	<h2>Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Supersedes Policy: Department:</p>	<p>2000-05 Disposal of Municipal Lands and Reserves Policy 2023-03-14 2000-04 Development, Engineering and Operations</p>

1.0 POLICY PURPOSE

The Municipality requires a policy to formalize a process for the disposition of Municipal Lands and Reserves, including closed portions of roads and lanes, closed portions of Reserve Land, and Fee Simple Land (including grazing leases) which meets the requirements as set out in the Alberta Municipal Government Act.

The purpose of this Policy is to administer a fair and consistent formal process in the disposition of Municipal Lands and Reserves and in doing so fulfilling the legislative mandate through meeting legal and statutory requirements for the disposition of Municipal Lands and Reserves.

2.0 DEFINITIONS

“Appraisal” means an official valuation of Municipal Lands and Reserves by an authorized person.

“Body of Water” means a stream, creek, river or lake.

“Direct Sales or Leases” means the sale or lease of Municipal Lands and Reserves that has been initiated by the public.

“Disposition or Disposal” means the process of sale or lease to dispose of Municipal Lands and Reserves.

“Land Purchase or Lease Application Form” means the form that contains purchase or lease conditions as set out by the Municipality, the purchaser's or lessee's information, and the purchase or lease value. The form is to be completed and submitted to initiate the purchase or lease process.

“Municipality” means the Municipal Corporation of the Municipality of Crowsnest Pass.

“Municipal Lands” - collectively or individually, a road, lane, Municipal easement and other Municipal property [excluding Reserves – pursuant to ss. 651.2, 671(2), 674 and 676 of the Municipal Government Act, an encroachment agreement appears to be limited to a road, a Reserve parcel can only be used for

specified purposes, a Municipal Reserve parcel can only be disposed of by way of a sale, a lease or other disposition after holding a public hearing and an Environmental Reserve parcel cannot be sold and can only be leased or disposed of for a term not exceeding three years and only by a bylaw adopted by Council].

“Policy” means a guide to decision-making, prescribes limits and assigns responsibilities within an organization and is accompanied by procedures.

“Public Sales or Leases” means the sale or lease of Municipal Lands and Reserves that the Municipality are actively trying to dispose of.

“Procedure” means the method of giving direction according to which operations are conducted within the framework of the policy.

“Reserves” or “Reserve Land” – municipal reserves, environmental reserves, and other reserves as defined in the Municipal Government Act.

“Responsible Department” means the office or department that develops and administers a particular policy and procedures and is accountable for the accuracy of its subject matter, issuance and timely updating.

3.0 POLICY STATEMENT

3.1 Related Information

- a. The disposal of Municipal Lands and Reserves will be considered in the context of the overall policies of the Municipality, including the Municipal Development Plan, Land Use Bylaw, and Community Strategic Plan.
- b. The sale or lease of land may be initiated by either the Municipality or by an individual, company or organization that is interested in acquiring or leasing the land.
- c. All matters related to the disposal of Municipal Lands and Reserves shall meet the following requirements of the Municipal Government Act:
 - i. Municipal Government Act, Part 3, Division 2 - Roads - Sections 22 to 24
 - ii. Municipal Government Act, Part 3, Division 8 - Limits of Municipal Powers, Division of Lands - Section 70
 - iii. Municipal Government Act, Part 16 - Requirements for Advertising - Section 606
 - iv. Municipal Government Act, Part 17, Division 9 - Use and Disposal of Reserve Land – Sections 671, 674 to 676
- d. All sales or leases shall be subject to the following conditions:
 - i. Confirmation the purchaser is in good standing with the Municipality.
 - ii. Condition of Sale, if plans are to build on the property, building must be completed within 2 years.

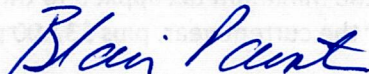
- iii. Condition of Sale, if the purchaser defaults on the terms and conditions, the Municipality has the option to buy back the property at 50% of the purchase value.
- iv. Condition of Sale, if Municipal Land adjoins or is within six (6) metres of a body of water, and the sale involves a subdivision of land, then the portion of the land within the six (6) metre buffer is to be retained by the Municipality as an Environmental Reserve or Environmental Reserve Easement.
- v. Condition of Sale or Lease, the purchaser or lessee shall be responsible to complete all applicable steps relative to road closure, Municipal Reserve closure, subdivision, legal survey, rezoning, development permit, related studies, application fees, land transfer, certificate of title registration and legal fees related to all of the above, at no cost to the Municipality.
- vi. The decision on the disposal of Municipal Lands and Reserves through a sale shall be made by Council.
- vii. Lands leased for grazing purposes will have the minimum tax applied to the lease, as identified in the Mill Rate Bylaw for the current year, plus \$37.00 per hectare.
- viii. Lands leased for residential purposes will have the minimum tax applied to the lease, as identified in the Mill Rate Bylaw for the current year, plus \$0.236 / ft² (\$2.54 / m²).
- ix. The negotiated lease rate offer may not necessarily coincide with the assessed value placed on the property by Assessment. The process in determining assessed values is carried out using mass appraisal, mass review of sales data, and typical value as of a specific valuation date, while the valuations by Administration include a recent site visit and more direct analysis of attributes of the subject property and comparatives to arrive at a current valuation estimate based on highest and best use.
- x. A negotiated lease transaction is subject to Municipal Council approval if the lease amount is over \$5,000 and the lease term is greater than one year.
- xi. A negotiated lease transaction is subject to Administration approval if the lease amount is under \$5,000 and the lease term is for a period of one year.
- xii. There shall not be any improvements made to leased land unless mutually agreed by the parties to the lease agreement.

3.2 Responsibilities

- a. Municipal Council to:
 - i. Approve by resolution this policy and any amendments.
 - ii. Consider the allocation of resources for successful implementation of this policy in the annual budget process.
- b. Chief Administrative Officer to:


- i. Implement this policy and approve procedures.
 - ii. Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.
- c. Development Engineering and Operations is the Responsible Department, and shall:
- i. Ensure implementation of this policy and procedure.
 - ii. Ensure that this policy and procedure is reviewed every three years.
 - iii. Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

MUNICIPALITY OF CROWSNEST PASS



Mayor

March 28, 2023
Date



Chief Administrative Officer

March 29, 2023
Date