

Section: 3.0 Planning and Community Services
- A. Planning and Development Services

Authority: General Manager of Planning and Community Services

Statement

The Municipal District of Bonnyville (M.D.) acquires interests in real property as and when required to support municipal programs, projects, and initiatives including but not limited to road construction and widening projects and the construction of M.D. facilities and other infrastructure. The M.D. recognizes that when it acquires interest in real property, a consistent approach and methodology, fair to both individual landowners and the taxpayers in general, must be followed.

Purpose

To define the process of land acquisition in the M.D., set negotiation guidelines, and outline the roles and responsibilities of applicants and those reviewing the applications.

Definitions

For the purposes of this policy:

- (1) “Acquisition” means the purchasing and or obtaining of a lease, license, easement, agreement, workplace or option to purchase land required for an approved, planned, and budgeted projects of the municipality through negotiation with the landowner;
- (2) “Administration” means the operations and staff of the M.D. under the direction of the Chief Administrative Officer (CAO);
- (3) “Backsloping” means work performed to create slopes that slope up from the back of the ditch on private lands adjacent to and parallel to M.D. roads to alleviate snow drifting conditions on upgraded maintained roads, improve weed and brush control on road backslopes and increase available arable land for agricultural utilization of road sides;
- (4) “Borrow Pit” means an excavation, occurring outside the roadway right-of-way, in the surface made solely for the purpose of removing, opening up, or providing borrow material for the construction of the sub-base for a specific road way project, and includes any associated infrastructure connected with the borrow excavation;
- (5) “Council” means the duly elected Council of the M.D.;
- (6) “Encumbrance Holder(s)” means the deed of trust beneficiary, mortgagee, ground lessor or sale-leaseback lessor under an Encumbrance;
- (7) “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;
- (8) “Fair Market Value” means the estimated purchase price for land, as determined by an appraisal, if sold by a willing seller to a willing buyer;

- (9) “Landscape Borrow” means a type of borrow excavation that is typically constructed on uplands well above the water table. Usually involving the removal of a portion of a hill or slope;
- (10) “Survey” means a plan prepared by an Alberta Land Surveyor where the boundaries of a new parcel of land or road are identified by legal survey posts placed at the corners of the lots;
- (11) “Partial Discharges” means partial removal or withdrawal of instruments registered against the land title;
- (12) “Right of Way” means the road plan or road allowance shown as a road on a plan of survey that has been filed or registered in a Land Titles office, the boundaries within which the physical road is constructed.

Policy

- (1) This policy shall include the standard for the purchase of lands, Right of Way acquisition, backsloping, and borrow pit agreements.
- (2) The compensation payable to the landowner shall be \$2,000.00 per acre for road construction including borrow pit, landscape borrow, and backsloping. Furthermore, a \$500.00 minimum compensation shall be payable to the landowner in regard to the land acquisition process.
- (3) The CAO, General Manager of Infrastructure Services, General Manager of Planning and Community Services or their designate shall negotiate the acquisition of required interests in land on behalf of the M.D.
- (4) The M.D. shall provide compensation to landowners for the acquisition of required interests in land to the following standard:
 - (a) Fences:
 - (i) The M.D. will replace and/or repair privately owned fencing when a M.D. activity causes dismantling or damage of existing fences.
 - (ii) The M.D. will replace or repair the fence with the same quality, length, and standard and within the time frame as agreed by the M.D. and the landowner.
 - (iii) The new replacement or repaired fence will be placed on private property where the original fence was disturbed.
 - (iv) Repair or replacement for damages from day to day maintenance activities will be at the discretion of the General Manager of Infrastructure Services.
 - (b) Steel Approach Gate:
 - (i) Agricultural landowners that the M.D. purchases land from for the purpose of road widening during construction will be given the option at the time of fence replacement to have one approach gate consisting of up to a maximum of two (2) 16-foot steel gate panels installed, per quarter section of land, at no cost to the owner, based on Council resolution 18.238 passed by Council on April 11, 2018.

- (c) Public Approaches:
 - (i) When a public roadway is being constructed or reconstructed, each parcel of land will be provided a minimum of one public approach to be built in conjunction with the road construction. In consultation with the landowner, the M.D. will install the same number of approaches to the parcel that existed prior to the road construction.
- (5) Planning and Development shall:
 - (a) Ensure the appropriate documentation is executed and registered at the Land Titles office to secure the interest acquired by the municipality.
 - (b) Maintain accurate and complete land project files.
 - (c) Obtain all necessary consents and/or postponements of encumbrance holders on title.
 - (d) Prepare and provide cost estimates of the land acquisition.
 - (e) Ensure negotiated settlements are fair and equitable.
- (6) The land purchaser shall endeavour to acquire land by discussion, conference, and final agreement on the terms of a voluntary transfer of land. With the exception of road construction, all properties shall be assessed to determine the fair market value of land and/or property prior to contacting the landowner. The negotiations will be in good faith and will not exceed a reasonable time frame.
- (7) All land purchase agreements shall be in writing in a format acceptable by Administration. The conditions or undertakings by the M.D. shall always be in writing and contained within the main agreement, appendix agreement, or confirming letters to landowners.
- (8) The land purchaser shall negotiate the purchase value with the landowner in accordance with the land purchase fees as described previously in Section (2). All land agreements with land costs higher than the amount described in Section (2) will require Council approval.
- (9) Payment for lands to the landowner shall not be released until the acquired interest is secured on the title to the land, and the survey is completed and registered at Land Titles, or a registerable transfer has been obtained. Planning and Development shall ensure all required consents and/or postponements have been obtained from applicable encumbrance holders prior to release.
- (10) Administration shall ensure the M.D. has met all of its commitments under the various agreements. Any necessary releases shall be obtained, and all damages payments paid. Any necessary legal surveys and partial discharges into plans shall be prepared and registered to complete the land transaction.
- (11) Expropriation shall be implemented if negotiations break down or terms of voluntary transfer are unacceptable after a reasonable time frame. Recommendations for expropriation of property shall be forwarded to Council for the necessary resolution. The landowner, if they desire, shall be given an opportunity to present their position to Council prior to consideration of authorizing resolution to expropriate. Once the

authorizing resolution of expropriation is obtained by Council, the matter is then turned over to the municipal solicitors.

- (12) The CAO or designate shall be authorized and empowered to sign and seal the required documents described in this policy.

Policy Review

Within five (5) years from date adopted / amended / reviewed.

For administrative use only:

Related Documentation: (plans, bylaws, policies, procedures, etc.)	
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