

MUNICIPALITY OF THE COUNTY OF  
**ANTIGONISH**

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| <b>TOPIC:</b>         | <b>Sale and Exchange of Municipal Land</b> |
| <b>POLICY NUMBER:</b> | <b>29</b>                                  |
| <b>DATE APPROVED:</b> | <b>November 21, 2006 (#06-207)</b>         |
| <b>DATE REVISED:</b>  |  |

**Sale and Exchange of Municipal Land**

1. The Municipal Government Act requires the Municipality to secure fair market value on the sale of land “no longer required for municipal purposes”. Excepted are: i) lands conveyed to a no-profit organization that Council considers to be carrying on an activity that is beneficial to the Municipality; and, ii) the sale of unusable land (i.e. that is of “...insufficient size or dimensions to be capable of any reasonable use”), that can be sold at less than market value to an abutter. A sale to, or exchange with, the Province, the federal government or another municipality is considered to be a non-profit organization. A “non-profit” sale is subject to a hearing and 2/3rds majority vote of Council.
2. For all Municipal land that is not within those exceptions, the general rule is that it shall be sold by publically advertised tender, subject to the stipulation of a minimum bid.
3. The following land may be sold, or exchanged for other lands, by private sale:
  - a. Lots in the Antigonish Industrial Park, in regards to which Council may determine value taking into account to potential benefits of securing a new, or expanded, commercial enterprise;
  - b. Lands in regard to which the proposed purchaser has a historical or family connect which, in the opinion of Council, merits consideration of private sale;
  - c. Lands in which the proposed purchaser has a particular need, so as to distinguish that person from other purchasers, for the purpose of the use and enjoyment of other lands including access or the availability of services;
  - d. Where an exchange is proposed the land to be received by the Municipality would provide a benefit to the Municipality, including better access, consolidation with other lands, or more utility for municipal purposes.
4. The following terms and conditions shall apply to a private sale, other than a sale of a lot in the Industrial Park:
  - a. The Purchaser shall secure a valuation of the property by a qualified appraiser, who shall also be approved by the Municipality, and the price determined by the appraiser shall be the purchase price.
  - b. Where a land exchange is proposed, the purchaser shall secure appraisals of both areas of land. Where the value of the Municipal lands exceeds the lands to be received, the purchaser shall pay the difference. The Municipality shall not be obliged to make any

payment on an exchange where the appraised value of the Municipal lands is less than the value of the lands to be received.

- c. All costs of the private sale shall be borne by the purchaser, including costs of migration of all lands involved, as well as appraisal and subdivision costs.