



POLICY

COUNCIL-01-006

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Acquisition of Real Property

Creation Date: June 30, 2015 Policy Category: Council
Approval Date: August 11, 2015 Next Review Date: August 2017
Revision Date: Replaces:

1. Policy Statement

The Municipality of the District of West Hants, under the *Municipal Government Act, s.50*, may acquire and own property, including property outside the municipality, which the municipality requires for its purposes or for the use of the public.

2. Purpose

a) To establish a process to ensure a consistent and equitable framework is followed in acquiring real property interests which support Council approved strategies, projects, programs and policies.

3. Definitions

In this policy:

- a) "Appraisal" means a written estimate of current market value conducted by an independent and accredited appraiser.
- b) "Asset" includes real property held by the Municipality
- c) "municipality" refers to the Municipality of the District of West Hants
- d) "Government" means the Government of Canada, Government of the Province of Nova Scotia, a corporation that is an agent of Her Majesty in the Right of Canada or the Province, and a municipal unit.
- e) "Market value" means the amount that real property might be expected to realize if sold in the open market by a willing seller to a willing buyer

4. Needs Assessment

a) Prior to initiating an acquisition for real property, the Chief Administrative Officer will ensure a needs assessment is carried out documenting the rationale and justification for the acquisition, addressing both the existing and proposed use of the property. The needs assessment shall be presented to Council for approval prior to moving forward.

5. Council Approval Process

a) Council approval to move forward and acquire the property shall include authority for the Chief Administrative Officer to initiate and



undertake legal surveys, appraisals, negotiations, expropriates, legal and other such related activities, as may be required.

At all times, the Chief Administrative Officer will obtain sufficient and appropriate advice from specialists in the field of land acquisition including but not limited to legal services.

- b) Council will set a budget value for the acquisition including acquisition costs and operational, if any before action is taken to acquire the property.
6. Methods of acquisition once Council approval has been received include:
- a) Negotiation – which is the preferred method, compensation provided in keeping with the current market value of the property.
 - b) Expropriation – where negotiation is unsuccessful, expropriation may be considered. Expropriation will be used as a last resort for acquisition purposes.
 - c) Charitable donations or gifts - subject to Council approval or as delegated by Council to the Chief Administrative Officer. Before accepting or rejecting a gift of real property, an analysis shall be completed to determine the conditions of the gift, existing restrictions of encumbrances and assumptions of liabilities and any tax implications.

A charitable donation may be issued in the amount of the appraised market value of the donated real property. An environmental site assessment will be required. Any costs associated with an appraisal or environmental site assessment will be borne by the donor.
 - d) Development approval process – as outlined in the Municipal Government Act, s. 218.
 - e) Tax Sales – Vesting in municipality –as outlined in the Municipal Government Act, s. 143.
 - f) Land Exchange - An exchange of municipally owned surplus real property may be conducted where it is in the best interests of the Municipality. Negotiations shall be initiated based on market value of the respective properties. Differences in market value may be supplemented with an exchange of cash.



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- g) Public-Private Partnerships - The Municipality may acquire all or an interest in real property as part of a public-private partnership to provide infrastructure, community facilities and related services that would benefit the municipality, the private sector and residents, based on market value.
 - h) Intergovernmental Transfers - May occur between levels of government, based on the market value of the asset transferred.
5. Appraisal
- a) All real property acquisitions shall be supported with a current market value appraisal.
 - b) Where the estimated value of the property is \$250,000 or more, a second appraisal will be required.
 - c) Appraisal reports will be based on "highest and best use" of the property and be prepared by a qualified real estate appraiser, in accordance with current standards of practice within the real estate industry.
6. Acquisition at Market Value
- a) It is the intent of this policy to acquire property on the basis of current market value unless other considerations are included in the transaction and approved by Council.
 - b) Where there is a variance between the appraised value and the acquisition price, the variance shall be explained in the recommendation report prepared by the Chief Administrative Officer and presented to Council.
7. Environmental Assessment and Due Diligence
- a) An environmental pre-screening will be conducted on all real property to be acquired to identify potential contamination issues associated with the property. The pre-screening search will include, but may not be limited to, a review of municipal records and those held by the Nova Scotia Department of Environment.
 - b) Where possible or appropriate, acquisition agreements should provide for the indemnification of the Municipality by the vendor for environmental conditions.



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I, Rhonda N. Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **11th** day of **August, 2015**.

R.N Brown
Municipal Clerk