

LAC LA BICHE COUNTY PROCEDURE

TITLE: LAND SALE PROCEDURE

POLICY NO: PI-61-012

SPECIAL NOTES/CROSS REFERENCE: PI-61-012 LAND SALE POLICY AMENDMENT DATE: JUNE 19, 2013

PROCEDURE:

1. The Chief Administrative Officer shall ensure that the sale of any lands shall utilize a consistent and transparent process and maximize the financial benefit to the County and lands shall be sold at fair or greater than fair market value as defined with the procedure.
2. There shall be five (5) methods of selling of lands, as determined by the relevant departmental manager or the C.A.O. as follows:
 - (i) Placement on the market through a general listing with the (preferably local) realtor. When the land being sold is sufficiently significant to likely warrant interest from outside of the community, a regional or national realtor may be engaged. Selection of the realtor shall be done in accordance with the Purchasing Policy to ensure the County receives a competitive price.
 - (ii) A public auction that is:
 - (a) Held by a professional auctioneer, and;
 - (b) Advertised by the auctioneering company; and
 - (c) Has a minimum reserve bid price to be determined prior to the auction.
 - (iii) A public sale that:
 - (a) Is advertised a minimum of two (2) weeks prior to the sale in a local newspaper, and through other means including electronic or website notification, posted public notice, or other format acceptable to CAO or his designate; and
 - (b) Has a minimum reserve bid price to be determined prior to the sale; and
 - (c) Has a closing date for the submission of offers or bids; and
 - (d) Is determined through bids or offers received in sealed envelopes and date stamped on receipt by the County.
 - (iv) A public posting on the internet that:
 - (a) Is accessible by the public (i.e. County website, Kijiji, Ebay); and
 - (b) Has a minimum price determined prior to public posting; and
 - (c) Is sold to the first bidder that meets the minimum sale price and any sale conditions.

- (v) Council may by resolution, authorize Administration to conduct a sale through a sole source process, and to negotiate directly with a third party for the sale of the lands, provided that an independent appraisal, satisfactory to the County, has been prepared. Any such sale through a sole source process shall be advertised to allow the public to comment on the proposed sale. If the change of use is initiated by a third party, the County shall conduct a re-appraisal with the costs being borne by the third party.

3. All listings shall include the following information:

- (i) Property Description;
- (ii) Legal Land Location;
- (iii) Property Size;
- (iv) Current Zoning;
- (v) Road Access;
- (vi) Services;
- (vii) Offsite Levies, and
- (viii) Asking Price

4. Prior to selling any land, the department responsible for land sales shall circulate information on the lands to be disposed to all departments for comment.

5. The department shall receive comments within 7 business days and prepare a recommendation to the CAO for consideration.

6. All lands offered for sale shall have an appraisal completed based on the principle of market value as estimated by an independent accredited appraiser; and if the land for sale is not sold within one year from the date on which the appraisal is made, a new appraisal may be obtained before the property is sold.

7. An appraisal shall not be disclosed to the public until after the sale of the property has been completed if such disclosure could reasonably be expected to prejudice the economic interests of the County or could reasonably be expected to be injurious to the financial interests of the County.

8. If the land being sold is:

- (i) a road right-of-way; or
- (ii) a Municipal Reserve (MR); or
- (iii) a Municipal and School Reserve (MSR); or
- (iv) a Community Services Reserve (CSR); or
- (v) an Environmental Reserve (ER) parcel;

the sale shall be approved by Council pursuant to the relevant provisions of the Municipal Government Act or any other enactment relative to the land.

9. If the land being sold is a closed road right-of-way, landowners adjacent to the closed portion shall be consulted to determine their interest in purchasing a closed road right-of-way.

10. As part of any sale, CAO shall impose any limitations, terms or conditions on the sale it deems necessary, to ensure that the intent of the Land Sales Policy is met, including but not limited to:
 - (i) Offers to purchase be accompanied by a deposit of a percentage of the offer in cash, certified cheque, money order, or credit card payment; and
 - (ii) Deposits be applied to an accepted offer or refunded if the offer is refused; and
 - (iii) Default or purchaser cancellation shall result in forfeit of the deposit.
 - (iv) Should a bid or offer be submitted through a realtor, there will be no commission paid by the County to the realtor.
 - (v) a requirement to develop the lands within a specified time frame; and
 - (vi) a first right of refusal to purchase the lands within a specified time frame if they are offered for resale; and
 - (vii) a re-purchase or transfer back provision if development is not undertaken within a specified time frame.
11. If the minimum or reserve price is not received for land offered for sale to the general public at a public auction, sale or bid, the land shall not be sold.
12. The proceeds from the sale of non-reserve lands shall be allocated to a County reserve as directed by Council.
13. Proceeds from sales of Municipal Reserves (MR), Municipal and School Reserves (MSR), Community Services Reserve (CSR) or Environmental Reserves (ER) shall be allocated to the Cash in Lieu of Municipal Reserve Account.
14. A description of land sold shall be forwarded to the Finance department to remove the item from the County's tangible capital asset schedule and from any insurance policies.

Chief Administrative Officer

Date