

TOWN OF VULCAN

Policy Manual

<u>POLICY NUMBER</u>			<u>TITLE OF POLICY</u>
PL-07			Disposal of Municipal Property
Approval	D/M/Y	Resolution #	
Adopted	12/08/16	16.254	

STATEMENT:

The Town of Vulcan requires a policy to formalize a process for the disposition of Municipal owned lands which meets the requirements as set out in the Alberta Municipal Government Act.

PURPOSE:

The purpose of this policy is to administer 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.

1. Definitions

The following definitions shall apply within this policy:

- 1.1 **Appraisal** - means an official valuation of property by an authorized person.
- 1.2 **Direct Sales** - means the sale of municipal lands that has been initiated by the public.
- 1.3 **Land** - includes all properties whether vacant land or land containing buildings.
- 1.4 **Land Purchase Application Form** (Schedule “A”) - 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.
- 1.5 **Municipality** - means the Municipal Corporation of the Town of Vulcan
- 1.6 **Public Sales** - means the sale of lands that the Town is actively trying to dispose of.

2. Policy

- 2.1 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 Community Strategic Plan.
- 2.2 The sale of land may be initiated by either the Municipality or by an individual, company or organization that is interested in acquiring the land.

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2. Policy Continued

2.3 All matters related to the disposal of Municipal property shall meet the following requirements of the Municipal Government Act:

- a) Municipal Government Act, Part 3, Division 8 - Limits of Municipal Powers, Division of Lands - Section 70
- b) Municipal Government Act, Part 16 - Requirements for Advertising - Section 606

3. General Rules

3.1 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.

4. Public Sales

4.1 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.

4.2 The Chief Administrative Officer, or designate, shall have an appraisal done on the subject property to assist in establishing a market value.

4.3 The Chief Administrative Officer, or 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 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.

4.4 The Municipal newsletter and website will be utilized to list Municipal owned lands that are being offered up for sale to the public.

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4. Public Sales Continued

- 4.5** The Chief Administrative Officer may have public notices published in local newspaper(s). 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.
- 4.6** The Chief Administrative Officer 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.
- 4.7** The Chief Administrative Officer may choose to market Municipal properties through local real estate companies.
- 4.8** Upon receiving Land Purchase Application form(s) the Chief Administrative Officer shall review any proposals received and prepare a report for Council.
- 4.9** All decisions on the disposal of municipally owned lands shall be made by Council.
- 4.10** The Chief Administrative Officer, or designate, shall provide a letter to the applicants informing them of the decision of Council.
- 4.11** Time period for land purchase processes shall take place within a 90 day time period.

5. Direct Sales

- 5.1** All inquiries made with regards to the purchase of municipally owned property shall be directed to the Chief Administrative Officer.
- 5.2** The Chief Administrative Officer shall prepare a report for Council which will include the Land Purchase Application form.
- 5.3** The Chief Administrative Officer 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.
- 5.4** 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.

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5. Direct Sales Continued

- 5.5** An opportunity may be afforded the applicant to make a presentation at the delegation session of a regularly scheduled Council meeting regarding his/her interest in the municipal lands.
- 5.6** If Council elects to sell the lands or improvements, the Chief Administrative Officer, 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 Bylaw.
- 5.7** Should Council agree with the price, the Chief Administrative Officer may be directed to proceed with the sale process.
- 5.8** A notice will be placed in the local newspaper for two consecutive weeks advising of the intended sale of the property.
- 5.9** 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 Chief Administrative Officer.
- 5.10** 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.
- 5.11** The Chief Administrative Officer, or designate shall complete the sale agreement process upon satisfaction of matters related to conditions.

- END OF POLICY-

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**TOWN OF VULCAN
LAND PURCHASE APPLICATION
Schedule "A"**

Use this form if you are interested in purchasing land from the Town of Vulcan. The information you provide is not an offer or a contract and does not constitute an interest in the land. The purpose of this form is to provide information to the Town of Vulcan regarding a desire to purchase properties prior to the negotiation of a formal agreement of purchase and sale. The completion and submission of the form in no way obligates the applicant to purchase the property in question and is not in any way binding upon the Town of Vulcan. It is for information purposes only.

The Town of Vulcan will review the form and contact the Purchaser to confirm whether or not the Town of Vulcan will negotiate a formal Agreement of Purchase and Sale. The Town of Vulcan reserves the right to negotiate with only those parties that the Town of Vulcan so determines in its sole discretion. The Town of Vulcan reserves the right to amend or abandon this listing without accepting any Land Purchase Application.

PURCHASER	
Purchaser or Purchasers Corporation (that is what is to appear on Title)*	
Contact Person	
Mailing Address	
Phone Number(s)	
Fax Number	
E-Mail	

*The Purchaser Corporation registered on Title to the property must be either a registered Alberta Corporation or a corporation extra-provincial registered in Alberta. An assignment to another corporation will only be permitted prior to the date of waiver or satisfaction of Conditions Precedent. AN ASSIGNMENT WILL NOT BE PERMITTED SUBSEQUENT TO WAIVER OR SATISFACTIN OF CONDITIONS PRECEDENT.

REAL ESTATE BROKERAGE (IF REPRESENTED)**	
Associate Name & Brokerage	
Associate Phone Number(s)	
Fax Number	
E-Mail	

**If represented by a Real Estate Associate, all negotiations must take place through the Associate.

PROPERTY REQUESTED	
Legal	
Municipal (Civic Address)	
Total Purchase Price	\$
Deposit	\$

***A proposal letter is provided after the selection of a suitable Purchaser:

***10% of the Total Purchase Price to be paid upon acceptance of the Town's proposal letter.

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#	Additional Terms & Conditions	Condition Date

Date

Signed

This information is collected under the authority of Section 33(c) of the Freedom of Information and Protection Act and for the purposes of property sale transaction with the Town of Vulcan

It is protected by the privacy provisions of the Freedom of Information and Protection Privacy Act

