



<b>Policy No.: D-02-2023</b>	<b>Section: Development</b>	<b>Page #1 of 4</b>
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<b>Title:</b>	<b>Disposal of Municipal Property</b>
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<b>Rescind Policy:</b>	<b>NA</b>
<b>Legislation Reference:</b>	<b>Municipal Government Act (MGA)</b>

**Purpose:** To formalize a consistent and transparent process for the disposal of municipally owned land, while adhering to the requirements of the *Municipal Government Act (MGA)*.

- 1. Definitions:**
- 1.1 *Appraisal* means an official valuation of property by an authorized person.
  - 1.2 *CAO* means the Chief Administrative Officer
  - 1.3 *Council* means the duly elected council of the Town of Smoky Lake.
  - 1.4 *Direct sales* means the sale of Municipal lands that has been initiated by the public and that are not being actively advertised.
  - 1.5 *Disposal* means the act of transferring and/or selling control or ownership of land to someone else.
  - 1.6 *Market value* means the amount that a property might be expected to realize if it is sold on the open market by a willing seller to a willing buyer.
  - 1.7 *Municipality* means the Municipal Corporation of the Town of Smoky Lake.
  - 1.10 *Municipal purposes* means the purposes set out in the *Municipal Government Act*.
  - 1.11 *Public sale* means the sale of lands that the Town is actively trying to dispose of.
  - 1.12 *Resident* means the person(s) who reside(s) on the property.
  - 1.13 *Valuation* means an estimated value or worth.
- 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 the Town’s 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.

2.3 The disposal of land 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.

2.4 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. Public Sales:**

3.1 A third-party appraiser may be required to determine a fair market value.

3.2 In the case of a sale of lands at less than market value, or a public park or recreation or exhibition grounds, the proposed disposition must be advertised, as per the MGA.

3.3 The CAO shall report all land sales to Council and 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.

3.4 The Municipal newsletter and website will be utilized to list Municipal owned lands that are being posted for public sale.

3.5 The CAO 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.

3.6 The CAO may choose to market Municipal properties through local real estate companies.

3.7 Upon receiving Land Purchase Application form(s) the CAO shall review any proposals received and prepare a report for Council.

3.8 All decisions on the disposal of municipally owned lands shall be made by Council.

3.9 Time period for land purchase processes shall take place within a 90-day time period.

#### **4. Direct Sales**

- 4.1 All inquiries made with regards to the purchase of municipally owned property shall be directed to the CAO.
- 4.2 The CAO shall prepare a report for Council which will include the Land Purchase Application form.
- 4.3 The CAO shall report all land sales to Council and 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 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 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.
- 4.5 The applicant may choose to make a presentation as a delegation at a regularly scheduled Council meeting regarding his/her interest in the municipal lands.
- 4.6 If Council elects to sell the lands or improvements, they may request that the CAO to 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.
- 4.7 Should Council agree with the price, the CAO will be directed to proceed with the sale process.
- 4.8 A notice will be placed in the local newspaper for two consecutive weeks advising of the intended sale of the property.
- 4.9 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 and may be brought back to Council for a decision.
- 4.10 The CAO shall complete the sale agreement process upon satisfaction of matters related to conditions.

	DATE	RESOLUTION NUMBER
Approved	July 24, 2023	396-2023
Amended		
Amended		

Original Signed.

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**Amy Cherniwchan**  
**Mayor**

Original Signed.

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**Dawn Phillips**  
**Chief Administrative Officer**