

	<h2 style="text-align: center;">Municipality of Crowsnest Pass Procedures</h2>
<p>Procedure Category: Worksite: Approval Date: Revision Date: Department:</p>	<p>Disposal of Municipal Lands and Reserves Procedure Office January 12, 2021 March 29, 2023 Chief Administrative Officer</p>

1.0 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.

2.0 Procedure

Follow the directions established in Policy 2000-05 Disposal of Municipal Lands and Reserves – see “3.1 Related Information” in the Policy.

2.1 Disposal Methods – Public and Direct

The disposal of Municipal Lands and Reserves may take place through two separate methods. The “Public Sale or Lease of Municipal Lands and Reserves” method is followed relative to titled land that the Municipality actively markets for sale or lease. The “Direct Sale or Lease of Municipal Lands and Reserves” method is followed relative to land that are not actively advertised for sale or lease and that are initiated through the public – this may include titled lands or portions of road, lane or Municipal Reserve. The Municipality shall proceed through the following processes for each of the two methods to sell or lease Municipal Lands and Reserves.

2.1.1 Public Sale of Lease of Municipal Lands and Reserves Method

- a. Reference will be made to statutory documents including the Land Use Bylaw and Municipal Development Plan and infrastructure location and alignment prior to consideration of and advertising the sale or lease of Municipal Lands and Reserves through the “Public Sales or Lease” method.
- b. The Chief Administrative Officer, or designate, may have an appraisal done on the subject property to assist in establishing a market value.
- c. The Chief Administrative Officer, or designate, shall have prepared an information package(s) on the subject land(s) that includes the following:
 - i. A brief description of the subject land(s), including the location, minimum sale or lease price, land use district and any other relevant information (e.g. easements to protect municipal infrastructure).
 - ii. Copy of the title and plan.
 - iii. Copy of relevant land use district guidelines and Development Permit guidelines, if applicable.

- iv. Copy of any caveats registered on the property.
- v. Land Purchase or Lease Application form that is to be completed by the prospective purchaser or lessee.
- d. The Municipality will use various resources at its disposal to list Municipal Lands and Reserves that are being offered for Public Sale or Lease.
- e. The Chief Administrative Officer, or designate, may have public notices published in local newspaper(s). The notice must include a description of the land or improvements, the nature and terms of the proposed disposition, and the process by which the land and/or improvements may be acquired.
- f. The Chief Administrative Officer, or designate, may utilize a Request for Proposal process to solicit interest for the purposes of sale or lease and development or use of Municipal Land and Reserves.
- g. The Chief Administrative Officer, or designate, may market Municipal Lands and Reserves through real estate companies.
- h. Upon receiving a Land Purchase or Lease Application form(s) the Chief Administrative Officer, or designate, shall review the proposals received and prepare a report for Council.
- i. The decision on the disposal of Municipal Lands and Reserves through a sale shall be made by Council.
- j. A negotiated lease transaction is subject to Municipal Council approval if the lease amount is over \$5,000 or the lease term is greater than one year (this is an interpretation of the Policy intent).
- k. A negotiated lease transaction is subject to Administration approval if the lease amount is under \$5,000 or the lease term is for a period of one year (this is an interpretation of the Policy intent).
- l. The Chief Administrative Officer, or designate, shall provide a letter to the applicants informing them of the decision of Council.

2.1.2 Direct Sale or Lease of Municipal Lands and Reserves Method

- a. All inquiries made about the purchase or lease of Municipal Lands and Reserves through the "Direct Sales or Lease" method shall be directed to the Chief Administrative Officer or designate.
- b. The Chief Administrative Officer, or designate, shall prepare a report for Council which will include the Land Purchase or Lease Application form.

- c. The Chief Administrative Officer, or designate, may have an appraisal done on the subject property to assist in establishing a market value. The cost of appraisal, road closure, Municipal Reserve closure and subdivision, as may be applicable, may be considered in the market value appraisal or shall be the responsibility of the purchaser or lessee as per the established fee within the Fee, Rates and Charges, Bylaw.
- d. The Chief Administrative Officer shall include in the report information on the subject land(s) that includes the following:
 - i. A brief description of the subject land(s) (including the location, minimum sale or lease price, land use district and any other relevant information).
 - ii. Copy of the title and plan.
 - iii. Copy of relevant land use district guidelines, Development Permit guidelines, and requirements related to road closure, Municipal Reserve closure, easements to protect municipal infrastructure, and subdivision, if applicable.
 - iv. Copy of any caveats registered on the property.
 - v. Land Purchase or Lease Application form that is to be completed by the prospective purchaser or lessee.
- e. Council will determine how they wish to proceed based on the terms of the offer. The applicant shall be notified once Council has considered the terms of the offer.
- f. A notice will be placed in the local newspaper(s) for two consecutive weeks advising of the intended sale or lease of Municipal Lands. In the case of road, lane and Municipal Reserve closure, the notice will be placed in a local newspaper(s) as part of the bylaw and public hearing process.
- g. During the advertising period residents will be provided the opportunity to object to the proposed sale or lease of Municipal Land and Reserves. Objections and comments must be in writing and identify the reason for the objection. The objection will be heard by Council.
- h. It is the responsibility of the successful purchaser or lessee to exercise due diligence regarding any geotechnical, environmental or other investigations that may be required. The Municipality will grant access to the site to conduct these investigations and all cost shall be the responsibility of the purchaser or lessee.

- i. The Chief Administrative Officer, or designate, shall complete the sale or lease agreement process upon satisfaction of matters related to conditions.

2.2 Lease Agreement

2.2.1 Content of a Lease Agreement

A lease agreement shall include, but will not be limited to:

- The names and contact information for the lessee and the lessor.
- The legal description of the property or portion of the subject property.
- A map showing the location of the subject property.
- The time frame that the lease is intended to be in place.
- A commencement and an expiry date.
- Billing and payment terms.
- A clause that the lessee is responsible for any taxes levied on the property and for the lease fee. The amount of the minimum tax will be clearly stated in the document.
- A clause dealing with termination of the lease by either party with appropriate notice.
- A clause dealing with the right to occupy subject property for the agreed purpose.
- A clause that states there shall not be any improvements made to leased land unless mutually agreed by the parties to the lease agreement.

2.2.2 The Leasing Process

The Leasing Process is as follows:

- a) A citizen becomes aware of Municipal-owned land potentially available for lease through either the Public Sale or Lease Method or the Direct Sale or Lease Method.
- b) The citizen submits an expression of interest or a property inquiry to The Municipality of Crowsnest Pass.
- c) The Municipality of Crowsnest Pass's intent in leasing real estate for any purpose is to be fair and reasonable, and to achieve a mutually acceptable result by both parties.
- d) The property inquiry is circulated through municipal departments to ensure there is no current municipal need for the property. If none, then The Municipality of Crowsnest Pass proceeds to e) or f).

- e) Depending on the lease term and lease fee, the COA may proceed with executing the lease agreement or it may be required to present the property inquiry to the Municipal Council for approval.
- f) Once the CAO is satisfied that the required approvals are in place to proceed with the lease agreement, the proposed lease agreement is sent to the interested party. Once negotiations are completed, the tenant must sign the lease agreement and return it along with a security deposit and the required lease fee.
- g) The lease document will be prepared in duplicate by the Municipality and signed first by the lessee and then by the appropriate municipal authority. A lease will not be in force until signed by both parties.
- h) Details of all lease negotiations must remain confidential under Section 25.1 of the Freedom of Information & Protection of Privacy Act (FOIP).

3.0 Approval

Department Manager: Johan van der Bank Date: March 29, 2023
(print name)



(signature)

4.0 End