



# POLICY

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**POLICY NO:** 602

**APPROVAL DATE:** October 1, 2001

**TITLE:** Land Management -  
Acquisition, Disposition and Leasing

**REVISION DATE:** July 1, 2019

**SECTION:** Lands, Roads and Buildings

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**DEPARTMENT:** Economic Development and Land

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## POLICY STATEMENT

The City shall conduct the land management function of the City's Public Lands in the most efficient and economically viable manner.

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## REASON FOR POLICY

To set guidelines for the City's land management function in accordance with statutory requirements of the Municipal Government Act and the Alberta Expropriation Act.

To set guidelines for the City's land management function, and to assure objectivity and fairness of land management practices for all City personnel involved either directly or indirectly in the land function.

To expedite cost effective management of the City's Public Lands.

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## RELATED INFORMATION

1. Under Bylaw C-1277 City Council has delegated authority to the City Manager.
2. The City will conduct all Public Land transactions in a manner that results in the acquisition or disposition which shall ensure equal opportunity, due process and fairness to all parties. The methods by which decisions are made must ensure not only fairness but the perception of fairness.
3. When meeting the needs of the City involves acquisition or disposition of Public Land, City departments shall consult with the Land Officer.

4. Public Land will be defined as either:
  - Marketable; or
  - Non-Marketable.
    - a) Public Land to be considered as Marketable, with an estimated value greater than \$250,000.00 shall be considered for approval by City Council; and
    - b) Public Land to be considered as Marketable, with an estimated value of \$250,000.00 or less shall be considered for approval by the City Manager.
5. The Land Officer shall review the status of Non-Marketable Public Land as required or requested by Committee or City Council.
6. The City will acquire and dispose of Public Land subject to legislative requirements.

Acquisitions:

7. The City Manager will approve acquisitions of Public Land where the acquisition is incidental to a capital project as approved in the capital budget.
8. Acquisition of Public Land shall be by means of negotiating a Fair Market Value that is acceptable to both parties. Should the parties be unable to agree, the City shall proceed in accordance with the Expropriation Act, R.S.A. 2000, c. E-13, any regulations including the Expropriation Act Regulations, AR 188/2001 and any amendments and replacements.
9. A formal appraisal may be obtained by the discretion of the Land Officer to facilitate the acquisition or disposition of Public Land and Real Property.

Dispositions:

10. Dispositions of Public Land where:
  - a) the value is \$250,000.00 or less shall be approved by the City Manager; or
  - b) the value is greater than \$250,000.00, shall be approved by City Council.
11. The City may market Public Land zoned for future residential, commercial or industrial purposes, in a “raw land” condition or enter into joint venture agreements with the approval of City Council.
12. Offers received for Non-Marketable Public Land shall be reviewed on an individual basis by the Land Officer in consultation with affected stakeholders. All recommendations to designate to Marketable status shall be presented to City Council or the City Manager (Refer to Section 4).

13. For any Public Land that is identified as Marketable, the physical maintenance and all associated costs shall be the responsibility of the appropriate City Department and shall be reflected in their respective annual operating budgets.

Leasing/Licensing:

14. The City may enter into lease or license agreements for Public Land for specific uses:
  - a) each proposed lease or license shall be approved by City Council; or
  - b) the City Manager may approve leases or licenses for terms of up to five (5) years.
15. All leases or licenses will be covered by a City Solicitor approved agreement.
16. All leases or licenses will be maintained and reviewed on an annual basis by the appropriate City department.
17. It is the City's intent to reclaim Public Lands through review and termination of all existing Public Utility Lot lease agreements with provisions for termination or sale of leased parcels where applicable upon expiry of the leases. Sales shall only be completed after consultation with all affected stakeholders.
18. The City shall not enter into new or subsequent leases for any Public Utility Lots.

Other:

19. Under Bylaw C-1078 City Council has regulated the Use of Public Lands.
20. Pursuant to Bylaw C-1078, consent to use Public Lands which fall under the responsibility of the Land Officer, and are located in residential, commercial or industrial areas, where applicable:
  - a) shall require formal approval, obtained by making application to Request for Licence Agreement;
  - b) pursuant to Sections 61 (1) and (2) of the Municipal Government Act, fees and charges shall be applicable when granting rights over Public Lands; and
  - c) the approved License Agreement will be registered by way of caveat with Land Titles.
21. Monies relating to the acquisition and/or disposition of social housing properties shall be managed through Policy 346, Reserve Funds.
22. Applicable fees and charges are in accordance with Bylaw C-1395, Schedule "A" related to the land management function.

## **DEFINITIONS**

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**Acquisition** - means the act of acquiring any interest in land by any means, including without limitation, by purchase, exchange, dedication, gift or expropriation.

**Disposition** - means the act of selling, exchanging or leasing land.

**Fair Market Value** - means a price at which buyers and sellers both having reasonable knowledge of the property and being under no compulsion are willing to do business.

**Marketable** - means any Public Land owned by the City which is vacant or improved in any manner and has been identified by City Council or City Manager for disposition in accordance with this Policy.

**Non-Marketable** - means any Public Land owned by the City which shall not be considered for disposition.

**Public Land** - means all Public Utility Lots; all easements in favour of the City; all utility rights-of-way; municipal reserves; environmental reserves and any other land subject to the City's direction, management or control.

**Public Utility Lot** - means land which is designated as a physical corridor for the placement of utilities, including but not limited to water, sanitary and storm sewers, drainage, electricity, natural gas, telephones, cablevision services, emergency access, pedestrian use as well as occasional vehicular access.

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## **RESPONSIBILITIES**

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**City Council** will approve this Policy and revisions.

**City Manager** will approve the procedures for the land management function and to ensure the procedures are in accordance with the policy set by City Council.

**Land Officer** will establish and maintain land management function procedures, and ensure the guidelines for the City's land management function are followed and accurately reported where applicable.