



Title:
Disposal of Reserve Land, Former Reserve Land, and Fee Simple Land by Sale

Legal References:
 Municipal Government Act
 Reserves Agreement

Policy Category:
 Parks, Recreation, and Community Services

Cross References:
 Policy 419 Riparian Land Conservation & Management
 Policy 420 Wetland Conservation & Management
 Policy 202 Community Recreation Funding
 Procedure PRO 313A Removal of Reserve Designation
 Procedure PRO 313B Sale of Former Reserve Land
 Procedure PRO 313C Sale of Fee Simple Land
 Master Rates Bylaw

Effective Date: March 2, 2010
Revision Date:

Purpose:

The purpose of the Disposal of Reserve Land, Former Reserve Land, and Fee Simple Land by Sale Policy is to administer a fair and consistent formal process to dispose of Municipal Reserves, Municipal and School Reserves, Former Reserve Land, and Fee Simple Lands located within Rocky View County.

This policy will help the County fulfill its legislative mandate through meeting legal and statutory requirements for the disposition of all Municipal Reserves, Municipal and School Reserves, Former Reserve Lands and Fee Simple Land.

The County will use this policy when adopting or amending the following:

- a. Municipal Development Plan;
- b. Statutory planning documents;
- c. Other municipal policies and operational plans;
- d. Administration Procedure Manual; and
- e. Any other relevant documents.

Definitions:

- "Administration" means an employee with Rocky View County.
- "Council" means the Council of Rocky View County.
- "County" means Rocky View County
- "Disposition" means the act of selling Reserve Land, Former Reserve Lands, and Fee Simple Lands.
- "Evaluation Criteria for the Sale of Fee Simple Land" means the criteria established from time to time by Administration for the purposes of carrying out the disposition of Fee Simple Lands in a fair, equitable and orderly manner.
- "Evaluation Criteria for the Sale of Former Reserve and Reserve Land" means the criteria established from time to time by Administration for the purposes of carrying out the disposition of both Reserve and Former Reserve Lands in a fair, equitable and orderly manner.
- "Fee Simple Lands" means any lands which are held in freehold title to Rocky View County and are not encumbered by a reserve designation.
- "Former Reserve Lands" means lands which are owned by Rocky View and were previously encumbered with a reserve designation.
- "Municipal Government Act" means an act of the legislature of the Province of Alberta, which authorizes and creates the governance of urban and rural municipalities throughout Alberta.
- "Removal of Reserve Designation Procedure" means the procedure established from time to time by Administration, for the purposes of carrying out the removal of reserve designations.
- "Reserves Agreement" means joint use agreement between Rocky View County, Rocky View Schools,

and the Calgary Roman Catholic Separate School District No. 1 made as of April 23, 1998 for the planning, development, maintenance and operation of all Reserve lands in Rocky View County.

- “Reserve Lands” means any lands which have been provided by a registered owner as Municipal Reserve (MR), or Municipal and School Reserve (MSR) (in each case such terms shall not include lands held as Environmental Reserve) under the provisions of the Municipal Government Act.
- “Sale of Fee Simple Land Procedure” means the procedure established from time to time by Administration, for the purposes of carrying out the sale of Fee Simple Lands.
- “Sale of Former Reserve Land Procedure” means the procedure established from time to time by Administration, for the purposes of carrying out the sale of Former Reserve Lands.
- “School Authority” means either Rocky View Schools or Calgary Roman Catholic Separate School District No. 1
- “Subdivision” means subdivision as defined in the Municipal Government Act.

Policy Statements:

1. The County shall coordinate the disposition of Reserve Lands and Former Reserve Lands with the School Authorities in accordance with the Reserves Agreement.
2. The County shall not dispose of Reserve Lands and Former Reserve Lands in an Inter-Municipal Development Plan area without prior consultation with the appropriate municipalities.
3. The County shall dispose of Reserve Lands, Former Reserve Lands and Fee Simple Lands in accordance with the Municipal Government Act.
4. Any application fees for the purchase of Reserve Lands, Former Reserve Lands and Fee Simple Lands shall be set out in the Master Rates Bylaw.
5. The disposition of all Reserve Lands, Former Reserve Lands and Fee Simple Lands shall be conducted by the County in accordance with the “Removal of Reserve Designation Procedure”, “Sale of Former Reserve Land Procedure” and the “Sale of Fee Simple Land Procedure.”
6. The County will consider all of the evaluation criteria disclosed within the *Evaluation Criteria for the Sale of Fee Simple Land* and the *Evaluation Criteria for the Sale of Former Reserve and Reserve Land*, and shall have the sole and unfettered discretion to award up to the maximum number of points for each of the criteria listed.
7. Net proceeds from the sale of Reserve Lands shall be in compliance with the Reserves Agreement between the County and the Board of Trustees of Rocky View Schools and the Board of Trustees of the Calgary Roman Catholic Separate School District, as well as Policy No. 202 Community Recreation Funding. The proceeds from the sale may be used only for any or all of the purposes referred to in section 671(2) of the MGA or for any matter connected to those purposes.
8. If Fee Simple Lands are sold for less than market value the proposal must be advertised in accordance with section 70(1) of the MGA.
9. All proceeds from the sale of Fee Simple Lands shall be dealt with on an individual basis.
10. The County is committed to using innovative and equitable approaches to accomplish the goals of this policy and will consider the incorporation of new information and practices as they become available through research and monitoring efforts undertaken locally, regionally, provincially, and/or nationally.