

# COUNCIL POLICY



Document Name: Land Acquisition

Department Name: Planning and Development

Document Number: ADM-250

Effective Date: December 10, 2018

Next Revision Date: December 10, 2021

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## **STRATEGIC PLAN LINKAGE**

- Strategic Priority 1 – Responsible Government

## **PURPOSE AND OBJECTIVE**

The Regional Municipality of Wood Buffalo (the “Municipality”) acquires interests in real property as and when required to support municipal programs, projects and initiatives. When acquiring an interest in real property the Municipality will deal fairly and reasonably with the property owner, while also ensuring that acquisition costs are kept as low as feasible and that all relevant statutes and regulations are complied with. The Municipality will acquire real property through proceedings initiated under the *Expropriation Act*, only as a last resort when all other reasonable efforts have been unsuccessful.

The purpose and objective of this Policy is to ensure that a consistent approach and methodology, fair to both individual landowners and the taxpayers in general, is used when acquiring interests in real property.

## **GENERAL PRINCIPLES**

### **1. Definitions:**

- 1.1. “Appraisal” means a written analysis and assessment of the Market Value of Land, prepared by a qualified and independent third-party evaluator.
- 1.2. “Expropriation” means an acquisition of Land that is initiated by proceedings under the *Expropriation Act* and includes any acquisition by consent under s. 30 of that statute.
- 1.3. “Land” means the fee simple interest in real property and any other interest that is capable of being registered on title and that pertains to the ownership, possession or use of the real property, such as a lease, easement or utility right of way.
- 1.4. “Land Administration Transaction Request” means a written request in a form prescribed by the Manager of Land Administration, wherein the Requesting Department identifies the Land that it wishes the Municipality to acquire and explains the purpose of the acquisition.

- 1.5. "Market Value" means the estimated purchase price for Land, as determined by an Appraisal, if sold by a willing seller to a willing buyer, subject to clause 3.3.3 of this Policy.
- 1.6. "Requesting Department" means the department completing and submitting to the Land Administration Department a Land Administration Transaction Request.

## **2. Responsibilities:**

### **2.1. Council:**

- 2.1.1. Make decisions on all proposed acquisitions of Land that require Council approval under any statute, bylaw or Council policy; and
- 2.1.2. approve any amendments to this Policy.

### **2.2. Chief Administrative Officer:**

- 2.2.1. Support the implementation of this Policy;
- 2.2.2. recommend Policy amendments to Council;
- 2.2.3. recommend to Council all Land acquisitions that require Council approval; and
- 2.2.4. ensure compliance with this Policy throughout the organization.

### **2.3. Director of Planning and Development:**

- 2.3.1. Recommend amendments to this Policy to the Chief Administrative Officer;
- 2.3.2. make recommendations to the Chief Administrative Officer on acquisitions of Land that require Council approval; and
- 2.3.3. ensure compliance with this Policy within the Department.

### **2.4. Manager of Land Administration:**

- 2.4.1. Develop the annual Land acquisition budget and financial plan and submit it through the budget process for Council approval;
- 2.4.2. approve Land acquisitions that do not require Council approval and otherwise conform to this Policy;
- 2.4.3. ensure compliance with this Policy within Land Administration; and
- 2.4.4. develop and maintain Standard Operating Procedures ("SOP") that are consistent with and supportive of the provisions of this Policy and ensure departmental compliance with SOPs.

### **3. General Procedures:**

#### **3.1. Scope:**

- 3.1.1. This Policy applies to real property rights that are acquired by the Municipality by any method, including expropriation. The Policy applies to all municipal employees and to any agent acting on behalf of the Municipality.

#### **3.2. Land Administration Transaction Request:**

- 3.2.1. Prior to initiating an acquisition, the Requesting Department will prepare a Land Administration Transaction Request that identifies precisely the interest in Land proposed to be acquired and sets out the rationale for the proposed acquisition.
- 3.2.2. All Land Administration Transaction Requests will be vetted through the Land Administration Branch to determine whether the Municipality's existing real property inventory may fulfill the requirements.
- 3.2.3. Should it be determined that the needs cannot be met through existing inventory, Land Administration will initiate an acquisition.

#### **3.3. Acquisition:**

- 3.3.1. Acquiring Land at Market Value utilizing leading real estate practices is the preferred method of obtaining real property rights. Terms such as the closing date may be negotiated during the acquisition process.
- 3.3.2. Where an attempted Land acquisition under clause 3.3.1. of this Policy is unsuccessful, initiation of proceedings under the *Expropriation Act* may be considered. Expropriation will be used as a last resort to acquire Land and must be approved by Council.
- 3.3.3. All Land acquisitions of fee simple title shall be supported with a current Appraisal, and the Manager of Land Administration has the discretion to obtain an Appraisal for acquisitions of interests in land other than the fee simple. Appraisal reports must identify and be based upon the highest and best use of the subject Land and must be prepared in accordance with current standards or practice within the real estate industry. In cases where acquisitions by expropriation has been initiated or is contemplated, an Appraisal may include within the estimate of Market Value any additional compensation provided for in the *Expropriation Act*.

#### **3.4. Delegated Authority:**

- 3.4.1. The value of a Land acquisition shall not exceed the appraised Market Value, as defined in this Policy.

- 3.4.2. Council approval is required for Land acquisitions:
- 3.4.2.1. where the project has been identified on a Capital Plan, but has not yet received Council approval; or
  - 3.4.2.2. where the proposed acquisition cost exceeds the amount in an approved Capital Budget and the additional cost cannot be accommodated within the parameters of Fiscal Responsibility Policy (FIN-160);
  - 3.4.2.3. where the Land is required for an emergent operational project or need that has not been identified in an approved Capital Budget or Capital Plan; or
  - 3.4.2.4. where the Municipality utilizes the *Expropriation Act* as a last resort for acquisitions or where any other statute, regulation, bylaw or Council policy specifies that Council approval is required.
- 3.4.3. The Manager of Land Administration has the authority to sign off on all Land acquisitions where Council approval is not required.

### **SUPPORTING REFERENCES AND POSITION RESPONSIBLE**

Legal References: *Expropriation Act*, RSA 2000, c. E-13, current as of December 17, 2014

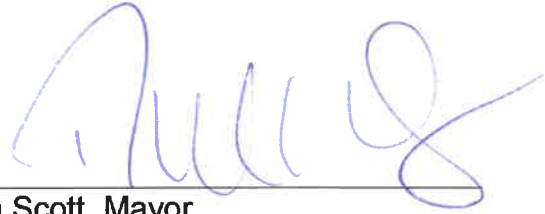
Cross References:

- Land Administration Standard Operating Procedures
- Fiscal Responsibility Policy (FIN-160)

Position Responsible for Procedure: Director, Planning and Development

**APPROVAL**

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time as necessary.



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Don Scott, Mayor



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Jade Brown, Chief Legislative Officer

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December 10, 2018

