



**VILLAGE OF BELCARRA**  
**CORPORATE POLICY NO. 232**



**Title: Land Disposition Policy**

<b>ISSUED BY:</b> CAO	<b>APPROVED BY:</b> Council	<b>DATE:</b> Oct 21, 2024
<b>REVISED BY:</b>	<b>APPROVED BY:</b>	<b>DATE:</b>

**Purpose**

This Policy is intended to establish the process for the disposition of land owned by the Village of Belcarra not acquired by tax sales, provincial grants or expropriation, to satisfy the *Community Charter* that the Village (the “**Village**”) is providing for stewardship of the public assets of the community. Under the *Interpretation Act*, “dispose” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things.

**Policy**

**1. General Policies**

- 1.1. The Village has the ability to dispose of municipal land in accordance with Sections 8 and 26, and to dispose of a highway under sections 40 and 41 of the *Community Charter*, as may be amended from time to time.
- 1.2. Council shall consider the development potential and constraints of a property, including a professional appraisal and prevailing policy context, when determining suitability for future disposition.
- 1.3. When an offer is made to acquire all or a portion of a municipal lot, the Village shall review the request with consideration of all applicable policies and regulations of the Village, the *Community Charter*, and the *Local Government Act*, as may be amended from time to time.
- 1.4. This policy does not apply to land that is disposed of at below market value.
- 1.5. If the disposition of a lot would landlock another lot, the Village shall register a statutory right of way over the lot that is being disposed of in favour of the Village if the owner of the landlocked lot has not consented to the closure. The Village shall allow the landlocked lot owner to use the statutory right of way to access their lot.

**2. Surplus Lands Inventory**

- 2.1. Surplus Lands means lands owned by the Village where no immediate or long-term operational need is identified and are held by the Village to be disposed.
- 2.2. From time to time, Council may review the list of Surplus Lands, with recommendations from staff, and determine whether land should be marketed for disposition.

### 3. Direct vs Public Dispositions

- 3.1. As provided for by provincial legislation, the disposition of Surplus Lands may be initiated in one of two ways, Public Disposition or Direct Disposition, defined as follows:
  - 3.1.1. **Public Disposition** includes the disposition of land that the Village actively wants to dispose and has been advertised for disposition.
  - 3.1.2. **Direct Disposition** includes the disposition of land that the Village has identified as Surplus Lands but has not actively marketed or advertised. Direct dispositions are initiated by a private individual, company, or organization who approaches the Village offering to acquire the land.
- 3.2. **Public Disposition**
  - 3.2.1. All disposition decisions, including disposition price, shall be made by Council. In accordance with section 90(1)(e) of the Community Charter, these meetings may be held in closed session.
  - 3.2.2. The Chief Administrative Officer or designate shall have an independent appraisal done within 2 months of the decision to dispose of the subject land to assist in establishing the current fair market value price. Council shall consider the appraisal prior to accepting an offer to dispose.
  - 3.2.3. A real estate professional may be retained to market and manage the disposal of the land.
  - 3.2.4. The Chief Administrative Officer or designate shall have prepared an information package on the subject land that includes the following:
    - a) a brief description of the subject land (including the location, market value, zoning, and any other relevant information);
    - b) a copy of the title and plan;
    - c) a copy of relevant zoning guidelines and development permit guidelines, if applicable; and
    - d) a description of the process that a prospective purchaser should follow.
  - 3.2.5. The Chief Administrative Officer or designate shall have prepared a public notice in accordance with Sections 26 and 94 of the *Community Charter*, as may be amended from time to time. The notice must include:
    - a) a description of the land or improvements;
    - b) the nature and terms of the proposed disposition; and
    - c) the process by which the land and/or improvements may be acquired.
  - 3.2.6. All inquiries made with regards to acquiring the lands shall be directed to the Chief Administrative Officer or designate.
  - 3.2.7. A date and time shall be established at which all disposition bids must be submitted. Council shall review all bids and select the most appropriate bid. Council reserves the right to reject any and all bids.
  - 3.2.8. Council shall pass a resolution authorizing the disposition and transfer of the land.
  - 3.2.9. The Chief Administrative Officer or designate shall send a letter to the bidders informing them of Council's decision.

### 3.3. Direct Disposition

- 3.3.1. If the Village receives a Direct Disposition offer, all departments that would potentially be impacted by the potential disposition shall vet the proposal to determine if there are issues with the disposition of the subject land.
- 3.3.2. If the proposal is deemed non-viable based on staff vetting, the proposal shall be declined at the staff level.
- 3.3.3. If the proponent of the initial proposal passes the initial staff vetting without objection, they shall be invited to submit a formal written proposal which:
  - a) outlines the offer, proposal, and intended use;
  - b) demonstrates how the proposed development complies with the Official Community Plan and Zoning Bylaw;
  - c) outlines the project economic impact and/or benefits for the Village;
  - d) outlines a timeline for the development to occur, including any phasing;
  - e) shows a site plan showing the location of the development on the land; and
  - f) shows conceptual renderings of the proposed development.Additional information may be required depending on the location of the land and impact of the development on adjacent uses.
- 3.3.4. Upon receipt of a completed formal proposal, the Chief Administrative Officer or designate shall have an independent appraisal done within 2 months of the proposal to assist in establishing the current fair market value price.
- 3.3.5. Upon receipt of a completed formal proposal, the Chief Administrative Officer or designate shall also prepare a report to Council which shall evaluate the proposal, provide the fair market value price, and provide recommendations. In accordance with section 90(1)(e) of the Community Charter, this meeting would be held in a closed session.
- 3.3.6. After reviewing the appraisal and the Council report, Council may decline the proposal or authorize the Chief Administrative Officer or designate to continue negotiations with the proponent. In accordance with section 90(1)(e) of the Community Charter, this meeting may be held in a closed session.
- 3.3.7. Once initial negotiations are complete, the proposal shall be brought back to Council for consideration and Council may decline the proposal, direct the Chief Administrative Officer or designate to conduct further negotiations, or authorize the Village to enter a contract of purchase and sale. In accordance with section 90(1)(e) of the Community Charter, this meeting may be held in a closed session.
- 3.3.8. Council shall pass a resolution authorizing the disposition and transfer of the land.
- 3.3.9. A real estate professional shall be retained to manage the disposal of the land.

- 3.3.10. Before the Village enters a contract of purchase and sale with the proponent, the Chief Administrative Officer or designate shall prepare a public notice in accordance with Sections 26 and 94 of the *Community Charter*, as may be amended from time to time. The notice must include:
- a) a description of the land or improvements;
  - b) the nature and terms of the proposed disposition;
  - c) the person, company or organization that is to purchase the property; and
  - d) the consideration (value) to be received by the Village for the disposition.
- 3.3.11. After the notice has been published in accordance with Sections 26 and 94 of the *Community Charter*, as may be amended from time to time, the Village may enter the contract of purchase and sale and proceed with the disposition.

#### 4. Right of First Refusal

- 4.1. Unless otherwise specified, the policies under this section shall apply for both Public Dispositions and Direct Dispositions.
- 4.2. Right of First Refusal may be granted to the owners of property ("**Neighbouring Owners**") sharing a side yard with land being disposed by the Village.
- 4.3. Where a lot has more than one neighbour on a given side yard, the properties abut at irregular angles, or it is otherwise unclear who might be considered the Neighbouring Owners, Council may determine at the time of the disposition which Neighbouring Owners may be granted Right of First Refusal.
- 4.4. Right of First Refusal shall be valid for 30 days from when Neighbouring Owners are first notified.
- 4.5. In the case of a Public Disposition, prior to advertising/marketing land for disposition, the Village may approach Neighbouring Owners with the opportunity to acquire all or part of the surplus land at market value. Public notification is required.
- 4.6. In the case of a Direct Disposition, once Council has decided to consider an offer, Right of First Refusal may be granted to the Neighbouring Owners, who shall be given 30 days to make an offer that meets or exceeds any other offer Council receives. Public notification is required.
- 4.7. Where both Neighbouring Owners wish to acquire the land, it shall be split evenly down the middle from the front property line, unless otherwise agreed to by the Neighbouring Owners and the Village.
- 4.8. In the case that only one Neighbouring Owner wishes to acquire the entire parcel, they may do so, only after the other Neighbouring Owner(s) notify the Village in writing that they waive their Right of First Refusal or 30 days elapses.
- 4.9. In the case that a Neighbouring Owner wishes only to acquire half the lot for disposition, and the other Neighbouring Owner does not wish to acquire, Council may decide to cancel the disposition of the land or dispose the entire parcel to a third party.
- 4.10. Council may choose to entertain counter offers from interested parties and may grant 30 days Right of First Refusal to Neighbouring Owners each time a counteroffer is considered.

**5. Proceeds from Disposition**

- 5.1. The proceeds from the disposition of Surplus Lands shall be considered annually in the context of the overall policies of the Village, including the Official Community Plan, Financial Plan, and Annual Report.
- 5.2. The proceeds from the disposition of Surplus Lands shall be placed in a reserve fund. That reserve fund must have as its purpose the purchase of other lands, improvements, or other capital assets, and be in accordance with Sections 188 and 189 of the *Community Charter*, as may be amended from time to time.