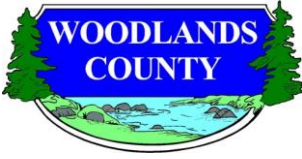


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## 1. Purpose

To provide for a transparent process for third party procurement in the acquisition, development, management, and disposition of municipally controlled or owned land.

Woodlands County has an inventory of general lands and reserve lands that are an enduring value to the County and its residents. Woodlands County under the Municipal Government Act (MGA) also has direction, control, and management of all undeveloped road allowances within the County. All municipally held lands shall be managed efficiently and with appropriate care to ensure their long-term viability and to ensure that maximum value is received by the County's residents for the County's ownership and stewardship of the lands.

## 2. Policy Details

Woodlands County will acquire, use, and dispose of lands in a cost-effective manner and, where feasible, shall foster agricultural utilization.

Municipally owned or controlled land that is not being used for municipal purposes may be leased or licensed for private third-party utilization.

The County shall annually evaluate its municipally controlled, tax-forfeited or surplus owned lands to determine whether disposition and sale of these lands be pursued in a manner that realizes the highest possible return to the County.

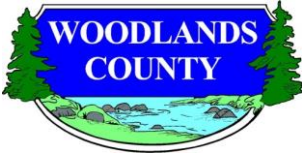
## 3. Definitions

3.1 *Expropriations Act* – Sets out the rights of a landowner to compensation when property is acquired involuntarily. Expropriation is the process through which the government or public body could acquire land that is privately owned without the permission of the property owner.

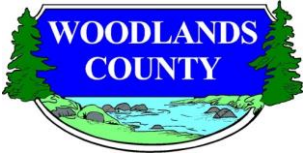
3.2 *Facility* – a facility that is owned or controlled by the County that is not needed for municipal purposes and is currently used as recreation or a social facility site.

3.3 *General Land Inventory* – all lands, or interest in lands, which are held by the County, with the exception of Public Reserve Lands.

3.4 *General Land Reserve* – the funds or accounts that are used to acquire and maintain lands for the General Land Inventory.



- 3.5 *Lease Agreement* – is a legal contract signed between the County and a lease holder that grants the leaseholder a registrable interest in the land and exclusive possession of the land.
- 3.6 *Legacy Lands* – all lands, or interest in lands, which are held or acquired by the County, specifically to conserve their natural value and essential biological diversity and to be managed for long-term protection.
- 3.7 *License of Occupation Agreement* – is a legal contract signed between the County and a license holder that gives the license holder a non-exclusive right to use the land for a specified purpose.
- 3.8 *Market Value* – is the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and analysis by an accredited appraisal firm.
- 3.9 *Municipal Government Act* – means an act of the legislature of the Province of Alberta which authorizes and creates the governance of rural municipalities throughout Alberta.
- 3.10 *Public Reserve Lands* – all land that is specified as municipal reserve, school reserve, municipal and school reserve, or environmental reserve, as set out in the *MGA*, and all land acquired and owned by the County where the acquisition was funded by the Public Reserve Trust Account.
- 3.11 *Public Reserve Trust Account* – the funds or accounts that are used to acquire Public Reserve Lands.
- 3.12 *Recreational and Social Organization* – an organization that is incorporated under a special act of the legislature, the Agriculture Societies Act, Part IX of the Companies Act or the Societies Act, and having activities related to the promotion and encouragement of recreational services and providing recreation facilities and services which may be provided by the County.
- 3.13 *Roadway* – road allowances or portions thereof as previously established by the Dominion of Canada with the implementation of the Grid System of Survey (i.e., 66 feet wide running north to south every mile and running east and west every two miles).
- 3.14 *Road Planned Roadway* – refers to property, or portion thereof which was previously purchased and/or excepted out of the title of deeded land by way of registration of a road plan or subdivision plan at the Land Titles Office.



- 3.15 Tax-Forfeited Land – property that has been obtained by the County due to unpaid taxes. Reference to the “*A Guide to Tax Recovery in Alberta*” produced and updated by Government of Alberta, Alberta Municipal Affairs.
- 3.16 *Undeveloped Road Allowance* – any land dedicated as a road right-of-way that has not been fully developed. The right of way may or may not be shown as a road on a plan of survey that has been filed or registered in a land titles office.
- 3.17 *Woodlands County* – hereinafter referred to as the “*County*.”

## 4. Procedures

### 4.1 Acquisition of Land

The County will endeavor to acquire required land, as identified by Council or administration, which is of a public benefit or purpose. When the County is acquiring land, the County shall work to pay according to fair and equitable principles, and in accordance with the fair market value of the land. Purchase of land will be for four main purposes:

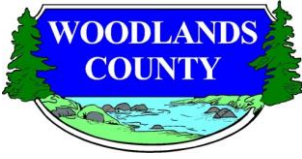
- Parks, Recreation and public spaces
- Strategic initiatives (i.e., Redevelopment)
- Transportation purposes (right-of-way, borrow pits, drainage, back slope etc.)
- Utilities

If an agreement cannot be reached on the County’s acquisition of required land, the County may begin expropriation proceedings in accordance with the *MGA* and the *Expropriations Act*. The County shall endeavor to obtain voluntary expropriation under section 30 of the *Expropriations Act*.

Land that is acquired for the General Land Inventory shall be funded from the capital budget or reserve funds identified or other such funding source as appropriate. Land that is acquired for the Public Reserve Land Inventory shall be funded from the Public Reserve Trust Account.

Written requests by landowners for the County to purchase land will be vetted through Council and must meet one of the four main purposes for Council to consider the request. The request will include any applicable fee, verification of ownership, legal land location, and a site diagram.

If the County requires acquisition of land for any of the four main purposes the County will contact the landowner directly to discuss how much land is required for the project.



Every effort to work with the landowner will be made early into the project to provide time for discussion and negotiation. An independent third party appraiser will be utilized to come to an agreement on purchase price. County administration shall have the ability to negotiate other arrangements (ie fencing requirements, approach removal etc).

An acquisition agreement will be entered into between Woodlands County and the landowner for purchase of the lands.

## 4.2 Disposal of Surplus Lands

### *Surplus Lands from the General Land Inventory*

The General Land Inventory will be reviewed annually to identify lands that are surplus to the County's needs, and which can be disposed of.

Disposal of a parcel of land may be initiated by administration review or based on a public request.

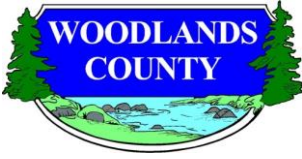
Disposition may be by:

- Tender
- Private party negotiated sale
- Real estate listing
- A public posting on the internet (ie Kijiji, County Website, Ebay)

All listings shall include the following information:

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

The County will attempt to receive fair market value for the disposition of any lands. Lands cannot be disposed of while they continue to have positive usage for County operations.



Lands may be sold at less than, fair or greater than fair market value as defined within the procedure. If the subject lands are to be sold at less than market value the proposal must be advertised in accordance with Section 70 of the Municipal Government Act.

As part of any sale, the CAO may impose any limitations, terms or conditions on the sale deemed necessary, to ensure that the intent of the Land Sale 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;
- (ii) Deposits be applied to an accepted offer or refunded if the offer is refused;
- (iii) Default or purchaser cancellation shall result in forfeit of the deposit.
- (iv) A requirement to develop the lands within a specified time frame;
- (v) A first right of refusal to purchase the lands within a specified time frame if they are offered for resale to avoid land banking; and
- (vi) A re-purchase or transfer back provision if development is not undertaken within a specified time frame.

*Surplus Lands from the Public Reserve Land Inventory*

Authorization for disposal of land designated as Public Reserve Land must be approved by Council Resolution. Disposition of land within the Public Reserve Land Inventory must be done in accordance with Part 17, Division 9 of the *MGA*.

If the Public Reserve Land designation is removed, and the land is intended for municipal uses or is transferred to the General Land Inventory the funds shall be paid from the General Land Reserve to the Public Reserve Trust.

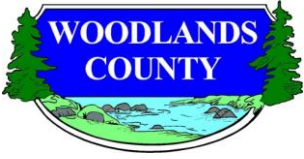
All County Land sales shall be approved by Council pursuant to relevant provisions of the Municipal Government Act or any other enactment relative to land.

**4.3 License of Municipal Lands**

Lands in the General Land Inventory and Public Reserve Land Inventory shall be reviewed annually to determine which lands may be available for license.

Where possible, the licensing process for available lands shall prioritize agricultural utilization. The County may elect to not license an available parcel of land if the County intends to allow the land to return from agricultural use to its natural state.

The County will consider the license of land and/or facility to a recreational and social



organization, or an agricultural producer operating activities which are beneficial to the Community.

Landowners that wish to request to license municipal lands, must file an application to administration outlining the following:

- The legal land description;
- A detailed description of the intended use or activity on the said lands, which may include a map;
- Contact information of the applicant which includes a mailing address and phone number;

Administration will determine the availability of the land and advise the landowner if the lands are available for license.

Administration will refer the request to the applicable relevant operating department along with:

- A copy of the request and description of the proposal;
- The legal land description and map; and
- Any additional information necessary to render a decision.

If approved the applicant will enter into a License agreement with Woodlands County.

The term of a license for County-owned land or facility shall not exceed 3 years, with the option to renew for 2 years, unless approved by Council Resolution.

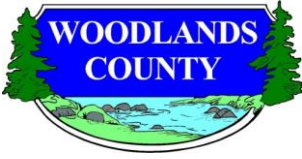
Once a License Agreement has been fully executed, administration will send a copy to finance who will be responsible for creating an accounts receivable based on the amount defined in the License Agreement or Schedule of Fee's Bylaw and to ensure receipt of the yearly license amount throughout the term of the license.

Administration will tender all general land inventory and award to the highest bidder unless Administration recommendation is otherwise and will seek Council approval and award.

Every license shall have a clause allowing the County to cancel the license on short notice, to ensure the availability of the land or facility for County purposes.

Administration will, in the fall of the second year of the three-year term of the license agreement, re-tender the municipal held land for consideration after the expiry of the current license agreement.

#### 4.4 Lease of Municipal Lands



Landowners that wish to request to lease municipal lands, must provide an application to administration outlining the following:

- The legal land description and or civic address of the said lands;
- A detailed description of the intended use or activity on the said lands, which may include a map;
- Contact information of the applicant which includes a mailing address and phone number;
- Preferred lease term (if longer than five (5) years)

Administration will determine the availability of the land and advise the landowner if the lands are available for lease.

Administration will refer the request to the applicable relevant operating department along with:

- A copy of the request and description of the proposal;
- The legal land description and map; and
- Any additional information necessary to render a decision.

Lands in the General Land Inventory and Public Reserve Land Inventory shall be reviewed annually to determine which lands may be available for lease.

A lease agreement must be entered into with the County for any lands or facilities in which the County holds title.

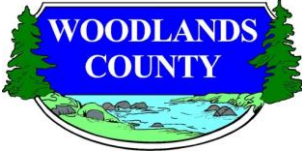
Once a Lease Agreement has been fully executed, administration will send a copy to Finance who will be responsible for creating an accounts receivable based on the amount defined in the Lease Agreement and to ensure receipt of the yearly lease amount throughout the term of the lease. Administration shall keep a record of current insurance coverage prior to execution of the Land Lease Agreement.

It is the responsibility of the relevant operation department to complete periodic inspections of leased land to ensure the lessee is complying with the terms of the lease.

The term of a lease for County owned land or facility shall not exceed 5 years unless approved by Council Resolution.

Every lease shall have a clause allowing the County to cancel the lease, with reasonable notice, to ensure the availability of the land or facility for County purposes.





Lease fees shall be collected yearly, at the fee agreed to by Council, and outlined in the lease agreement or in the Schedule of Fee's Bylaw.

Subleasing without approval will result in a suspension and or end of the lease agreement.

#### 4.5 Lease of Airport Lands

Whitecourt Airport subdivision lots and those owned lots or developed by the County, with the exception of the parcel identified as highway commercial, shall only be offered as leased lots, with the County retaining ownership of the lots.

Individuals or corporations that desire to lease airport lands will provide an application to the Director of Infrastructure for review and availability of land that will include:

- The legal land description and or civic address of the said lands or parcel size required;
- A detailed description of the intended use or activity on the said lands, which may include a map;
- Contact information of the applicant which includes a mailing address and phone number;

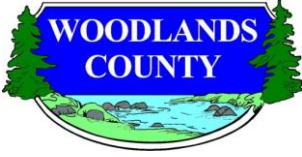
Available lots may be advertised once a year and shall be in the fall of the year in local papers or on the County website page. The County at its discretion will accept lease applications on a first come, first serve basis.

A lease agreement must be entered into with the County for any lands or facilities in which the County holds title on the airport land.

Subleasing without approval will result in a suspension and or end of the lease agreement.

Lease rates will not be accepted that are less than the lease rate as set out in the Schedule of Fees Bylaw.

Once a Lease Agreement has been fully executed, administration will send a copy to Finance who will be responsible for creating an accounts receivable based on the



amount defined in the Lease Agreement and to ensure receipt of the yearly lease amount throughout the term of the lease. Administration shall keep a record of current insurance coverage prior to execution of the Land Lease Agreement.

It is the responsibility of the Relevant Operation Department to complete periodic inspections of leased land to ensure the lessee is complying with the terms of the lease.

#### 4.6 Use of County Owned/Controlled Sites for Events

Individuals or corporations should submit an application to administration outlining the date of the event, location and approximate number of attendees at least four (4) weeks prior to the event ie. wedding, anniversary, staff event etc. to allow administration time to process the application.

Woodlands County reserves the right to turn down any application due to the size of the event, the suitability of the selected site, conflict with other uses at the site or any other issue, fully at the discretion of administration.

If the application is approved:

Applicants will be required to sign a waiver and provide a \$300 damage deposit.

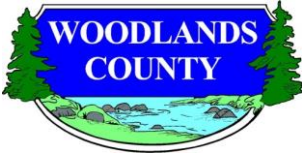
Woodlands County will meet the applicants at the chosen site prior to the date of the event to go over site hazards and conduct a site inspection for damages.

Woodlands County will not undertake any special preparation of the site other than regularly scheduled site maintenance which may or may not be done prior to the event.

No alcohol is allowed at any County owned/controlled sites.

Woodlands County will conduct a post event site inspection prior to returning the damage deposit.

#### 4.7 Land Exchange Or Purchase with Province of Alberta (Alberta Environment and Parks)



Only proposed land exchanges that offer a net benefit to the province are given full consideration.

The Province outlines the requirements that must be demonstrated in order for the government to consider a land exchange or purchase of land that provides a net benefit. (Land Exchange – Net Benefit Document 2016).

Examples:

The land request must align with the regional plan that has been enacted under the Alberta Land Stewardship Act – Land Use Framework.

Market land values must be equal in exchange, province does not pay any differences, applicants must pay to the province any monetary differences or adjust the amount of land involved in exchange.

Land exchange or purchase must align with conservation values of the province (watershed conversation) or support Alberta objectives such as cultural or recreational opportunities, public access, or supporting growth and development needs to communities.

If approved, the land is exchanged or can be purchased in accordance with any terms and conditions attached to the approval. After the exchange or purchase takes place, the landowner continues to be bound by all applicable municipal and provincial laws and regulations.

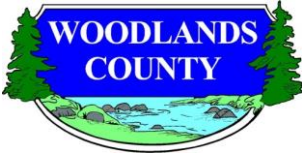
Alberta Sustainable Resource Development Lands Division Land Management Branch should be contacted for any public land exchange or purchase enquiries at 9915 - 108 St. Edmonton, Alberta T5K 2G8 Telephone: (780) 427-3570 Or you can visit the Lands Division Website.

#### 4.8 Tax-Forfeited Land

The sale of tax forfeiture properties will be conducted according to Part 10, Division 8 of the Municipal Government Act *Recovery of Taxes Related to Land* and *A Guide to Tax Recovery in Alberta*, produced by the provincial government Alberta Municipal Affairs.

Annually, Administration will review the status of all municipally owned tax-forfeited and surplus properties to determine whether disposition is beneficial to the County.

When determining reserve bid prices, Administration will provide Council with the



following information annually according to fair market value:

- Property valuation, including information on topography;
- Availability of services, roads and utilities;
- Photos of the property
- Other data relevant to the property.
- The reserve price will be at fair market value and established in conjunction with advice from a realtor, assessor or an appraiser. Documentation shall be maintained on how this price was determined.

Council may set the reserve price below the market value to promote development in certain areas, and the sale will be subject to conditions as specified at the time.

In that event, the sale will be transacted by way of an Agreement for Sale, title being retained by the County until such time as all conditions of the Agreement for Sale are satisfied.

In the event that the conditions set out in the Agreement for Sale have not been satisfied within the time period specified therein, the Agreement for Sale shall be rendered null and void and the purchaser's interest in the title shall be deemed to have been surrendered by virtue of the breach of the terms of the Agreement for Sale.

Properties for disposition shall be advertised for sale annually in the local newspaper to ensure that all County residents are given an opportunity to bid.

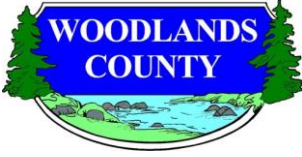
The advertisement will state the reserve price and land status.

These properties will be advertised and conducted as a "sealed bid process" with the date and time for the opening of all bids clearly indicated.

The reserve bid price will be set by Council and properties will be sold on an "as is, where is" basis.

The County makes no representation and gives no warranty as to the adequacy of services, quality of developability of the land for any intended use by the purchaser. Each property will be offered for sale subject to the reservations and conditions contained in the exiting Certificate of Title.

All bids must be accompanied by a certified cheque for ten (10%) percent of the amount of the bid. All deposits will be returned to unsuccessful applicants. The terms of the sale will be cash, money order or certified cheque.



The accepted bidder is required, at the time of the sale, to provide a 10% non-refundable deposit at the time of sealed bid with the balance due within 30 days from the date of council approval.

GST and Land title fees will be added on all lands sold.

Should payment not be received within the required 30-day time period, council has the right to re-advertise the parcel.

Council reserves the right to refuse the highest or any bid received. In the event of comparable bids, the Council shall give preference to:

- any former lessee of the property who has maintained an interest in the property and kept all fees during that time in good standing;
- the bidder who has land abutting the subject parcel.

Any bid received must be submitted to Council for ratification.

Land that has not been sold shall remain for sale for the established reserve price and may be sold at any time for the reserve price.

The first offer received for a cash purchase equal to or exceeding the reserve price and accompanied by the required deposit shall be accepted.

Any person or entity in arrears to the municipality for more than \$50.00 is not eligible to purchase municipality-owned or tax forfeiture property.

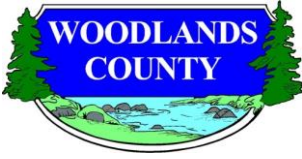
As per Section 429(1) of the Municipal Government Act, the auctioneer, councilors, board appointments, chief administrative officer, designated officer and employees of the municipality must not bid for or buy, or act as an agent in buying, any property offered for sale.

#### **4.9 Sale of County Roadways – Road Closure Requests**

Property designated as “roadway” which is under the jurisdiction, management and control of this County may be sold.

Written applications for purchase of a “roadway” shall be evaluated on their own merit by administration and Council.

NOTE: A Road Closure Application and Bylaw is required prior to accepting any applications to purchase an undeveloped road allowance.



If a sale is granted by Council, it shall be subject to the following policy conditions:

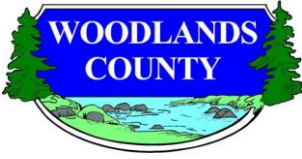
- a) The sale of roadway property, or portion thereof which was previously purchased and or excepted out of the title of deeded land by way of the registration of a road plan or subdivision plan at the Land Titles Office may be considered by council if:
  - i. The lands requested sold will be added to the title of an adjacent landowner(s) if approved by the appropriate subdivision authority; and
  - ii. In the instance where more than one landowner is abutting the area being sold that written consent must be obtained from the other landowners.

The purchase price for a sale of this nature shall be at market value as determined by an appraiser and Council taking into account the potential costs and liabilities to the County to retain the property and considering location and configuration of the subject lands.

- b) Land used or surveyed for use as a public road and titled to the Crown in right of Alberta is provided to facilitate public access to patent and Crown land now and in the future. Land titled to the Crown in right of Alberta and used or surveyed for use as public road in Woodlands County is under the direct control and management of the County. Council for Woodlands County will not consider requests to close, sell, or lease public roads unless in the sole discretion of Council to do so is a matter of public safety, a request from a senior level of government, or in best interests of the municipality.
- c) If the closed “roadway was an undeveloped road allowance (“Regular Road Allowance”), and Council has deemed it appropriate to sell the “roadway” then it shall be advertised for sale and sold to the highest bidder at or above market value plus advertising and survey costs. If no bids are received, the County may negotiate the sale of the land to an abutting landowner. However, any sale shall be subject to the advertising requirement of Section 70(1) of the Municipal Government Act.

#### 4.10 License of Road Allowances

Applications will only be considered on undeveloped road allowances or abandoned, registered roads where the proposed use is not in conflict with adjacent uses. In addition, the applicant must have title to or use of adjacent lands.



A written application and applicable fee as outlined in the Schedule of Fees Bylaw will be presented to Council for consideration.

If the application is deemed acceptable by Council, advertisement of the licensing of the road allowance in local newspapers for a two-week period will occur. Notices will be sent out to adjacent landowners to ensure they have no objections to the proposed license. The applicant is responsible for advertising costs.

If no objections are received, to the proposed license by the County, a Licensing Agreement will be forwarded to the applicant for execution.

The Municipality shall license the road allowance(s) pursuant to the Schedule of Fee's Bylaw.

If any conflict arises between adjacent landowners of the road allowance at any time during the process or after the road is licensed, and if attempts by the landowners to negotiate a reasonable solution are unsuccessful, the Municipality may refuse or cancel the license upon serving thirty (30) days' notice of its intention to do so.

If any portion of the road allowance is required by the Municipality for its use at any time during the process of or after the road is licensed the Municipality may cancel the license upon serving thirty (30) days' notice to the applicant of its intention to do so.

It shall be understood that the granting of a license to an applicant shall in no way constitute possession or ownership of the undeveloped road allowance by the licensing party, nor shall the licensing party bar entry to anyone desiring to utilize the road allowance as an access.

The cost of installing any fencing which may be required by the applicant or by the County shall be borne solely by the applicant.

Road allowance licenses are non-transferable without the prior approval of Council.

Undeveloped road allowances may be utilized by industrial companies under the approval of the Director of Infrastructure Services and the following conditions:

- The complete right of way is to be cleared;
- Exploration and temporary roads can be constructed to a standard required by the company at the company's expense;
- Permanent roads are to be to the County's minimum standard pursuant to the County's Design Guidelines and Construction Standards at the license holder's expense;
- The licensing fee will be in effect;
- Any requirement for acquisition of public land for widening or back slopes of road allowances for construction purposes shall be applied for through the province of Alberta pursuant to the requirements of the province and at the expense of the company.