



## LAND SALES POLICY

<b>Policy Number:</b>	ADM19
<b>Administered By:</b>	Chief Administrative Officer
<b>Approved By:</b>	Town Council R.074.2023
<b>Effective Date:</b>	February 27, 2023

### Purpose:

The Town of Fort Macleod will be responsible to the citizens of the Town by establishing a Policy that provides direction to Town Council and Administration on the disposition of Municipal owned lands. This will ensure a fair and consistent formal process in the disposition of municipal owned land and, in doing so, fulfilling its legislative mandate through meeting legal and statutory requirements for the disposition of Municipal lands.

### Scope:

This Policy applies to all 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 (MGA).

### Responsibilities:

Town Council will approve by resolution this policy and any amendments and consider the allocation of resources for successful implementation of this policy in the annual budget process.

The Chief Administrative Officer (CAO) will implement this policy and approved procedures and ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

The Director of the Department will ensure implementation of this policy and procedure, ensure that this policy and procedure is reviewed per the Policy Review Policy and make recommendations to the CAO of necessary policy or procedure amendments.

### Definitions:

- **Appraisal:** An official valuation of property by an authorized independent person or company.
- **Direct Sales:** The sale of municipal lands that has been initiated by the public.
- **Disposition:** The process of disposal of property.
- **Land:** Includes all properties whether vacant land or land containing buildings.
- **Land Purchase Application Form:** The form that contains purchase conditions as set out by the Municipality, purchaser's information, and purchase value. The form is to be completed and submitted to initiate the purchase process.
- **Land Sales Listing:** The listing of lands that are actively for sale by the Municipality, and which have current appraised prices (newer than three (3) years old) that were approved via Council resolution.
- **Market Value:** The amount that a property, as defined in the MGA, might be expected to realize if sold on the open market by a willing seller to a willing buyer.
- **Municipality:** The Municipal Corporation of the Town of Fort Macleod.
- **Policy:** A guide to decision-making, prescribes limits and assigns responsibilities within an organization and is accompanied by procedures.

- **Public Sales:** The sale of lands that the Municipality is actively trying to dispose of (initiated by the Municipality) and the lands are on the Municipality's Land Sale Listing.
- **Procedure:** The method of giving direction according to which operations are conducted within the framework of the Policy.
- **Responsible Department:** The office or department that will develop and administer a particular policy and procedure and will be accountable for the accuracy of its subject matter, issuance, and timely updating.

### **Related Information:**

The disposition 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 Strategic Plan.

The sale of land may be initiated by either the Municipality or by an individual, company or organization interested in acquiring the land.

All matters related to the disposal of Municipal property shall meet the following requirements of the MGA:

- MGA, Part 3, Division 8 – Limits of Municipal Powers, Disposal of Lands – Section 70
- MGA, Part 16 – Requirements for Advertising – Section 606
- MGA Section 22 road closure (for the purpose of sale)

### **Disposal of Municipal Property Procedure:**

#### **General:**

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.

#### **Public Sales at Appraised Value (Initiated by the Municipality):**

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.
2. The CAO, or designate, shall ensure that the land sale listing appraisals are current for the subject property to substantiate the selling price.
3. The CAO, or their designate shall have prepared an information package(s) on the subject land(s) that includes the following:
  - a. A brief description of the subject land(s) (including the location, minimum sale price, zoning, and any other relevant information).
  - b. Copy of the title and plan.
  - c. Copy of the relevant Zoning guidelines and Development Permit guidelines, if applicable.
  - d. Copy of any covenants registered on the property.
4. The Land Purchase Application form is to be completed by the prospective purchaser and the necessary land sale deposit paid to the Municipality.
5. The municipal newsletter and website will be utilized to list Municipal owned lands that are being offered up for sale to the public.

6. The CAO may publish public notices in the local newspaper(s) to advertise these listings. 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.
7. The CAO may choose to market Municipal properties through local real estate companies.
8. Time period for land purchase processes shall take place within a 90-day period.

**Public Sales Below Appraised Value (Initiated by the Municipality):**

1. Any purchase offers below the Market Value must follow the requirements in the Municipal Government Act (MGA).

**Direct Sales:**

1. All inquiries made with regards to the purchase of municipally owned property shall be directed to the CAO.
2. The CAO shall prepare a report for Council which will include the Land Purchase Application form.
3. The CAO shall include in the report information on the subject land(s) that includes the following:
  - a. A brief description of the subject land(s) (including the location, minimum sale price, zoning, and any other relevant information).
  - b. Copy of the title and plan.
  - c. Copy of relevant Zoning guidelines and Development Permit guidelines, if applicable.
  - d. Copy of any covenants registered on the property.
  - e. Land Purchase Application form that is to be completed by the prospective purchaser.
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.
5. An opportunity may be afforded the applicant to make a presentation at the delegation session of a scheduled Committee of the Whole or Council meeting regarding their interest in the municipal lands.
6. If Council elects to sell the lands or improvements, the CAO, 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.
7. Should Council agree with the price, the CAO may be directed to proceed with the sale process.
8. A notice will be placed in the local newspaper(s) for two consecutive weeks advising of the intended sale of the property.
9. 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 the CAO.
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.
11. The CAO, or designate, shall complete the sale agreement process upon satisfaction of matters related to conditions.

**Further Information:**

For further information regarding this policy, please contact the department identified in the title bar under Administered By.



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CAO – Town of Fort Macleod