



DISTRICT OF 100 MILE HOUSE

Policy & Procedures Manual

4.6 DISPOSAL OF MUNICIPAL PROPERTY

DEFINITIONS

Under the *Interpretation Act* the following definitions apply:

“Acquire” means to obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate.

“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.

PURPOSE

To establish the process for the disposal of Municipally owned Real Property (Land) not acquired by tax sales, provincial grants or expropriation, in order to satisfy the *Community Charter* that the municipality is providing for stewardship of the public assets of the community.

POLICY

The Community Charter authorizes Council to have the choice to dispose of land by public offer or by direct offer to a single person, company or organization. This policy does not apply to land that is disposed of below market value.

The disposal of municipal land resources will be considered in the context of the overall policies of the municipality, including the Official Community Plan, the five-year Financial Plan, and the Annual Report.

The sale of land may be initiated by either the District or by an individual, company or organization that is interested in acquiring the land.



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PROCEDURES

The District shall proceed through the following process once it is prepared to sell its municipal lands.

A. Public Sales

1. The District Manager, or designate, shall have an appraisal done on the subject property to assist in establishing a price.

The District Manager, or designate, shall have prepared an information package(s) on the subject land(s) that includes the following:

- a. A brief description of the subject land(s) (including the location, minimum sale price, zoning and any other relevant information)
 - b. Copy of the title and plan
 - c. Copy of relevant Zoning guidelines and Development Permit guidelines, if applicable
 - d. Copy of any covenants registered on the property
 - e. Description of the process that a prospective purchaser must follow
 - f. Commission statement, if applicable
3. The District Manager shall have prepared a public notice to be published in local newspaper(s) for two consecutive weeks. The notice must include a description of the land or improvements, the nature and terms of the proposed disposition, and the process by which the land and/or improvements may be acquired.
 4. After the deadline for receiving offers, the District Manager, or designate, shall review any proposals received and prepare a report for Council.
 5. All decisions on the disposal of municipally owned lands shall be made by Council.
 6. The District Manager, or designate, shall send a letter to the applicants informing them of the decision of Council.



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B. Direct Sales

1. All inquiries made with regards to the purchase of municipally owned property shall be directed to the District Manager, or designate.
2. The District Manager, or designate, shall prepare a report for Council outlining the proposed terms of sale.
3. Council will determine how they wish to proceed with the offer and the applicant shall be so advised.
4. An opportunity may be afforded the applicant to make presentation to Council regarding their interest in the municipal lands.
5. If Council elects to sell the lands or improvements, the District Manager, or designate, shall have an appraisal done on the subject property to assist in establishing the fair market value price.
6. Should Council agree with the price, the District Manager, or designate, may be directed to proceed.
7. Upon completion of negotiations, the District Manager, or designate, shall inform Council of the proposed agreement.
8. The successful purchaser must satisfy themselves as to any additional geotechnical or environmental reports and the District will grant access to the site to conduct these investigations.
9. Should Council agree to the terms of sale, the District Manager, or designate, shall have prepared a notice that includes the following:
 - a. A description of the land or improvements
 - b. The person, company or organization that is to acquire the property under the proposed disposition
 - c. The nature and, if applicable, term of the proposed disposition
 - d. The consideration to be received by the municipality for the disposition
10. The District Manager, or designate, shall inform the public of the sale by publishing a notice in the local newspaper(s) for two consecutive weeks.
11. After the notice has been published in the local newspaper(s) for two consecutive weeks, the District Manager or designate may proceed with the disposal.