



POLICY

Council-019

SALE OF MUNICIPAL SURPLUS LAND

and Procedure

Responsible Department: Planning and/or Legislative Services

Council Approval Date: September 4, 2024

Council Resolution Number: 24.09.04.10

Statute(s) and Bylaw(s): MGA, Sections 5 and 6
Land Titles Act

1. POLICY STATEMENT

Prior to selling any land, Council shall, by resolution, declare the land to be surplus to the needs of the Town.

1.1. Legislative Requirements

This policy is subject to any specific provision of the *Municipal Government Act*, RSA 2000, Chapter M-26 (*MGA*), as amended from time to time, or other relevant legislation or agreements.

2. PURPOSE

2.1. To formalize the manner in which municipal surplus land is sold.

3. AUTHORITY

3.1. Section 6 of the *MGA* provides the Town of Diamond Valley with “natural person powers”, which includes the ability to sell land that has been declared a surplus to the Town of Diamond Valley.

4. EXCEPTIONS

- 4.1.** This policy does not apply to the Sale of Land for tax recovery purposes, as specified in Division 8 of the *MGA*.
- 4.2.** This policy is not applicable to the Sale of Land pursuant to Section 70 of the *MGA* where the purpose is for park purposes or for less than market value.

5. RESPONSIBILITIES

5.1. Town Council

- a) Approve by resolution this policy and any amendments.
- b) By resolution, declare land to be surplus to the needs of the Town.
- c) Determine the appropriate method of sale for each parcel of land declared surplus.



5.2. Chief Administrative Officer

- a) Implement policy, develop and approve procedures.
- b) Ensure policy and procedure reviews occur.

5.3. Managers

- a) Understand, and adhere to this policy and its procedures.
- b) Ensure all employees are aware of this policy and its procedures.

5.4. Employees

- a) Understand and adhere to this policy and its procedures.

6. RELATED DOCUMENTS

- **Procedure: Council-019 Sale of Municipal Surplus Land**

MAYOR

CHIEF ADMINISTRATIVE OFFICER

POLICY Revision History

Policy Name	Revision Date	Revision Description	Approved by: Resolution	Effective Date
Council-019	NEW Diamond Valley policy	Replaces (former Turner Valley Policy MP.D.04.15)		

Responsible Department: Planning and/or Legislative Services

Effective Date: September 4th, 2024 **Revision Date:** November 5, 2024

CAO Approval: September 4th, 2024

1. DEFINITIONS

- 1.1. **Appraisal** means an opinion of the fair market value of the surplus land provided by a land appraiser or such other qualified person, including a qualified land assessor in the Province of Alberta.
- 1.2. **CAO or Chief Administrative Officer** means the person appointed by the Council of the Town of Diamond Valley to carry out the powers, duties and functions of the Chief Administrative Officer, in accordance with the *Municipal Government Act*, or their authorized delegate.
- 1.3. **Council** means the duly elected Council of the Town of Diamond Valley.
- 1.4. **Land(s)** means lands owned by the Town of Diamond Valley, whether vacant or not, or any other proprietary interest in land owned by the Town.
- 1.5. **Surplus land** is municipally owned land not required for municipal purposes, public parks, public recreation or school board purposes as defined under the *Municipal Government Act (MGA)*.
- 1.6. **Town** means the incorporated municipality of the Town of Diamond Valley.

2. Pre-sale Procedures

- 2.1 An inventory of surplus land shall be presented to Council to be declared surplus to the Town's needs.
- 2.2 A qualified appraisal or letter of opinion of the fair market value of the land must be obtained by:
 - a) An independent qualified appraiser registered in good standing with the Appraisal Institute of Canada; or
 - b) Any other person deemed by the Town to be qualified for this purpose, including a qualified land assessor in the Province of Alberta.

3. Methods of Sale

- 3.1 Council shall determine the appropriate method of sale for each parcel of land declared surplus. Based on the method chosen, the following procedures shall be followed.

a) Tender or Quotation

Administration will provide a recommendation to Council which includes:

- An estimate of the costs that may be incurred or required to sell the Surplus land including appraisal, public notice, survey, legal fees, realty fees, encumbrances, improvements or such other costs associated with a sale of land.
- Determine a reserve bid amount based on the appraised value plus the estimated costs above.



- Prepare an Invitation to Tender or Request for Quotations which shall be reviewed by the Chief Administrative Officer before publication.
- Give Notice by way of posting on the Municipalities' website and publishing in at least one (1) Newspaper of general circulation at least twenty (20) days prior to the date when the Tenders or Quotations will be considered by Council.

b) Real Estate or Land Broker

A request for proposal to be obtained from not less than three (3) Real Estate Firms or Brokers operating in the Municipality. Proposals are to include:

- An estimate of the costs which may be incurred or required to sell the Surplus land including appraisal, public notice, survey, legal fees, realty fees, encumbrances, improvements or such other costs associated with a sale of land.
- The proposed term of the listing agreement.
- Services to be provided.
- Assurance the land will be listing on the Multiple Listing Service Canada wide.
- Assurance that all prospective purchasers will be made aware that the highest or any offer may not be necessarily accepted.

c) Direct Sale

In circumstances where the Town determines in its discretion that a parcel of land is of limited or no potential use to any party other than the adjacent owner of land, the Town may negotiate and enter into an agreement to sell the parcel of land directly to such adjacent landowner.

4. GENERAL

- 4.1. All Offers to Purchase shall be submitted to the Chief Administrative Officer for presentation to Council prior to the sale being completed.


CHIEF ADMINISTRATIVE OFFICER

PROCEDURE Revision History

Policy Name	Revision Date	Revision Description	Approved by CAO	Effective Date
Council-019		Replaces (former Turner Valley Policy MP.D.04.15)	September 4, 2024	September 4, 2024
Council-019	November 5, 2024	Addition of "3.1 c) Direct Sale"	November 5, 2024	November 5, 2024