
Municipality of Cumberland Policy 23-02

Sale of Usable Municipally Owned Property Policy

Title

1. This policy is entitled the Sale of Usable Municipally Owned Property Policy.

Purpose

2. The purpose of this policy is to provide for the sale of surplus usable property owned by the Municipality.

Definitions

3. "Usable property" means Municipally owned property that meets the requirements of the Subdivision By-Law, Municipal Planning Strategy and the Land Use By-law, and is not required for Municipal use.

Identification

4. Property to be considered to be sold in accordance with this policy may be identified in any one of the following ways:
 - a. A request, in writing (including email which clearly identifies the author), to the CAO by a member of the public, interested in acquiring the subject property;
 - b. A request, in writing (including email), to the CAO by a member of Council or a Director of a department of the municipality;
 - c. A direction, by motion, of Committee of the Whole.

Designation as Surplus

5. After receiving a request or direction as described in paragraph 3 above, the CAO will refer the matter to the Director of Development and Planning who will prepare a recommendation for Council's consideration as to whether the property should be declared surplus its approximate value, and the recommended manner of sale.
6. Before making a recommendation to declare a property as surplus to the needs of the Municipality, the Director of Development and Planning shall consult the directors of all municipal departments, the municipal councillor whose District the subject land is situated and the CAO in determining whether a potential municipal use exist for the property.

Optimal Strategic Use and Conditions of Sale

7. As part of the recommendation to Council regarding the declaration of a usable property as surplus to the needs of the municipality, the Director of Planning and Development shall provide a report setting out the optimal strategic use of the property and any suggested conditions of sale. This report may set out a suggested plan for rezoning, use of buy back and/or development agreements or other instruments to maximize strategic value to the community of the sale and subsequent use of the subject property.

Manner of Sale

8. Once declared surplus, Council may decide to sell the subject property by any of the following methods:
 - a. Public Tender by sealed bids
 - b. Public Auction
 - c. Posting the property for sale
 - d. Commission arrangement with local real estate firms

9. In all cases Council shall set a minimum asking price to be used.

Other Considerations

10. Sales of property acquired pursuant to the Subdivision bylaw shall follow the provisions of Section 271 of the Municipal Government Act.

11. Sales of property to non profit organizations below market value shall follow the provisions of Section 51 of the Municipal Government Act.

12. Responsibility for transaction costs related to the sale of the subject property rest with the purchaser.

13. The following persons shall not purchase property of the Municipality either directly or through an agent:
 - a. A member of Council
 - b. An employee of the Municipality
 - c. The spouse of a person referred to in subsections (a) or (b); or
 - d. A company in which a person referred to in subsections (a), (b) or (c) owns or beneficially owns the majority of the issued and outstanding shares.

14. All sales must receive Council approval.

Effective Date

15. This Policy is effective upon adoption.

<u>Clerk's Annotation for Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>March 22, 2023</u>	
Date of Passage of Current Policy: <u>March 29, 2023</u>	
I certify that this Policy was adopted by Council as indicated above.	
 Clerk	<u>March 30/23</u> Date