



Surplus Land Policy
S-0810-20

Effective Date:
March 25, 2020

Part 1

The Purpose of this Policy is to provide the CAO with a procedure for the disposal of Municipally owned property in accordance with the Municipal Government Act, Sections 50(5)(b), 51, and 51A.

Part 2

Administration will identify and maintain a list of all lands deemed surplus to the Municipality. Deference shall be afforded the desire of council shall reserve the option to retain all lands that have access to water or shore frontage, or other parcels that they deem may be beneficial to the Municipality.

Part 3

Either the Property Identification Number (PID), or the Assessment Account Number (AAN) as provided by the Nova Scotia Land Registry System, shall be acceptable means of identifying property(s) subject to a sale.

Part 4

Prior to commencement of the disposal process, Council shall approve the disposal of the identified properties. Council may or may not approve the final sale based on the results of the sale process.

Part 5

The CAO may obtain, for information purposes, a non-binding appraisal from a qualified independent professional appraiser to assist in making a reasonable estimation of the value of the property(s) to be disposed of.

Part 6

6.1 The Municipal Solicitor shall be consulted regarding the proposed disposal of properties which Council has approved to ensure that unencumbered title can be transferred prior to proceeding with a sale.

6.2 All properties shall be migrated prior to advertising or posting for sale. All legal fees, levies, taxes, migration fees, advertising, appraisals and other expenses related to the preparation of property(s) for sale will be at the expense of the Municipality. Expenses related to transfer of title and other closing costs will be borne by the respective parties as they incur them through their undertakings with their legal representatives.



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Part 7

- 7.1 Pursuant to MGA section 50(5)(b), a municipality may sell property at market value when the property is no longer required for the purposes of the municipality.
- 7.2 Surplus lands sold under Part 7(A) of this policy will be sold by public tender.
- 7.3 Council may set a minimum accepted offer.
- 7.4 If no acceptable offers are received, the property may be disposed of by alternate means. Alternate means of disposal may include, but are not limited to, sale by real estate agencies, sale at less than market value to non-profit organization, sale by public auction.
- 7.5 The CAO shall respond to all offers within 30 days of the date on which no further offers are to be entertained.
- 7.6 A 10% deposit, in the form of a certified cheque or money order, will accompany all offers. The deposit of the highest offer shall be retained by the Municipality and form part of the purchase price with the balance of the offer due on closing. Should the highest bidder renege or default, the deposit shall be forfeited. The 10% deposit shall be returned to all unsuccessful bidders whose offers have not been accepted.
- 7.7 Conditions of the sale shall be set out in all advertisements or tender documents. Should the party which made the first accepted offer renege or default on their offer, the next highest offer may be entertained as acceptable. Should a subsequent offer be acceptable, the successful bidder shall be notified and granted an extension of five business days to affirm their intent to purchase AND shall re-submit the 10% deposit if it had been returned by the Municipality. This process will continue until a purchaser is confirmed or the property is returned to the surplus lands list.
- 7.8 Should there be equal monetary offers received on a property being sold by tender, the offer having the earliest date and time received becomes the successful offer.

Part 8

- 8.1 Pursuant to MGA section 51(1), the Municipality may sell or lease property at a price less than market value to a **nonprofit organization** that the council considers to be carrying on an activity that is beneficial to the municipality.



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- 8.2** A resolution to sell property referred to in Part 8(A) of this policy at less than market value shall be passed by at least a two thirds majority of council present and voting.
- 8.3** Where the council proposes to sell property under Part 8(A) of this policy valued at more than ten thousand dollars for less than market value, the council shall first hold a public hearing respecting the sale.
- 8.4** The Council shall advertise the public hearing referred to in Part 8(C) at least twice in a newspaper circulating in the municipality. The first notice shall appear at least fourteen days before the hearing.
- 8.5** The notice of the public hearing referred to in Part 8(C) shall include the date, time, and place of the hearing, as well as the location of the real property, the estimated value of the property and the purpose of the sale.

Part 9

Pursuant to MGA Sect 51A, where a municipality holds land that is of insufficient size or dimensions to be capable of reasonable use in the opinion of Council, all or part of the land may be sold to the owner of any lot abutting that land and may be consolidated with such lot and the sale price of the land may be set by council at a price that is less than market value at the time of the sale.

Part 10


Council retains the right to cancel any transaction prior to the closing date.

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



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Chief Administrative Officer's Annotation for Official Policy Book	
Date of Notice to Council members of Intent to Consider (7 days Min)	March 12, 2020
Date of Passage of current Policy	March 25, 2020
I certify that this Surplus Land Policy S-0810-20 was adopted by Council as indicated above.	
 _____ Chief Administrative Officer	<u>April 6, 2020</u> Date

Date last reviewed: March 25, 2020

Date last amended: March 25, 2020