



BIG LAKES COUNTY POLICY

TITLE: Municipally Owned Land Policy

POLICY NUMBER: ADMIN-05

LEGAL AUTHORITY:

APPROVED BY COUNCIL: April 16, 2008

EFFECTIVE DATE: April 16, 2008

**REVISED DATE: November 28, 2018
July 24, 2019**

Policy Statement

Big Lakes County recognizes that there may be a demand from residents to lease or purchase municipally owned lands in the County. This policy sets forth the guidelines under which municipal lands may be leased or purchased.

Policy

1.0 Definitions

"Applicant" means an individual, individuals, or corporation who files an application form for:

- (a) A lease; or
- (b) Purchasing a parcel of land.

"Application" means the Expression of Interest to Purchase County Owned Lands form that contains the legal land description, Applicant's information, and project details. The form is to be completed and submitted to initiate the purchase process.

"Canadian Corporation" shall have the same meaning as that defined under the *Public Lands Act*.

"Council" refers to the Council of Big Lakes County.

"County" means *Big Lakes County*.

"Land Sale Agreement" means the form that contains purchase conditions as set out by the County, purchaser's information, and purchase value. The for sale agreement between the County and a Purchaser.

"Lease" means a lease granted pursuant to this policy process unless otherwise specified.



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“**Property**” includes land owned by the County whether vacant land or land containing buildings.

“**Public Land Sale**” is the sale of municipally owned Land that the County is actively trying to dispose of.

“**Purchaser**” means the developer or purchaser of municipally owned land from the County who has entered into a Land Sale Agreement with the County.

“**Rental Fee**” shall mean the amount of lease fee paid by the lessee. It does not in any way include taxes, or other rates and outgoings with respect to the lease.

Eligibility

2.1 Any:

- (a) Canadian Corporation; or
- (b) Canadian Citizen or landed immigrant; and
- (c) 18 years of age or older;

may apply to lease, or lease with option to purchase, a parcel of land in accordance with this policy.

3.0 Lease

- 3.1 A lease in a form acceptable to Council may be granted for residential, commercial, industrial, recreational, institutional, agricultural or public purpose.
- 3.2 No lease shall be granted for a term greater than five (5) years.
- 3.3 A renewal of a lease may be granted for a further term of five (5) years.
- 3.4 Every lease shall be subject to the payment of a cash rental fee in advance in such amount as prescribed by the Council.
- 3.5 The interest of a lessee will be subject to assessment and taxation in accordance with the *Municipal Government Act*.

4.0 Assignment/Sub-lease

- 4.1 A lease may be assigned or sub-leased with the consent of Council.
- 4.2 Approval for assignment or sub-lease shall not be granted until all fees and taxes with respect to land are paid in full.



5.0 Agricultural Lease

- 5.1 Where a lease or license issued under the *Public Land Act* for agricultural purposes existed prior to this policy an agricultural lease may be issued for up to five (5) years.
- 5.2 A lessee granted a lease under subsection 5.1 shall:
 - (a) Not construct barns, shelters, corrals, or other improvements, except perimeter fences without consent of Council.
 - (b) Contain livestock within the boundaries of the leased land in a manner satisfactory to Council upon recommendation of the Agricultural Advisory Committee; and
 - (c) Limit livestock grazed on the leased land to a number prescribed by Council upon recommendation of the Agricultural Advisory Committee.

6.0 Lease Cancellation

- 6.1 Council may cancel a lease if requested in writing by the lessee to do so.
- 6.2 Council may cancel a lease if they are satisfied that:
 - (a) The leased land is not being used for the purpose for which it was leased;
 - (b) The lease was issued in error;
 - (c) The lease or the land described in it is not held by the lessee for his sole benefit and use;
 - (d) The lessee was ineligible to apply for or acquire the lease or is ineligible to hold it;
 - (e) The lessee has failed to pay lease fees, or any taxes, rates or outgoings lawfully levied against his interest under the lease or any other money payable under the lease when it is due; or
 - (f) The lessee failed to comply with the terms and conditions of the lease.
- 6.3 At the end of a term of a lease where application for renewal has not been made or renewal has been refused, or on earlier lease cancellation either by Council or the lessee, the lessee shall yield up the leased land.
- 6.4 The lessee shall within sixty (60) days of the lease cancellation or expiry, remove all buildings and improvements from the leased land at their expense, and restore the land to a clean and orderly state satisfactory to Council.



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- 6.5 If the lessee elects not to remove all buildings and improvements or restore the land to a clean and orderly state in the time specified above, all buildings and improvements shall become sole property of Big Lakes County and Council may, at their discretion:
- (a) Sell the lease including buildings and improvements;
 - (b) Sell the buildings and improvements separately from the land;
 - (c) Make compensation for the buildings and improvements not financed with government grants in a manner determined by Council, at a value determined by Council, deducting any unpaid taxes, fees or other encumbrances on the lease and cost incurred by the County to restore the land to a clean and orderly state.

7.0 Withdrawal of Land from Lease

- 7.1 Council may at any time during the term of a lease on giving the lessee sixty (60) days written notice, withdraw any portion of the leased land that may be required for any purpose as deemed necessary
- 7.2 Subject to subsection 7.3, the lessee shall be entitled to a reduction of the lease fees in proportion to the reduction of area of land withdrawn.
- 7.3 Where a lease is cancelled or land is withdrawn from a lease, the lessee may remove fixed improvements or receive compensation for them, and:
- (a) In the case of a lease with option to purchase, compensation may be granted for the lessee's interest in the land; or
 - (b) In the case of a lease with no option to purchase, the lessee shall not receive any other compensation with respect to the withdrawal, and such compensation shall be in an amount agreed between the lessee and Council, and failing such agreement upon the expiration of sixty (60) days from the date the lease was cancelled or land was withdrawn from the lease, the lessee or Council may apply to the Land Compensation Board established under the *Expropriation Act* to determine the amount of compensation.

8.0 Leases Prior to this Land Policy

- 8.1 Notwithstanding other provisions of this policy, where a lease or license issued under *Public Lands Act* is valid immediately prior to the coming into force of this policy, the terms and conditions of that lease may remain in effect for the term of that lease.

Sale of Municipally Owned Lands



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- 9.1 Upon submission of a completed Application, Council will consider the interest shown and may direct administration to initiate public land sale procedures.
- 9.2 The Application shall be accompanied with a \$300.00 Application fee.
- 9.3 Administration will provide Council with any or all of the following information:
 - (a) The Application,
 - (b) Photos of the property,
 - (c) Assessed value of the property,
 - (d) Availability of services,
 - (e) Other relevant information on the subject property,
 - (f) Recommendations
- 9.4 Property owned by the County will be sold by a public bid process and may include a reserve bid price.
- 9.5 Administration will ensure that the property is advertised for public bid sale as per Public Notification Bylaw 15-2019.
- 9.6 Owners of land adjacent to a sale property will be advised of the sale in writing.
- 9.7 Bid submissions shall be
 - (a) delivered to the County Administration Building by mail or in person in a sealed envelope that is clearly marked that the submission is for a County property sale with the property description, and
 - (b) accompanied with a minimum 10% deposit.
- 9.8 No bid will be accepted where the bidder attempts to attach conditions precedent to the sale of the parcel.
- 9.9 Should the Applicant be the successful Purchaser with a bid that is equal to or greater than the reserve bid price, the Application fee shall be applied to the Purchase Price.
- 9.10 An Applicant who withdraws their application after it has been approved by Council to proceed with the public bid process shall forfeit the 10% bid deposit.
- 9.11 Should the Applicant submit an unsuccessful bid that is equal to or greater than the reserve bid, the Application fee shall be refunded to the Applicant.



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- 9.12 No terms or conditions of sale will be considered other than those specified by the County.
- 9.13 The deposit for unsuccessful bids will be returned.
- 9.14 Terms of sale shall be cash, certified cheque or money order.
- 9.15 The balance of the purchase price must be paid within thirty (30) days from the date of bid acceptance. GST is applicable.
- 9.16 All sales are subject to the approval of Council. Council shall not be bound to sell property for the highest or any bid. In the event of comparable bids, Council shall give preference to:
 - (a) The former lessee of the property who has maintained an interest in the property and kept all fees during that time in good standing.
 - (b) The bidder who has land abutting the said parcel.
- 9.17 The successful Purchaser shall enter into a Land Sale Agreement with the County.
- 9.18 A Purchaser who requests cancellation of a Land Sale Agreement shall forfeit the 10% deposit and all monies paid towards the purchase price.
- 9.19 In the event that a property is not sold after being advertised for public bid, administration may approach local realtors to market properties. Commissions for any sales should be negotiated at a rate lower than for real estate fees.
- 9.20 Council reserves the right to dispose of County owned property by means of other mechanisms than this policy.

10. Cancelled Road Plans

- 10.1 Upon the cancellation of a road plan Big Lakes County may choose to return the lands associated with the road plan to the parcels from which the plan was originally extracted.



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11. Relation to Other Statutes

- 11.1 Nothing within this policy shall preclude council from exercising any rights granted, or obligations imposed by a legislative enactment of the provincial or federal governments.



Reeve



Chief Administrative Officer



Date of Final Signature