



## **Land Management Policy**

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**Authority:** Council

**Effective Date:** September 23, 2019

**Date Approved by Council:** September 23, 2019

**Resolution No.:** 211/09/19/SP

**Future Review Date:** 2023

**Last Review/Revision:** New

**Responsibility:** Office of the CAO

**References:**

*Municipal Government Act, RSA 2000, c. M-26*

*Expropriation Act, RSA 2000, c. E-13*

*Environmental Protection and Enhancement Act, RSA 2000, c. E-12*

Chief Administrative Officer Bylaw

Accumulated Surplus Restricted (Reserves) Policy

Tangible Capital Assets Policy

**Replaces:** No Prior Policy

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**1.0 Purpose:** To establish a transparent, fair and accountable approach to land transactions and management by the Town of Stony Plain.

**2.0 Scope:** This policy provides parameters for Council, Administration and any agent acting on behalf of the Town of Stony Plain to guide the Town's acquisition, use and disposal of land.

**3.0 Definitions:**

- a. General Land:** any land, or interest in land, that is held by the Town, other than Reserve Land.
- b. Market Value:** the amount that land might be expected to realise if it is sold on the open market by a willing seller to a willing buyer.
- c. Reserve Land:** any land that is designated as environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve as described in Part 17 of the *Municipal Government Act*.
- d. Surplus:** land which is no longer required for a municipal purpose, as determined by Council, and may be disposed of.

**4.0 Statement:** The Town of Stony Plain is entrusted to manage municipally owned property on behalf of the public. The Town will acquire, use and dispose of land in support of municipal plans, programs, projects and initiatives. When conducting land transactions the Town will seek to maximize its strategic and economic advantages while providing a fair and reasonable process. Land held by the Town will endeavour to be maintained in a cost effective manner that maximize its use, preserve its value and, where appropriate, generate revenue for the Town.

## **5.0 Standards:**

### **5.1 Town Council Responsibilities**

- 5.1.1 Make decisions on land transactions.
- 5.1.2 Approve which land is no longer required for municipal purposes and declare it surplus.

### **5.2 Chief Administrative Officer Responsibilities**

- 5.2.1 Execute decisions on land transactions, in accordance with the delegation of authority by Council to the Chief Administrative Officer in the Chief Administrative Officer Bylaw.
- 5.2.2 Make recommendations to Council on land transactions that require Council approval.
- 5.2.3 Carry out, or further delegate, any duties assigned to the Chief Administrative Officer in this policy.
- 5.2.4 Ensure compliance with this policy throughout the organization.

### **5.3 Land Acquisitions**

- 5.3.1 The Town will acquire land in an orderly and timely fashion to meet the current and future needs of the Town's plans and programs.
- 5.3.2 The Town may acquire, assemble and service land to support economic development.
- 5.3.3 The Town will not pay more than Market Value to acquire land, unless exceptional circumstances exist and Council has determined it is in the Town's best interests to acquire the land.
- 5.3.4 Prior to acquisition, the Chief Administrative Officer will conduct due diligence commensurate with the nature and character of the land. Due diligence may include, but is not limited to: obtaining a property inspection, obtaining an environmental site assessment, conducting land title and other searches and reviewing documents to identify any restrictions/encumbrances on title, tax implications or any other important characteristic which may impact the land's value or use.

### **5.4 Expropriation**

- 5.4.1 The Town will endeavour to acquire required land by negotiation and agreement with the landowner. If an agreement cannot be reached on the Town's acquisition of required land, the Town may begin expropriation proceedings in accordance with the *Municipal Government Act* and the *Expropriation Act*.
- 5.4.2 The Town will endeavour to obtain the landowner's consent to the acquisition in accordance with section 30 of the *Expropriation Act*.

## 5.5 Disposal of Surplus Lands

- 5.5.1 Disposal of a parcel of land may be initiated by Administration, or based on a public request. Land will not be considered for disposal while the land continues to serve a municipal purpose.
- 5.5.2 The Town Manager will periodically review the Town's land holdings inventory to determine which land may be considered Surplus and make recommendations to Council about declaring lands Surplus.
- 5.5.3 Disposal of Surplus land may proceed by:
  - 5.5.3.1 Private party negotiated sale;
  - 5.5.3.2 Real estate listing;
  - 5.5.3.3 Public tender;
  - 5.5.3.4 Public auction; or
  - 5.5.3.5 Any other method approved by Council.
- 5.5.4 Prior to disposing of Surplus land, the land's Market Value must be determined in order to inform the negotiations. If the Market Value cannot be readily determined using available data, the Town Manager may engage a qualified Multiple Listing Services broker or agent to provide their assessment or, where appropriate, obtain a land appraisal from a qualified and independent third party appraiser.
- 5.5.5 The Town will make every reasonable attempt to negotiate Market Value price for the disposition of any Surplus lands.
- 5.5.6 Disposal of Surplus land at less than its Market Value must be advertised in accordance with sections 70, 606 and 606.1 of the *Municipal Government Act*.
- 5.5.7 Surplus land that is Reserve Land may only be disposed of in accordance with Part 17, Division 9 of the *Municipal Government Act*.
- 5.5.8 All reasonable fees, costs and expenses incurred by the Town in relation to a disposition of Surplus land will be identified for recovery from the purchaser on or before the closing date.
- 5.5.9 Proceeds from the disposal of Surplus General Land will be directed to the Town's Capital Reserve – General Purpose Reserve, unless otherwise directed by Council.
- 5.5.10 Proceeds from the disposal of Surplus Reserve Land will be directed to the Town's Capital Reserve – Public (In Lieu Reserve).
- 5.5.11 Any public road or right of way that is closed and declared Surplus will be offered first to the adjacent land owner(s). If the Town does not receive an acceptable offer from an adjacent land owner within the time provided by the Town, the land may be placed for sale on the open market.
- 5.5.12 The Town may impose limitations, terms and conditions on a disposal of Surplus land, as deemed necessary, including but not limited to:
  - 5.5.12.1 A requirement to develop the lands within a specified time frame;
  - 5.5.12.2 A first right of refuse to purchase the lands within a specified time frame if the lands are offered for resale; or
  - 5.5.12.3 A re-purchase at a reduced price or transfer back provision if development is not undertaken within a specific time frame.

- 5.5.13 All disposals of Surplus land will be on a cash basis, unless otherwise directed by Council. Disposals will be done in a manner consistent with accepted conveyancing practices, and in accordance with all applicable federal and provincial legislation and Town bylaws and policies.

#### 5.6 Ongoing Use

- 5.6.1 When Town owned land is not required for immediate use, but may be required to meet identified long term needs, the land may be offered for lease, license or other arrangement allowing for its temporary use by another party.
- 5.6.2 Reserve Land may only be used for a purpose prescribed in Part 17, Division 9 of the *Municipal Government Act*.

#### 5.7 Reporting

- 5.7.1 The Chief Administrative Officer will present to Council, at least annually, a summary of the Town's:
  - 5.7.1.1 Current surplus land holdings with any additional identified lands recommended to be declared surplus;
  - 5.7.1.2 Projected land requirements; and
  - 5.7.1.3 Land transactions.

**6.0 Policy Review:** This Council policy shall be reviewed by Administration within four years of being implemented, with any changes being submitted to Council for approval.