

SER-012-001

Strathcona County Municipal Policy Handbook

Land Acquisition

Date of Approval by Council: 12/16/86; 11/07/06;
02/08/11

Resolution No.: 2207/86; 688/2006
81/2011

Lead Role: Chief Commissioner

Replaces: 50-55-004

Last Review Date: February 8, 2011

Next Review Date: 02/2014

Administrative Responsibility: Planning & Development Services

Special Notes: Reference Policy Number SER-012-004 – Road Dedication. The Municipal Government Act, RSA 2000, c.M-26, as amended or replaced from time to time, authorizes the municipality to purchase lands for municipal purposes.

Policy Statement

The County shall facilitate the orderly and timely acquisition of land interests required for both current or future needs as approved by Council.

Definitions

Acquisition – means the obtaining of a fee simple title, lease, license, easement, workspace or option to purchase land required for an approved project of the municipality through negotiation or expropriation from an owner.

Expropriation – means the process used if negotiations break down or terms of voluntary transfer are unacceptable.

Fair Compensation – means the compensation payable to the owner shall be based on standard and ethical rules and will take into consideration:

1. the market value of the land or partial taking
2. damages attributable to disturbance
3. damages for injurious affection

The value of these damages will be determined in accordance with appraisals and Court or Board precedents which have dealt with similar cases. The underlying principle is that an owner should be no worse off after a proposed taking than before, and any value paid should reflect this principle.

Project Manager – means a person designated by the Manager of a client department assigned to oversee the proposed project and who is responsible for the total management and completion of the project.

Guidelines

1.0 Acquisition – The County shall endeavor to acquire land by discussion, negotiation and final agreement on the terms of a voluntary transfer of land.

- 1.1 All properties within a project shall be evaluated to determine the market value of land (or property) and estimated value of partial taking prior to contact with the owner.

- 1.2 The consideration paid for acquisitions shall be in accordance with fair and equitable principles.
- 1.3 The guidelines outlined above cover all types of property acquisition except the following:
 - a. Dedication of road widening for \$1.00
 - b. All temporary easements obtained for \$1.00
 - c. Permanent easements obtained for \$1.00
 - d. Gifts and bequests

2.0 Supplementary Payments

- 2.1 The County shall ensure all landowners within a project are dealt with equitably. If for any reason a variation from previous compensation practice occurs, then the balance of the landowners within a project with which the County has signed agreements, shall receive a supplementary payment in the amount of the same proportionate overage as the variation.

3.0 Expropriation

- 3.1 When an agreement cannot be reached between Strathcona County and the owner through regular negotiation practices, Strathcona County will commence expropriation proceedings in accordance with the Municipal Government Act.
- 3.2 Recommendations for expropriation of property shall be submitted through the Executive Team to Council.
- 3.3 The County shall endeavor, where feasible, and in the best interests of the County, to obtain Section 30 Expropriation Agreements for immediate possession of land.
- 3.4 Once the authorizing resolution of expropriation is obtained from Council, the matter is then turned over to legal counsel.

Roles and Responsibilities

The Manager of Planning and Development Services is responsible to:

- 1. negotiate the acquisition of required interests in land on behalf of Strathcona County
- 2. oversee, direct and evaluate any external consultants (land agents, surveyors, appraisers etc.) retained to assist on land acquisitions
- 3. maintain accurate and complete land project files.
- 4. coordinate and administer any required expropriations.

The responsibilities of the Project Manager include:

- 1. providing sufficient notification of a proposed project to ensure land interest can be acquired in time for project commencement.
- 2. ensuring all necessary approvals are obtained and the necessary funds are available prior to the commencement of the acquisition project.

Procedures

Procedures have been developed by administration to ensure effective implementation of this policy.