

SER-012-005

Strathcona County
Municipal Policy Handbook

Disposal of Public Reserve Lands

Date of Approval by Council: 03/25/86; 06/27/95; 11/07/06
02/08/2011 **Resolution No:** 269/86, 554/95; 688/2006
81/2011
Lead Role: Chief Commissioner **Replaces:** 50-55-002
Last Review Date: February 8, 2011 **Next Review Date:** 02/2014

Administrative Responsibility: Planning & Development Services

Special Notes: The Municipal Government Act, RSA 2000, c.M-26, as amended or replaced from time to time, authorizes the Council of a municipality to sell, lease or otherwise dispose of municipal reserve by following a set procedure outlined in the Municipal Government Act.

Policy Statement

The County shall have in place a procedure for determining when a parcel of reserve land is no longer required and the procedure for the disposal of that reserve land. The County shall actively pursue the sale of reserve land that is declared surplus. The proceeds from the sale of surplus reserve land will be deposited into the Public Reserve Trust Account.

Definitions

Referral Departments – means Area Councillor, Mayor, Planning & Development Services, Engineering & Environmental Planning, Recreation Parks & Culture, Transportation and Agriculture Services and any other agencies and/or departments as deemed necessary.

Reserve Land – means all land specified as municipal or school reserve according to the authority of the municipal Government Act and registered at the Land Titles Office, plus all land owned by the County which acquisition was funded by the Public Reserve Trust Account and all land from which the reserve designation has been removed.

Subdivision – means a division of a parcel of land by an instrument (e.g. to subdivide a quarter-section into smaller parcels by plan of subdivision).

Guidelines

1.0 Disposition Process

- 1.1 The process leading to a potential disposal of reserve land may be initiated by the municipality or by a formal request from the public. The request is referred to the County. Public initiated requests for disposal of reserve land shall require a statement of position from at least 66% of the subdivision landowners and any landowners that abut the reserve. The County then invites comments from referral departments. County planning documents such as the Municipal Development Plan, the Land Use Bylaw and Area Structure Plans and shall be the guiding documents for internal department reviews. Administration may seek additional technical information through a site inspection and report from a biologist. Administration must also conduct a review to ensure that all utilities will not be affected by the disposal.

- 1.2 A minimum block of 1.2 hectares (3 acres) of municipal reserve must be retained within a subdivision for public use unless the regional area has adequate reserve land to satisfy the public needs of the area.
- 1.3 If a comment in opposition to a disposal is received from referral departments, Administration shall defer an internally initiated request, or in the case of a public request shall advise the applicant, the area Councillor and the Mayor that the County cannot support the request at this time.
- 1.4 If positive comments are received from referral departments indicating the land would be surplus to the current and future needs of the County, the County shall make recommendations to request permission to proceed with the necessary notification process.
- 1.5 Disposition of portions of reserve land for encroachment issues shall be excluded from the petition of support requirements.

2.0 Notification

- 2.1 County initiated requests for the disposal of surplus reserve land shall require a public meeting to be held with the subdivision residents prior to the commencement of any formal notification process. This meeting will help the County determine whether or not to proceed with the disposal.
- 2.2 Upon receiving authorization for Council to proceed, Administration shall formally notify the public in accordance with the Municipal Government Act.

3.0 Public Hearing

A public hearing will be held in accordance with the Municipal Government Act.

4.0 Removal Of Designation As Municipal Reserve

Removal of the Reserve Designation shall be in accordance with the Municipal Government Act.

5.0 Disposal

- 5.1 Upon removal of the reserve designation, Council shall authorize the sale, lease or other disposition of the land in accordance with the Municipal Government Act and the proceeds from any sale, lease or other disposition must be credited to the Public Reserve Trust Account.
- 5.2 The initial disposal is to be by way of public offering (tender) if it is feasible and practical to do so. It would not be practical to tender lands required for:
 - 5.2.1 legitimization of encroachment issues
 - 5.2.2 municipal use
 - 5.2.3 roadways
 - 5.2.4 non-profit organizations.

6.0 Timing For Allocation Of Funds To Reserve

- 6.1 The allocation of funds to the Public Reserve Trust Account shall occur upon the sale, lease or other disposition, or within five years of the removal of the reserve designation, whichever occurs first.

- 6.2 In the case of allocation of funds within the five years after the removal of the reserve designation, the value to be transferred to the Public Reserve Trust Account shall be the fair market value of the lands as of that date.
- 6.3 In the case of the use of the lands by the municipality, the Public Reserve Trust Account will be compensated if that is the purpose of the removal of the designation. The Public Reserve Trust Account may be compensated from the General Land Reserve fund and upon payment of the required compensation to the Public Reserve Trust Account, these lands will form part of the County General Land Inventory.

Roles and Responsibilities

The Manager of Planning and Development Services is responsible to:

1. coordinate and administer the disposition program pursuant to this policy,
2. ensure appropriate documentation is executed,
3. revise the standard form of agreements referred to in this Policy as may be required from time to time, and
4. maintain accurate and complete records of all properties pursuant to this procedure.

Procedures

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