

Policy: Policy Statement - Disposal of Surplus Municipal Parkland

Date Originally Approved: October 25, 2001

Motion: “That Council approves the Disposal of Municipal Parkland Policy as presented at the October 11, 2001 Council Committee session.” Motion carried

This Policy is Current as of: November 5, 2001

MUNICIPALITY OF THE COUNTY OF COLCHESTER

Policy Statement - Disposal of Surplus Municipal Parkland

INTRODUCTION

The Municipality has acquired numerous park and open space sites through the subdivision process. Former Planning Acts and today's Municipal Government Act, enable Municipalities to acquire 5% of the net land mass of a development as parkland or cash in lieu.

Guidelines under former Planning Acts were vague and advantaged the developer. As a result the Municipality received many poor quality sites with little potential as parkland. Some sites were acquired for environmental purposes such as riparian buffers along brooks or simply to provide open space in residential subdivisions.

PURPOSE

From time to time people approach the Municipality to buy parkland but the Municipality does not have a process to evaluate the request by. Also, the Municipality's increased involvement in parkland planning, will result in policy that clearly states a municipal perspective on where land should be retained, acquired or sold.

This Policy is intended to create procedure to deal with internal or external requests to sell or dispose of parkland and to ensure appropriate consideration is given prior to Council making a decision. It also sets a procedure for input from property owners in the subdivision.

PROCEDURE FOR DISPOSAL OF PARKLAND

1. Receive Request -

- a) A letter to Council requesting purchase of a specific site or;
- b) A site is identified for disposal by municipal staff or Council.

2. Staff Site Review & Recommendation -

- a) Physical site review conducted;
- b) *Determine recreation potential:* Review municipal policy such as parkland strategy, consult staff and external agencies as deemed appropriate. Also consider the importance of property as open and environmental space;
- c) Consider other municipal interest for property, such as future road connections. If another municipal use is identified, recommendation will be to retain ownership and for removal of the site from the parkland inventory;

- d) A recommendation to sell will only be provided if land considered surplus for all municipal purposes;
- e) When the recommendation is to keep a site, the recommendation is forwarded directly to Council without neighbourhood consultation. Council will then determine whether to end process or to proceed with neighbourhood consultation and disposal hearing.

3. Neighbourhood Notification

- a) If sale of the land is recommended based on the review in Step #2 above, or at Council's direction, residents of the subdivision in which the land was acquired will be consulted pursuant to 273 (13) of the MGA.
- b) Notice will be circulated to residents of the subdivision that clearly states:
 - Council's consideration of selling the lot;
 - reasons for consideration and associated details;
 - map of the parcel of land;
 - time and date of Council's consideration of the issue and opportunity to make presentation at that time;
 - Municipal contact for additional information.
- c) Any neighbours interested in acquiring all or part of the lot will be asked to express their interest to the Municipality prior to Council's consideration in Step #4.

4. Public Input and Council's Consideration

- a) Based on information presented, including public presentations, Council will determine by majority vote, whether to proceed with the sale of land;
- b) Council will determine the method by which land is to be sold and staff will initiate the disposal process.

5. Disposal of Parkland Process

- a) Council has three options by which to dispose of parkland:
 - Tender,
 - Real Estate Agent,
 - Private Transaction with neighbouring property owner(s) where lot does not meet minimum lot standards under the Subdivision Bylaw,
- b) Pursuant to section 50 (5) b of the Municipal Government Act, the Municipality can sell land for "market value". Market value may be determined by advise from a real estate agent or property appraisal depending upon the approach set in section 5(a) above. For lots eligible for sale as free-standing building lots under the subdivision bylaw, the appraised value or deemed market value will not be

disclosed to the public prior to Council’s decision on selling the lots, or, if Council opts for sale by tender, prior to tendering. For other lots, staff may disclose the appraised value to the public in order to allow neighbouring land-owners to pursue the process described below for such lots;

- c) Any subdivision associated with the sale of land shall comply with the requirements of the Municipal Subdivision Bylaw.

Undersized lots, or lots otherwise ineligible as free-standing building lots under the subdivision bylaw, will accordingly not be sold except to be consolidated with a neighbouring lot or lots.

If neighbours intend to divide such lots for consolidation with their own building lot, the interested parties will agree to the division of land and submit a letter of agreement, payment of market value, to be held in trust, and sketch of the proposed division. The subdivision of the lot will be undertaken and deeds prepared based on the submitted information.

If adjacent property owners express interest in acquiring the land but cannot agree how to divide the lot, Council will consider sale through alternative means.

6. Other

Funds generated through the sale of parkland will be held in the capital reserve and used for parkland improvements and the acquisition of new sites.

Sale of land shall be in accordance with Sections 50, 51 and 273 of the Municipal Government Act.

Clerk’s Annotation For Official Policy Book	
Date of Notice to Council Members of Intent to Consider (7 days minimum): _____	
Date of Passage of Current Policy: _____	
I certify that this Policy was adopted by Council as indicated above.	
_____	_____
Municipal Clerk	Date