

Disposal of Municipal Lands Policy

C-3A.019

Section: 3.0 Planning and Community Services
- A. Planning and Development Services

Authority: Council

Administering Department: Planning and Community Services

Statement

The Municipal District of Bonnyville (M.D.) shall have a policy regarding the disposal of municipal lands not required for municipal purposes.

Purpose

The purpose of this policy is to ensure that properties not required for municipal purposes are disposed of in a manner that is consistent, fair and provides a reasonable return for the lands.

Definitions

For the purposes of this policy:

- (1) "Council" means the duly elected Council of the M.D.;
- (2) "Direct Sale" means the sale of Municipal Lands directly to another party;
- (3) "Fair Market Value" means the determined price that a property will sell for in an open market at the time of valuation by the M.D. Assessment Services Department;
- (4) "Other Lands" means lands other than Tax Forfeiture title lands owned by the M.D. that are not required for municipal purposes. This will include land acquired via Section 428.2 of the Municipal Government Act (clear title acquired 15 years after public auction);
- (5) "Tax Forfeiture Title Lands" means lands that were transferred to the municipality pursuant to Section 424 of the *Municipal Government Act, R.S.A. 2000, c. M-26*.

Policy

- (1) Tax Forfeiture Title Lands
 - (a) The M.D. may acquire Tax Forfeiture title to these parcels unless there is:
 - (i) an occupied residence on the parcel;
 - (ii) a caveat on the title that will have prior claim to the municipality's claim of the parcel;
 - (iii) an environmental or other liability, problem or concern in regard to the property.
 - (b) Tax forfeiture title may be taken on the parcels listed in Section (1)(a) of this policy, if Council so directs by resolution or bylaw.
 - (c) Tax forfeiture title lands will be sold subject to the requirements of provincial and municipal legislation.

(2) Sale of Other Lands

- (a) The M.D. will sell other lands subject to the requirements of provincial and municipal legislation.
- (b) All lands subject to this policy may be sold by:
 - (i) Direct Sale at Fair Market Value that shall be advertised in accordance with the M.D. Public Notification Bylaw for a period of two consecutive weeks. If multiple offers are received after the public notification timeline, the lands shall be sold by Public Auction.
 - (ii) Public Auction that shall be advertised in accordance with the M.D. Public Notification Bylaw and the *Municipal Government Act, R.S.A. 2000, c. M-26*.
 - 1. Each parcel shall be subject to a reserve bid equal to 80% of the estimated market value, approved by Council.
- (c) The conditions of the sale shall be:
 - (i) all properties to be sold 'as is'; this may include but is not limited to assets, buildings or structures located on lands;
 - (ii) appropriate provincial and federal taxes to be added to the purchase price;
 - (iii) the M.D. being responsible for preparing the necessary transfer documents;
 - (iv) the purchaser being responsible for paying the title transfer costs;
- (d) All sales are subject to any caveats, reservations and/or exceptions appearing on the certificate of title.
 - (i) Should the M.D. require that any caveat, reservations and/or exception be withdrawn as a condition of sale, the cost of withdrawing the caveat, reservation and/or exception will be borne by the municipality.
- (e) All sales are subject to the approval of Council.

(3) Exceptions

- (a) In the case of other lands, if the use or development of a parcel is severely restricted so as to make the parcel of little or no value to anyone except an adjacent landowner or if a parcel has limited or no physical or legal access, Council shall only sell the land, subject to consolidation to an adjacent parcel.
- (b) In the case of other lands, if the parcel is currently in a Licensing of Municipal Lands Agreement, the Licensee shall have the opportunity to purchase the land by Direct Sale at Fair Market Value.
- (c) The sale of these lands will be subject to the requirements of provincial and municipal legislation.

Review Period

Within five (5) years from date adopted / amended / reviewed.

For administrative use only:

Previous Policy Number: (prior to July 24, 2019)	10.12.30, 2A.009
Related Documentation: (plans, bylaws, policies, procedures, etc.)	Bylaw: M.D. Public Notification Bylaw

Date Adopted: February 8, 2001

Resolution No: 01.029

Date Amended⁽⁰³⁾: August 22, 2023

Resolution No: 23.426