



PROCEDURES PD16-P1

Municipal Reserve Disposition

Related Policy: C-PD16

Prepared By: Planning and Development Services

Effective Date: May 17, 2011

Previous Revision Date: New

APPROVALS:

CAO

General Manager

Manager

LAS Endorsement:

Function:

Property Management

PURPOSE

These procedures support Municipal Reserve Disposition Policy C-PD16, and are to be applied when applications are received by the County for the disposition and sale of Municipal Reserve in Parkland County.

ACTION STEPS

1. Applications for the disposition of Municipal Reserve shall be subject to the following requirements. These requirements are the responsibility of the applicant and shall be provided to the satisfaction of the Manager of Planning & Development Services in order for an application to be deemed complete:
 - a. The Application Form (refer to attached Schedule "A") which must explain the intended use of the requested Municipal Reserve land.
 - b. The Statement of Support Form (refer to attached Schedule "B").
 - c. The Petition of Support (refer to attached Schedule "C") from registered landowners within the subdivision in which the subject Municipal Reserve or portion thereof is located, if applicable, as determined through pre-consultation with Planning and Development Services.
 - i. Council must receive a valid and proper Petition of Support requesting Municipal Reserve disposition before any reserve disposition is considered in any residential multi-parcel subdivision. Outside of a residential multi-parcel, the requirement for a Petition of Support shall be at the discretion of Council;
 - ii. The Petition(s) of Support must be completed on the attached forms. Petition(s) of Support not utilizing the attached forms will not be accepted.
 - iii. The Petition of Support shall demonstrate support for the proposed Municipal Reserve disposition from at least two-thirds (2/3) of the registered landowners in the subdivision. Parkland County shall withdraw its property(s) within the subdivision from those to be counted in determining the sufficiency of a petition. Only one (1) registered landowner per parcel within the subdivision may sign the Petition of Support.
 - iv. Signatures on the Petition of Support must be obtained within a sixty (60) day period that begins on the date of the first petition signature, and ends on the date the Petition of Support is submitted to Parkland County.
 - d. The application must be accompanied by a detailed site plan showing the requested reserve, or portion thereof.

- e. Where the application for Municipal Reserve disposition involves an encroachment onto the reserve land from an adjacent property, the application shall include a Real Property Report (RPR) to show the nature and extent of the encroachment.
 - i. The RPR must be no older than one (1) year from the date of application for disposition.
 - ii. The RPR must show all existing development on or adjacent to the property line.
- f. The application fee for a reserve disposition application, as set out in the Fees and Charges Schedule approved by Council as part of the Capital and Operating Budget.

On receipt of a complete application for Municipal Reserve disposition, Administration will determine the sufficiency of the application materials against these procedures, Policy C-PD16, and the petition requirements as set out in the *Act*. Administration will report to Council within thirty (30) days of the Applicant's accepted complete application.

- 2. All applications will be processed in accordance with the procedures below and as further prescribed by the *Act*:
 - a. It is the function of Council to consider the formal reserve disposition application. Council may decide not to proceed any further with the application. In this case, the process is terminated and the application fee will be refunded to the applicant, minus 50% of the application fee to be retained by the County for administrative costs.
 - b. If Council wishes to proceed with the disposition application at this time, the application must be referred to a public hearing, pursuant to the *Act*. The purpose of the public hearing is to receive public input on the proposed Reserve Land disposition. Advertising and notification requirements of the *Act* shall apply and there are no further refunds to the applicant once this process starts.
 - c. Upon completion of the public hearing, and after considering any public input received, Council may decide not to pass a resolution to remove the reserve designation from the subject lands. In this case, the process is terminated. No refund of the application fees is given.
 - d. Upon the completion of the public hearing, and after considering any public input received, Council may pass a resolution to remove the reserve designation from all or part of the subject Reserve Land. If the resolution affects only part of the Reserve Land, the applicant must forward to the County's Subdivision Authority a complete application for subdivision approval for a lot-line adjustment pertaining to the subject Reserve Land within sixty (60) days of Council's decision.
 - i. The Subdivision Authority, regardless of Council's decision to dispose of the reserve land, shall decide on the application for the lot line adjustment and may approve with or without any conditions it deems necessary, or refuse the application providing reasons of refusal.
 - ii. If the Subdivision Authority approves the subdivision application for the lot line adjustment, the County will only release the Statutory Declaration or Bylaw to remove the reserve designation when the County releases the endorsed registerable instrument.
 - e. If Council decides to pass a resolution to dispose of the reserve, or portion of the reserve, Council shall consider:
 - i. Sale to the applicant to correct encroachments or to expand the applicant's lot on a portion of Municipal Reserve,
 - ii. Public tendering, if the entire reserve parcel is to be considered for disposal, or
 - iii. Public tendering, if a portion of Municipal Reserve land is to be disposed of to create a new parcel.

- f. If a portion of Municipal Reserve is disposed of and sold to correct an encroachment or for lot expansion purposes, the land must be consolidated with the adjacent parcel owned by the purchaser of the portion of Municipal Reserve, subject to subdivision approval. If the proposed consolidated lot boundaries are located within a multi-parcel residential subdivision, the proposal must meet the requirements of the County's Municipal Development Plan, Land Use Bylaw as well as any other relevant Statutory Documents.
- g. If an entire Municipal Reserve parcel to be disposed of by sale is sufficiently large enough to be developed for a residence in accordance with the applicable land use district of the Land Use Bylaw, the parcel shall only be sold by public tender in accordance with Policy AD 003 – Sale of Properties.
- h. Pursuant to Section 2(e)(iii) above, if the portion of Municipal Reserve land to be disposed of is of sufficient size to create a separate lot for a residential or industrial/commercial use, the proposal must meet the requirements of the County's Municipal Development Plan, Land Use Bylaw as well as any other relevant Statutory Documents adopted by Parkland County.
- i. The purchaser shall be responsible for all costs associated with the reserve disposition application, market value appraisal, lease agreement, subdivision, and title transfer fees (if required). If a purchase is contemplated for a partial disposition as referred to in Section 2(e)(i) or (iii), the purchaser (either the reserve disposition applicant or person awarded the tender) must pay the agreed upon price for the property within one (1) year from the date of the approval of the subdivision (unless an extension has been granted for that approval). In the case of a full disposition sale, the person awarded the tender in the public tendering process must pay the agreed upon price within sixty (60) days. If the parcel is not purchased within this period, it will remain County Reserve unless Council agrees to re-advertise the lot for public tender.
- j. If the purchaser is not the reserve disposal request applicant (in the case of public tendering), the applicant will be reimbursed by the County for the full amount of the disposition. The fee will then be recoverable from the person whose tender has been accepted through the public tendering process.



Schedule "A" to Reserve Land Disposition Procedures C-PD16-P1 Reserve Disposition Application Form

I HEREBY MAKE AN APPLICATION FOR RESERVE DISPOSITION IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HEREWITH.

APPLICANT: _____

MAILING ADDRESS: _____

TELEPHONE NO. (Residence) _____ (Business) _____ (Cell) _____

EMAIL ADDRESS: _____

REGISTERED OWNER (if different from applicant): _____

ADDRESS (if different from above): _____

RESERVE: LOT ____ BLOCK ____ PLAN ____ SUBDIVISION ____

PART ____ SECTION ____ TOWNSHIP ____ RANGE ____ W ____ MERIDIAN

AMOUNT OF RESERVE REQUESTED FOR DISPOSITION: ____ HECTARES

EXISTING PARCEL THE RESERVE LAND IS PROPOSED TO BE CONSOLIDATED WITH (IF APPLICABLE):

LOT ____ BLOCK ____ PLAN ____ SUBDIVISION ____

PART ____ SECTION ____ TOWNSHIP ____ RANGE ____ W ____ MERIDIAN

DESCRIBE THE INTENDED USE AND /OR EXISTING ENCHROACHMENTS IN DETAIL (OR ATTACH ACCOMPANYING LETTER EXPLAINING WHY YOU WISH THE COUNTY TO CONSIDER THIS APPLICATION):

PLEASE CHECK OFF BOX FOR THE FOLLOWING ITEMS SUBMITTED WITH THE APPLICATION FORM:

☐

Application Fee

☐

Statement of Support

☐

Petition of Support

☐

the Plan

☐

Real Property Report

☐

Biophysical Assessment

I, being the registered owner or authorized applicant, hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings and to release any personal information provided herein with respect only to this application.

I SWEAR/AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant _____

Registered Owner(s) _____

Date of application _____

Registered Owner(s) _____

The information collected on this form will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A HWY 779, Parkland County, AB T7Z 1R1, Phone: 780-968-3229



Schedule "B" to Reserve Land Disposition Procedure C-PD16-P1
Statement of Support Form

Applicant(s) *Please print:*

Mailing Address *Please print:*

Municipal Address _____

Legal Description _____

Phone (H) _____ (W) _____ (Cell) _____

I/We, being the above owners of property within the county residential subdivision known as _____, do hereby apply to Council of Parkland County for the (*please circle one*) FULL / PARTIAL removal of the reserve designation on Lot _____, Block _____, Plan _____ in the _____ subdivision. This Statement of Support is submitted to meet the requirements of County Policy C-PD16, acknowledging that submission of the Statement of Support is the first step in the disposition process and does not constitute an approval for the Reserve Land disposition request.

I/we acknowledge that if Council decides to proceed with the Reserve Land disposition request, Council must hold a public hearing on the matter to meet the requirements of the Municipal Government Act before Council can consider a final decision on the request.

I/We, acknowledge that I/We shall be responsible for all costs associated with the Reserve Land disposition application, market value appraisal, lease agreement, subdivision, and title transfer fees (if required).

Applicant (s) Signature _____ Date _____

Applicant (s) Signature _____ Date _____

Date Statement of Support Received: _____

Received by: _____

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Schedule "C" to Reserve Land Disposition Procedure C-PD16-P1

Petition of Support Form

We, the undersigned support the request to cancel all or part of Reserve Lot ____, Block ____, Plan ____ in the
 ____ subdivision. (All entries including names must be legible and complete)

DATE	PRINTED PROPERTY OWNER'S NAME	SIGNATURE	LEGAL DESCRIPTION	WITNESS SIGNATURE
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	
			<i>Lot ____ Block ____ Plan ____</i>	

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