administer a fair and consistent formal process in the disposal of municipally owned land, and in doing so, fulfill its legislative mandate through meeting legal and statutory requirements for the disposal of municipal lands.

### **Scope**

This Administrative Guideline applies to real property rights that are acquired by the Town of Okotoks by any method, including expropriation.

### **1. Definitions**

- 1.1. Appraisal - means a written analysis and assessment of the Market Value of Land, prepared by a qualified and independent third party evaluator.
- 1.2. Expropriation - means an acquisition of Land that is initiated by proceedings under the *Expropriation Act*, and includes any acquisition by consent under s. 30 of that statute.
- 1.3. Land - means the fee simple interest in real property and any other interest that is capable of being registered on title and that pertains to the ownership, possession or use of the real property, such as a lease, easement, or utility right of way.
- 1.4. Land Committee - means an administrative group that considers land issues on a quarterly or as-needed basis and consists of staff members from an interdisciplinary background and range of Town Departments.

- 1.5. Land Administration Transaction Request - means a written request in a form prescribed by the Land Committee, wherein the Requesting Department identifies the Land that it wishes the Municipality to acquire and explains the purpose of the acquisition.
- 1.6. Market Value - means the estimated purchase price for Land, as determined by an Appraisal, if sold by a willing seller to a willing buyer.
- 1.7. Requesting Town Department - means the Town Department completing and submitting to the Land Committee a Land Administration Transaction Request.
- 1.8. Direct Sales - means the sale of municipal lands that has been initiated by the public.
- 1.9. 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.
- 1.10. Municipality - means the Municipal Corporation of the Town of Okotoks
- 1.11. Public Sales - means the sale of lands that the Town is actively trying to dispose of.

## **2. Responsibilities**

- 2.1. The Community Growth, Investment & Sustainability Director will:
  - 2.1.1. Make recommendations to the Chief Administrative Officer on disposal of Land that require Council approval; and
  - 2.1.2. Develop the annual Land acquisition budget and financial plan and submit it through the budget process for Council approval;
  - 2.1.3. Develop and maintain Standard Operating Procedures ["SOP's"] that are consistent with and supportive of the provisions of this Guideline, and ensure Business Centre compliance with the SOP's.

## **3. General**

- 3.1. 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 Council's Strategic Plan and Long-term Needs Framework.
- 3.2. The sale of Land may be initiated either by the Municipality or by an individual, company, or organization that is interested in acquiring the land.

3.3. All matters related to the disposal of municipal property shall meet the requirements set out in Part 3, Division 8 - Limits of Municipal Powers, Division of Lands - Section 70, and Part 16, Requirements for Advertising - Section 606 of the *MGA*.

3.4. The disposal of lands may take place through two separate methods:

3.5.1 Public sale of Land includes land that the Municipality knowingly and actively wants to sell.

3.5.2 Direct sales include Lands that are not actively advertised and that are initiated through the public.

3.5. The Municipality shall proceed through the following process once it is prepared to sell its municipal Lands:

#### Public Sales

3.5.3 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.

3.5.4 The Community Growth, Investment & Sustainability Director shall have an appraisal done on the subject property to assist in establishing a market value.

3.5.5 The Community Growth, Investment & Sustainability Director shall have prepared an information package(s) on the subject land(s) that includes the following:

3.5.5.1 A brief description of the subject Land(s) (including the location, market rate, zoning, and any other relevant information);

3.5.5.2 Copy of the title and plan;

3.5.5.3 Copy of relevant land use regulations and Development Permit Requirements, if applicable;

3.5.5.4 Copy of any encumbrances registered on the title;

3.5.5.5 Land Purchase Application form that is to be completed by the prospective purchaser.

3.5.6 The Municipality shall use local newspaper and the municipal website to list municipally owned Lands that are being offered for sale to the public when they are initially listed. For parcels that have been for sale for an extended period of time, the website will be utilized to advertise them, but they will not be consistently advertised in the newspaper.

3.5.7 The Community Growth, Investment & Sustainability Director or their designate may have public notices published in local newspaper(s) to notify the public of municipally owned lands available for sale. The notice must include a description of the land or improvements, the

nature and terms of the proposed disposal, and the process by which the land and/or improvements may be acquired.

- 3.5.8 The Community Growth, Investment & Sustainability Director 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.
- 3.5.9 The Community Growth, Investment & Sustainability Director may choose to market Municipal properties through local real estate companies.
- 3.5.10 Upon receiving Land Purchase Application form(s) proposals shall be reviewed in accordance with CAO Bylaw.
- 3.5.11 Land purchase processes shall take place within a 120 day time period upon execution of purchase and sale agreement.

#### Direct Sales

- 3.5.12 All inquiries regarding the purchase of municipally owned property shall be directed to the appropriate parties in accordance with CAO Bylaw.
- 3.5.13 When a land sale is required to go to Council, the Community Growth, Investment & Sustainability Director or designate shall prepare a report in accordance with CAO Bylaw.
- 3.5.14 The Community Growth, Investment & Sustainability Director shall include in the report information on the subject land(s) that includes the following:
  - 3.5.14.1 A brief description of the subject land(s) (including the location, minimum sale price, zoning and any other relevant information);
  - 3.5.14.2 Copy of the title and plan;
  - 3.5.14.3 Copy of relevant Zoning guidelines and Development Permit guidelines, if applicable;
  - 3.5.14.4 Copy of any covenants registered on the property;
  - 3.5.14.5 Land Purchase Application form that is to be completed by the prospective purchaser.
- 3.5.15 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.
- 3.5.16 If Council elects to sell the lands or improvements, the Community Growth, Investment & Sustainability Director 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 Fees, Rates, and Charges Bylaw.

- 3.5.17 A notice will be placed in the local newspaper for two consecutive weeks advising of the intended sale of the property.
- 3.5.18 During the two-week advertising period residents will be provided the opportunity to appeal the sale of land. Appeals must be in writing and identify the reason for the appeal. The appeal will be heard by Council.
- 3.5.19 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.
- 3.5.20 The Community Growth, Investment & Sustainability Director or designate shall complete the sale agreement process upon satisfaction of matters related to conditions.