



Divestiture of Surplus Land Policy

Purpose

This policy is intended to serve as guidance for the Town of Antigonish when proposing to divest of surplus land that is no longer needed for the purposes of the municipality, and to ensure an open and transparent process for doing so.

Authority

Municipal Government Act (MGA) – Sections 50; 51; 51A; 218; 271; 273

Definitions

“Appraisal” means an opinion of the fair market value of the surplus land provided by an Accredited Land Appraiser or such other qualified person as council deems suitable.

“Divestiture” means the sale, exchange, or transfer of any portion of the municipality’s surplus land.

“Immediate family member” means the spouse of a council member or employee of the Town, and any son, daughter, father, mother, brother or sister of a council member or employee of the Town or any other person who normally resides in the same home of the Council member or the employee.

“Land exchange” means the act of trading municipal land for private and or public land that the municipality deems to have value.

“Land” means real property owned by the Town, whether vacant or not, or any other proprietary interest in real property owned by the Town, and, without limiting the generality of the foregoing, includes easements, right-of-ways, leaseholds and an interest in real property under an agreement of purchase and sale.

“Surplus” means real property owned by the municipality that is not required for present or anticipated future needs.

General Provisions

1. In the event that the provisions of this policy are inconsistent with the Municipal Government Act, its regulations or any other Act, the provisions of the Act or Regulations shall prevail.
2. This policy shall be consistent with the Municipality’s objectives, by-laws, and approved policies as well as provincial legislation governing the operation of the Municipality.
3. All reports to Committee(s) and/or Council dealing with the sale price and/or negotiations related to any Municipal Property shall be dealt with in-camera, in accordance with the Municipal Government Act.
4. To avoid a conflict:

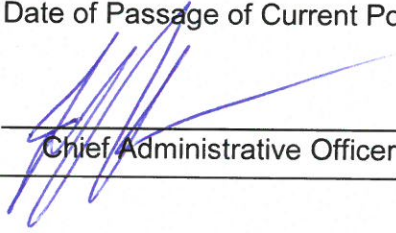
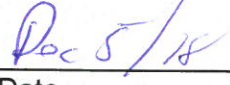
- a. A council member;
- b. An employee of the municipality;
- c. An immediate family member; or
- d. A company in which a person referred to in clause (a), (b), or (c) has an interest

are precluded from purchasing municipal surplus property.

Divesture Process

1. Consideration for the divesting of municipal lands may occur upon receipt of a written request prepared by the prospective purchaser or their agents and submitted to the Chief Administrative Officer, or designate, for processing.
 - a. There may be incidents whereby Council may deem properties to be surplus without a request if it is felt that the property is no longer required for the purposes of the municipality.
2. Prior to divesting any land, Council shall, by resolution, declare the land to no longer be required for municipal purposes and deemed surplus.
 - a. Before declaring a property to be surplus, a report and recommendation shall be submitted for Council's consideration by the Chief Administrative Officer, or designate, assessing the present or anticipated future need of the property.
 - b. For guidance, the following criteria may be used to evaluate the present or anticipated future need for the property:
 - i. Whether the property possesses a historical or heritage value;
 - ii. Whether the property possesses a recreational use or value;
 - iii. Whether the property possess an ecological or conservation value;
 - iv. Whether the property possesses value for the purposes of ensuring efficient municipal servicing and infrastructure development; or,
 - v. Whether the property possesses any economic development potential.
 - c. Additional consultation with Town departments, community groups or other stakeholders to assess the value of the land to the municipality will be conducted at the discretion of Council.
3. Prior to divesting any surplus land, the Town may acquire:
 - a. An appraisal of the property; or,
 - b. A letter of opinion of the fair market value of the property; and
 - c. A legal survey plan of the land.
4. The method of divestiture of property that is deemed by Council to be surplus shall be conducted in a manner deemed to be a transparent and public process as is reasonably possible, such as an advertisement in a newspaper circulating in the community and/or any other communication channels used by the Town, and consistent with methods outlined in the Town's *Procurement Policy*.
5. Notwithstanding subsection 4, properties that have been deemed surplus may be divested in a manner consistent with the Municipal Government Act through any of the following processes:
 - a. Selling to a non-profit organization at a price less than market value that Council considers to be carrying on an activity that is beneficial to the municipality; or

- b. Selling to an abutting land-owner that is of insufficient size or dimensions to be capable of reasonable use; or,
 - c. Land exchange.
6. The legal and survey costs associated with the divestiture process (including such things as land survey, property migration costs, property transfer fees, etc.) shall be borne by the prospective purchaser, following the public process. The Town may request the prospective purchaser to submit a non-refundable deposit equal to the estimated costs of preparing the land for sale.

<u>CAO's Annotation for Official Policy Book</u>	
Date of Notice to Council Members of Intent:	November 16, 2018
To Consider (Minimum 7 Days):	November 19, 2018
Date of Passage of Current Policy:	December 5, 2018
 _____ Chief Administrative Officer	 _____ Date