

SER-012-007

Strathcona County
Municipal Policy Handbook

Disposition of Surplus Non-Reserve Real Property

Date of Approval by Council: 12/16/86; 11/07/06
02/08/2011

Resolution No: 1107/86; 688/2006
81/2011

Lead Role: Chief Commissioner

Replaces: 50-55-003

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 a municipality to dispose of property under certain conditions and restrictions.

Policy Statement

The County shall annually evaluate its real property inventory to determine lands that are deemed to be surplus to current or future needs. This Policy sets out guidelines to ensure that the disposition of properties is done in a manner which realizes the highest possible returns to the County.

Definitions

Disposition – means the passing of title or an interest in title, (lease, license and/or easement) to another party on terms and conditions to be determined at time of disposition.

Lease – means a contract by which exclusive possession of land is given to another (lessee) for a specified period of time (lease term) and for a specific consideration (rent).

License – means a permit or personal privilege for use of or entry upon land to do some acts or series of acts without possessing any estate therein.

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

Surplus property – means fee simple owned real property, not designated as Reserve, Municipal Reserve, Municipal School Reserve or Environmental Reserve, under the jurisdiction of the County and determined to be surplus to present and future needs of the corporation.

Guidelines

1.0 Review Process

- 1.1 The County shall review annually the total land inventory and shall prepare a report each year containing a description of those lands which are considered surplus and available for disposition.
- 2.2 The Manager of Planning and Development Services may receive requests from the Public and may determine from time to time, that other lands, not included in the annual surplus report (item 1.1) are surplus and are eligible for disposition. In this event, with the exception of applications for easements, leases (less than 5 years), and licenses, a special report will be prepared for submission to the Executive Team or Council for authorization to dispose of such land.

2.0 Easements

- 2.1 The Manager of Planning and Development Services, upon receipt of an application for an easement to cross over, under or through County-owned lands, will circulate the application through the appropriate County departments for review and comment. Upon receipt of the comments, the application will then be accepted or refused by Planning and Development Services.

3.0 Leases and Licenses

- 3.1 The term of a lease or license shall not exceed five (5) years unless County Council has previously approved a longer term. Any application which exceeds this time frame will be referred through the Executive Team to Council with appropriate recommendations.
- 3.2 Every lease or license shall have a cancellation clause, with a notice provision as deemed appropriate in order to ensure the availability of the land should it be required for County use or other disposition.

4.0 Disposition Process

- 4.1 All offers to purchase, leases, licenses, and easements will be reviewed and evaluated by Planning and Development Services.
- 4.2 The Manager of Planning and Development Services will dispose of the property through one of the following processes:
1. Public Tender
 2. Private Party Negotiated Sale
 3. Real Estate Listing

5.0 Receipt and Disbursement of Funds

- 5.1 All direct costs associated with a disposition will be paid from the sale proceeds and any surplus funds shall be credited to the General Land Reserve. The direct costs will include, but will not be limited to:
- a. advertising costs
 - b. land survey costs
 - c. appraisal costs
 - d. real estate commissions
 - e. legal costs
 - f. subdivision fees and off site levy costs
 - g. re-zoning application fees

Roles and Responsibilities

The Manager of Planning and Development Services is responsible to:

1. receive and coordinate all requests to dispose of surplus property.
2. dispose of surplus properties in accordance with federal, provincial and municipal laws and to obtain market value for the disposition of such properties.

3. circulate for review to the referral departments, all proposed dispositions of real property to determine if the County may have a present or future use for the property.
4. ensure that no property is disposed of until it has, within a foreseeable time frame, reached its ultimate highest and best use. This includes disposing of property at an appropriate size and land use which will maximize the return to the County.
5. ensure appraisals are undertaken by qualified consultants or in-house staff to determine fair market value of the surplus property for disposition.
6. make recommendations for the disposition of surplus property to the Executive Team in accordance with this policy.
7. make application on behalf of the County for subdivision and/or rezoning as may be required to facilitate a disposition. The applications will be in conformance with the General Municipal Plan and surrounding land uses.
8. to adhere to the conditions of disposition of the referral department as obtained during the review process.
9. negotiate and conclude appropriate agreements for the disposition of property on behalf of the County.

The responsibilities of the referral departments shall include:

1. Reviewing, as expeditiously as possible, all circulations of proposed dispositions against departmental long-range plans and operations to determine if the property is surplus and available for disposition and provide appropriate comments in writing to Planning and Development Services.

Procedures

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