



## TOWN OF HIGH RIVER POLICY

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Policy Number:	POL-24-102-00
Policy Name:	Real Property Transactions
Related Procedure:	PRO-24-102-01-00 Acquisition of Real Property PRO-24-102-02-00 Disposition of Real Property PRO-24-102-03-00 Real Property Agreements
Approval Date:	
Last Revision Date:	
Last Review Date:	
Policy Category:	Legal
Responsible Department:	Corporate Services, Corporate Properties & Risk Management

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### 1. Policy Statement

The Town of High River (the "Town") strives to manage property assets to achieve the best value in alignment with Council priorities, taking into consideration the social, economic, and environmental impacts to the Town. The Town will manage Real Property Transactions in a manner that ensures:

- a) Cost effective management of assets;
- b) Transparency;
- c) Equal opportunity;
- d) Due process; and
- e) Fairness to all parties.

### 2. Purpose

The purpose of this policy is to provide direction and consistency for managing Real Property in a sustainable and financially responsible manner throughout its life cycle and to support the cost-effective and efficient delivery of Town programs and services.

This policy establishes principles and guidelines for the overall management of the Town's Real Property portfolio including:

- a) Acquisition of Real Property required for municipal purposes;
- b) Disposition of Real Property which has been declared Surplus by Council resolution; and
- c) Administration of Agreements for use of Real Property by a third party.

### 3. Related Information

- a) *Municipal Government Act*, R.S.A. 2000 Chapter M-26.
- b) *Expropriation Act*, R.S.A. 2000 Chapter E-13.
- c) Town of High River Procurement Policy POL-16-108-00
- d) Town of High River Rate Bylaw 4306/2011

#### 4. Definitions

**Abutting** – a parcel of land adjoining another parcel having one or more lot lines in common;

**Acquisition** – the obtaining of Real Property through purchase, Lease, transfer, donation, Easements, and license or any other method deemed appropriate by Council;

**Agreement** – a form of contract outlining the terms and conditions of the use, Acquisition or Disposition of Real Property, including, but not limited to: a Lease, License of Occupation or any other form deemed appropriate by Council;

**Applicant** – a party who has made a request for the Acquisition, Disposition, Lease or License of Occupation of Real Property or who has responded to a notice of Sale of Real Property;

**Appraisal** – written opinion as to the Fair Market Value of Real Property;

**CAO** – the Chief Administrative Officer of the Town or designate;

**Corporate Services** – the Town's Corporate Services department;

**Council** – Town of High River Council;

**Disposition** – the act of selling, exchanging, Leasing or otherwise disposing of or granting an interest in Real Property;

**Easement** – the granting of a right or interest of use or passage over another party's property;

**Fair Market Value** – the purchase price or rental rate that Real Property might be expected to realize if offered for Sale (or Lease) on the open market as between a willing seller and willing buyer (or lessor and lessee, as the case may be);

**Lease** – agreement by which the Town may enter into with a third party to provide for the right to the exclusive possession of Real Property for a specific use, length of time and under specified terms and conditions in return for specified periodic payments;

**License of Occupation** – agreement by which the Town may enter into with a third party, for the non-exclusive right to occupy Real Property for a specific use, length of time and under specified terms and conditions in return for specified periodic payments;

**Limited Marketability** – any Real Property which has been declared Surplus to the needs of the Town by Council resolution and has been determined by Corporate Services to be of limited interest to potential purchasers due to such factors as its size, shape, location, topography, environmental condition, land use restrictions, or any other factors which Council considers relevant;

**Marketable** – any Real Property which has been declared Surplus to the needs of the Town by Council resolution and has been determined by Corporate Services to be of interest to potential purchasers due to such factors as its size, shape, location, topography, environmental condition, potential land uses, or any other factor which Council considers relevant;

**Needs Assessment** – an assessment conducted by Corporate Services outlining the Town's requirements for Real Property including identifying where funding for Town infrastructure design or construction has been obtained;

**Non-Marketable** – any Real Property which will not be considered for Disposition and has not been declared Surplus to the needs of the Town by Council resolution;

**Non-Profit Organization** – has the same meaning as defined in the *Municipal Government Act*;

**Property Assessment** – due diligence review to assess the Real Property's physical and environmental condition, cultural heritage, existing restrictions, encumbrances, liabilities, tax applications together with any other important characteristics or limitations (such as social and economic benefit) which may impact the value or suitability of the Real Property for the intended use;

**Public Utility** – has the same meaning as defined in the *Municipal Government Act*;

**Public Utility Lot** – land which is designated as Public Utility Lot (PUL) and utilized or intended to be utilized for the purpose of Public Utilities;

**Real Property** - all land owned or to be acquired by the Town, inclusive of all buildings and structures constructed thereon, including and not limited to moveable buildings and structures;

**Reserve Land**- any land which has the designation of Municipal Reserve (MR), Municipal and School Reserve (MSR), or Environmental Reserve (ER) pursuant to the provisions of the *Municipal Government Act*;

**Road** – has the same meaning as defined in the *Municipal Government Act*;

**Sale** – the transfer or conveyance of title to Real Property;

**Surplus** – a declaration by Council resolution that certain Real Property owned by the Town is not required for use by the Town currently or in the foreseeable future;

**Town** – the Town of High River; and

**Transactions** – the Acquisition, Disposition, Lease, or License of Real Property.

## 5. Scope

This Policy applies to the Acquisition, Disposition, and administration of Agreements and Transactions with respect to Real Property.

This Policy does not apply to:

- a) Designated affordable housing units or complexes;
- b) Dedications of land through the approval of subdivisions by the Town, including but not limited to the acceptance of cash in lieu of land and dedications of Reserve Land, Public Utility Lots and Roads in accordance with the *Municipal Government Act*;
- c) Acquisition or Disposition of Real Property by reason of the tax arrears recovery process in accordance with the *Municipal Government Act*;
- d) Acquisition or Disposition of Real Property in accordance with the *Expropriation Act*;
- e) Transactions with any municipality, municipal district, municipal service board, other level of government or their agency, school board, or conservation authority; or
- f) Grant of an Easement or right of way for a Public Utility.

## 6. Guiding Principles

The following guiding principles will apply to all Transactions:

- a) The requirements of the Town of High River Procurement Policy POL-16-108-00, Town of High River Rate Bylaw 4306/2011, the *Municipal Government Act* and any other applicable legislation will be adhered to;

- b) All Real Property will be inventoried and classified as Marketable, Limited Marketability or Non-Marketable by Corporate Services;
- c) Transactions will be based on Fair Market Value which will be determined from one of the following sources, as determined by the CAO (or designate) who will make the recommendation to Council:
  - i) An independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada; or
  - ii) A licensed real estate brokerage firm or an independent real estate agent; or
  - iii) Town appointed tax assessor; or
  - iv) Any combination of the above.
- d) An Appraisal is not required in respect of the following:
  - i) Real Property for which the Town obtained an Appraisal within the preceding one (1) year; and
  - ii) Closed highways, Roads, lanes, Road allowances, railway branch lines, or property that does not have direct access to a highway that are being sold to Abutting property owner(s).
- e) Purchasers, tenants and licensees of Real Property will be responsible for all costs of the Town associated with the execution and completion of Transactions;
- f) Property Assessments will be undertaken with respect to any Real Property proposed for Acquisition or Disposition;
- g) Circulations of intent will be undertaken with internal and external stakeholders, as deemed appropriate by Corporate Services;
- h) The Town is under no obligation to accept any offers, grant any approvals, such as approvals for subdivision changes to zoning bylaws, minor variances, subdivision or development approvals, building permits, or to support any applications for these or any other approvals which may be necessary for any contemplated use of Real Property by any purchaser, tenant, lessee, or licensee of the Real Property.
- i) Terms and conditions of all Transactions will be approved by Council resolution; and
- j) Any exceptions to this Policy will be approved by Council resolution.

## 10. Responsibilities

- a) Town Council is responsible for:
  - i) Approving this policy and any revisions by resolution; and
  - ii) Approving Transactions and any exceptions to this policy by resolution.
- b) Chief Administrative Officer (or designate) is responsible for:
  - i) Implementing this policy and approving related procedures;
  - ii) Ensuring compliance with this policy and related procedures; and
  - iii) Ensuring compliance with applicable legislation.
- c) Corporate Services is responsible for:
  - i) Reviewing and updating this policy and related procedures as necessary;
  - ii) Maintaining an inventory of all town Real Property assets and related documentation;
  - iii) Providing guidance to responsible departments for defining the terms of any Agreement;
  - iv) Presenting all Transactions and Agreements to Council for consideration; and
  - v) Facilitating Transactions and execution of Agreements.
- d) All Departments are responsible for:
  - i) Complying with this policy and related procedures;


- ii) Informing Corporate Services of any requirements for Real Property acquisition and/or disposition to fulfill their department mandate;
- iii) Informing Corporate Services of any external parties occupying or using Real Property;
- iv) Defining the terms of Agreements, in consultation with Corporate Services; and
- v) Ensuring budget approval for all costs associated with Transactions.

**11. Approval**

This policy will come into force and effect upon adoption by Council at a Regular or Special Meeting of Council.

February 8, 2016 Meeting of Council

Resolution # RC20160208.1010

  
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 MAYOR/DEPUTY MAYOR

  
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 CHIEF ADMINISTRATIVE OFFICER

March 2016  
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 DATE

Revision Date	Section	Purpose of Revision