



City of Dawson

Sale of Municipal Lands Policy

2018-03

1. POLICY STATEMENT

- a) The City of Dawson wishes to ensure that all land within the municipal boundary is utilized to its full potential wherever possible. There are instances in which it may be in the public interest to consider that a given parcel could be developed to its highest and best use through municipal disposition of the land.

2. OBJECTIVES

- a) It is the purpose of this policy to:
 - i. Establish the framework for the process of disposition of municipal land.
 - ii. Replace the Sale of Municipal Lands Policy #2014-04, which shall be repealed.

3. DEFINITIONS

ADJACENT PROPERTY: an adjacent property is a property that shares a property line with the subject property. Properties that would share a property line but are bisected by an alley are considered adjacent for the purposes of this definition.

PERMANENTLY CLOSED ROADWAY: a surveyed road right-of-way in the control of the City of Dawson that has been permanently closed by by-law through the process outlined in the Maintenance of Alleys Policy.

FULL LOT: a lot that meets the minimum lot size requirement for the zone it falls within as per the Zoning By-Law designation currently in effect at the time of disposition.

PARTIAL LOT: a lot that does not meet the minimum lot size requirement for the zone it falls within as per the Zoning By-Law designation currently in effect at the time of disposition.

SUBDIVISION: for the purposes of this policy, a subdivision is the creation of a group of 3 or more lots by the municipality with the intent to develop the lots or release the lots to the public for development. Lots in a new subdivision may be newly surveyed lots or vacant lots pre-existing in the survey fabric that are municipally owned and previously undeveloped.

SURPLUS LOT: an existing lot that has been deemed as excess to the municipality's needs and is not earmarked or under consideration by any department for any future City of Dawson project or facility. A lot must be deemed a surplus lot through consultation with all City departments prior to disposition to ensure that there is no

significant municipal interest in the land.

4. CRITERIA FOR RELEASE

- a) A lot being considered for disposition must first be deemed a surplus lot through consultation with all City of Dawson departments.
- b) In accordance with s. 4(a), a lot will be deemed surplus using the following process:
 - i. Circulation of the proposal to all department heads requesting their comments on the proposal and will include a deadline for comment;
 - ii. Comments shall include:
 - 1) an indication of whether or not the land is earmarked or under consideration for future use by that department;
 - 2) Confirmation of whether or not the department would support the land being deemed surplus; and
 - 3) Any other information that the department head wishes to be considered by administration and Council during the disposition of the land.
- c) In accordance with s. 4(b) and 5(c), an assessment of whether or not the land can be deemed surplus should be included in the recommendation report to Council.
- d) Disposition of land parcels must be completed in accordance with the Procurement Policy in effect at the time of disposition.
- e) Disposition shall only occur in compliance with the title and transfer of title requirements of the Land Titles Act with respect to remainders and metes and bounds descriptions.
- f) Unserviced full lots may be released for disposition in the sole discretion of Council.

5. DISPOSITION PROCESS: GENERAL

- a) Land disposition may occur through one of the following mechanisms:
 - i. Formal request to the Chief Administrative Officer from the interested party;
 - ii. For new subdivisions and for multiple lots deemed surplus and released at the same time, a land lottery conducted by the Chief Administrative Officer or their delegate;
 - iii. For individual lots deemed surplus, either a land lottery OR an expression of interest conducted by the Chief Administrative Officer or their delegate.
- b) In the event of Subsection 4. a) i. above, Council is under no obligation to accept a request to purchase land.
- c) Land disposition shall occur through three readings of a by-law in accordance with the Municipal Act. The Chief Administrative Officer or their delegate will prepare a report to Council with a recommendation to accept or reject the proposal.

6. DISPOSITION PROCESS: FULL LOT

- a) Full lots, including lots in new subdivisions, shall only be sold under an Agreement for Sale that ensures development of the lot within a specified period of time with a permitted use for that zone as per the Zoning By-Law in effect at the time of disposition.
- i. All developments through an Agreement for Sale under this Policy are required to comply with all other municipal by-laws, including but not limited to the requirement to obtain a valid development permit.
 - ii. All developments through an Agreement for Sale under this Policy must either be connected to the municipal water and sewer system OR provide documentation of Yukon Government Environmental Health approval of a sewage disposal system prior to commencing development.
 - iii. Council may wish to develop a standardized Agreement for Sale document for consistent requirements, but at minimum the Agreement for Sale should outline the following:
 - 1) The name and full contact information of the purchaser;
 - 2) The legal description and civic address of the property under consideration;
 - 3) The sale price as determined by this policy;
 - 4) The building requirement of the lot; and
 - 5) Action to be taken in the event that any conditions are not met.
 - iv. Unless otherwise specified, all development costs shall be borne by the purchaser.
 - v. Extensions to an Agreement for Sale may only be granted in extenuating circumstances for a maximum period of one year, at the discretion of Council and at the written request of the purchaser prior to expiry of the Agreement for Sale.
 - vi. Agreements for Sale are solely intended for the listed Purchaser and may not be transferred.
 - vii. Title to the property shall remain in the possession of the City of Dawson until such time as all conditions, including the building requirement, are met.
- b) Full lots deemed surplus shall be sold at a value per square foot that is equivalent to the average assessed value per square foot of each adjacent property, based on the current Assessment Roll in effect, to a minimum of \$1.00 per square foot.
- c) Notwithstanding s. 6(b), a full lot that is determined through a municipal planning exercise to have no developable value to the City may be disposed of for \$1.00 per square foot, at the sole discretion of Council. This may require a condition in the Agreement for Sale that the purchaser acknowledge and accept liability for the reason that the lot was determined to have no developable value.
- d) Notwithstanding s. 6(b), a new subdivision created through a municipal planning exercise for the intent of release to the public may be disposed of at a rate determined by a market value assessment.

7. DISPOSITION PROCESS: PARTIAL LOT

- a) Partial lots may only be sold to the current legal owner of an adjacent property owner, and shall be subject to the following conditions:
 - i. The partial lot shall be consolidated with the adjacent lot in accordance with the policies and procedures outlined in the Municipal Act, the Zoning By-Law, and the Subdivision By-Law.
 - ii. The cost of consolidation and all associated costs, including but not limited to survey costs, shall be borne by the purchaser.
- b) Partial lots shall be sold at a value of \$1.00 per square foot.
- c) In the event that the adjacent property owner is located across an alley from the subject parcel lot, the sale shall be conditional upon the permanent closure of the alley and subsequent purchase of the portion of the alley required to consolidate.

8. DISPOSITION PROCESS: PERMANENTLY CLOSED ROADWAY

- a) Permanently closed roadways may be made available for purchase only to property owners adjacent to the subject property, and shall be subject to the following conditions:
 - i. The permanently closed roadway shall be consolidated with the adjacent lot in accordance with the policies and procedures outlined in the Municipal Act, the Zoning By-Law, and the Subdivision By-Law.
 - ii. The cost of consolidation and all associated costs, including but not limited to survey costs, shall be borne by the purchaser.
- b) Disposition of permanently closed roadways, or portions thereof, shall only occur if the disposition does not remove or restrict access to any other surveyed parcel.
- c) Permanently closed roadways shall be sold at a value of \$1.00 per square foot.

POLICY TITLE:	Sale of Municipal Lands Policy
POLICY #:	2018-03
EFFECTIVE DATE:	September 18, 2018
ADOPTED BY COUNCIL ON:	September 18, 2018
RESOLUTION #:	C18-31-12

Original signed By:
Wayne Potoroka, Mayor
Cory Bellmore, CAO

Mayor

CAO