

POLICY NO:	PD 004
POLICY TITLE:	LAND MANAGEMENT POLICY
DEPARTMENT:	PLANNING & DEVELOPMENT
APPROVAL DATE:	06-07-01 (July 2001)
REVISION DATE:	11-08-01; 07-09-01; 24-02-04; 75-09-04; 62-11-04; 07-12-04 (December 2004)
REVIEW DATE:	

Policy Statements:

The County of Vermilion River No. 24 will strive to manage those lands that they become the custodians of through various mechanisms, in ways that are anticipated to bring the best long-term benefits to the ratepayers of the County of Vermilion River No. 24.

Lands owned by the County of Vermilion River No. 24 are actually owned by the ratepayers of the County therefore all should benefit from revenues derived from specific lands ie) leased land rental income versus general revenues.

Background:

The County of Vermilion River #24 has historically obtained land through:

1. the Tax Recovery Process, (MGA Part 10 Division 8; note section 428.2 regarding transfer to municipality after 15 years)
2. purchases, when exercising natural person powers (MGA Part 1 section 6);
3. acquisition, under the Sub-Division process; an Environmental Reserve, Municipal Reserve, or Municipal-School Reserve (MGA sections Part 17 Division 8)
4. allocations from Public Lands or
5. donations from private citizens / group (example Wildlife Sanctuary , Cemetery)

Types of land to be managed:

1. leased land
2. reserve land – Environmental, Municipal, Municipal-School
3. purchased land
4. other special purpose lands

Approaches To Accomplish Policy Goal:

It is acknowledged that the greatest advantage to the ratepayers is accomplished by:

1. maintaining ownership of properties that have:
 - a. the potential for significant future value or;
 - b. have environmental or access issues associated with them; or
 - c. a special purpose that is to be respected.
2. returning small fractured parcels, in “as is” condition, to adjacent parcels to provide for management of the land, remove liability, and increase the tax base (example: road closure process etc)
3. charging of a lease fee for use of various properties in the current year
4. collecting fees and negotiating agreements and renewals with companies / entities that require access to County property for seismic, survey, well lease or other activities
5. selling properties that are evaluated to carry their present value in the future and can generate significant revenue from their disposal

Penalties:

Imposing a penalty of \$2,000 or the cost of remedial action for trespassing, non-compliance with designated uses or damage to County owned public property

Inventory

It is acknowledged that the management of County land is facilitated through an inventory of land which shall be compiled/updated annually (before June 1) and attached to this policy as an addendum – such inventory shall indicate:

1. legal description/location
2. assessed value and total acres owned
3. structural improvements (ie. tower site, residence, garage, granary etc)
4. type of land and present use (ie. reserve land used for grazing; purchased land used as a gravel source; donated land used as a wildlife sanctuary)
5. any and all agreements/leases that apply to that property – including timelines
6. mineral rights owned

Leased Lands

Leasing of County owned properties shall be subject to signature of the lease accepting the following conditions, restrictions and covenants:

1. the County retains the right to offer for sale, any property they own, at the end of any lease period
2. the lessee shall only use and benefit from the use of the land for the intended purpose of the lease i.e.) grazing; the lessee shall not use the subject property for outfitter hunting, commercial or industrial purposes (intent is to use for agricultural or access purposes).

3. the lessee shall have prior right for renewal of the lease if the payment of the annual lease, at a rate established by Council bylaw, is made on or before the first of January each year or as outlined in the annual lease.
4. if the lease fee is not received by the established date, the lease may not be renewed, at the sole discretion of Council. Any and all deviations from full payment, including NSF cheques, will be deemed non-payment.
5. the lessee is required to refer any seismic, survey or well site representative for Oil & Gas Companies, to the County of Vermilion River #24, who will negotiate compensation for any inconvenience, loss of land use and damages to fences or any other improvement to be paid to the lessee. The County shall determine the location of the internal road(s) and receive all other negotiated compensations such as access permits. Adjustments to the number of acres available to the lessee shall be made for the following year.
6. improvements shall not be installed without written consent of the County and at no cost to the County. Upon termination of the lease the lessee shall either remove the improvements or the improvement will remain, and become the property of the County, but the County will provide no compensation for such.
7. the lessee shall be the primary user of the said land and shall not sublet, in whole or in part, nor assign the lease agreement to any other party.
8. the lessee shall reside within the County boundaries (which shall mean in the County of Vermilion River No. 24, Town of Vermilion, Villages of Dewberry, Kitscoty, Marwayne or Paradise Valley or the Alberta side of the City of Lloydminster)
9. the lessee shall indemnify and hold harmless the County of Vermilion River No. 24 from and against any and all claims, actions, damages, liability, and expenses in connection with personal injury, loss of life, or damage to persons or property, arising from or out of the occupancy or use of the demised lands or any part thereof by the lessee, and occasioned wholly or in part by the negligent acts or omissions of the lessee, his agents, contractors, employees, or invitees, or any other persons from whom the lessee is legally responsible.

Should any of the above conditions not be met, the agreement will become null and void.

Grazing Lease Fees shall reflect and be established by:

1. using the assessed value for farmland, which is based on productive values
 - a. crop land – type of soils and potential crops
 - b. grazing land – number of cow / calf units that can be supported
2. pro-rating the parcel for the number of acres available for use
3. including the taxes for the property, as permitted under MGA section 333.1(2)
4. reviewing and blending the current market rates and government rates for leases once every three years

Miscellaneous Lease Fees shall reflect and be established by:

1. a minimum fee of \$20.00, including taxes for the property, as permitted under MGA section 333.1(2) (Council direction October 1999)
2. a fee to be established on a parcel to parcel basis, in a lease agreement

3. the length of the lease shall also be determined in the lease agreement and where possible, long term leases shall have a January 1st renewal date

Reserve Lands (MGA – Part 17 Division 8 & 9)

Definition: * *Casual Recreation: informal, amateur recreational activities that do not require the use of motorized recreational vehicles*

Environmental Reserves

The long term benefit to the ratepayers is obtained by safeguarding environmentally sensitive properties to ensure their proper handling, therefore and in line with this goal, these properties shall:

1. have access restricted to *casual recreational uses and
2. be left in their natural state unless
3. have an appropriate alternative management plan, approved by the County of Vermilion River No. 24 in conjunction with Alberta Environment, submitted by the adjacent landowner(s) or landowner's association

Municipal – School Reserves

The long term benefit to the ratepayers is obtained by:

1. taking land for reserve shall only be done when a development plan is submitted demonstrating the need for open areas or other municipal/school uses and deemed appropriate by the County of Vermilion River No. 24's Sub-Division Authority
2. requiring cash, in lieu of property, when there are no municipal uses necessary or deemed esthetically needed; see MGA 666(2)
3. providing funds, taken in lieu of property, for alternative Park Trust projects, as restricted under the MGA section 671 (1)
4. any lands set aside as reserve shall be restricted to casual recreational uses by the public

Management of reserve properties shall be restricted to:

1. being left in their natural state except for mowing of the property as provided under County of Vermilion River No. 24 Policy AG 011 or
2. an appropriate alternative management plan, submitted by the adjacent landowner(s) or landowner's association, such as an agreement for an "Adopt a Park" approach which has been approved by County of Vermilion River No. 24

Park Trust Funds Management

1. use of all funds is controlled by the MGA Section 671(2), handled as a separate accounting in accordance to the MGA, section 671 (4), are tracked as a liability (code 01-2-462) and reported to Council on a quarterly basis
2. All funds for the school reserve portion are held in trust and remitted to the local school board on an annual basis (December 31 after year end)
3. Council will consider projects based on applications / presentations that demonstrate a public recreation or public park usage of the facility and grounds in compliance with the MGA Section 671(1)

4. all funds are distributed upon resolution of Council who have set the following criteria for projects, to determine appropriate allocation and benefit throughout the whole of the region:
 - a. to provide for one-time payments toward larger facility projects of:
 - i. up to \$50,000 funding towards projects up to \$10M in construction value
 - ii. up to \$75,000 funding towards projects exceeding \$10M in construction value or
 - b. to provide a one-time payment toward smaller projects that benefit County residents or the majority of the residents in a community within the boundaries of the County of Vermilion River No. 24 (Motion 24-02-04) and
 - i. funding approved is 50% to a maximum of \$10,000.00 per project, in a five (5) year period; and
 - ii. only one (1) similar project has been completed within the last 5 years in the same community; and
 - iii. whether a group is will to enter into an agreement outlining liability and risk management procedures for the project; and
 - iv. whether the responsibility of maintenance of equipment and/or grounds are included in an agreement; and
 - v. the project budget, plan and location is submitted for Council review; or
 - c. to provide an advance of the approved amount for a project, meeting the criteria outline in ii above, to a legal entity only on the condition that the legal entity understands the advance must be refunded in full within one year of the cheque being issued, if the project does not proceed or partially refunded to meet the 50% of the cost criteria (motion 48-06-04) or
 - d. whether it falls under the “Adopt a Park” approach

Guideline

All applicants will be advised in writing of County Council’s decision and be provided an information sheet outlining the source and purpose of the Park Trust Funds. Any funds approved by Council will be remitted to the applicant; only if an agreement is in place regarding liability, operation and maintenance of the project and the proof of project expenditure is provided.

Purchased Lands:

The County of Vermilion River No. 24 purchases lands for various reasons to facilitate County long-term operations such as:

1. waste management - landfill and transfer sites
2. utility corridors – water wells, lagoons, etc
3. tower sites
4. gravel sources
5. County buildings (grader sheds, gas structures etc)
6. road right of ways

Each parcel of land shall be evaluated to determine the appropriate management required, with attention being given to:

1. safety/insurance issues
2. weed control

Management shall be done either by agreement with a person or organization, or by the County of Vermilion River No. 24.

Special Purpose Lands:

Any cemetery that the County of Vermilion River No. 24 holds title to carries with it the provincial responsibility to manage the properties as regulated by Alberta Municipal Affairs.

Management shall be done either by agreement with a person or organization, or by the County of Vermilion River No. 24. It is noted that local religious organizations or members have often managed the lands as a service to their community.

Donated land for a special purpose shall be managed as per the agreement with the donor.

Procedures:

Leased Land:

The following timelines and procedures shall apply:

1. In the year for rate review:
 - a. at the first Council meeting in August each year, present researched market and Public Lands rates (from Alberta Agriculture) for Council's comments and possible consultation with the present lessees;
 - b. at the second Council meeting in September, present Bylaw to establish the rate for the following year.
2. Rate Review in interim years;
 - a. check with the Public Works Department on acres available to lessee, for any property used for a gravel source (also notify assessor if acres changed)
 - b. at first Council meeting in October, present By-laws for both grazing and miscellaneous leases, establishing the annual deadline each year which shall be an absolute date, recognizing postmarks, confirming any parcels being considered for sale
 - c. all leases are to be processed through the County accounts receivable and mailed before October 31 each year
 - d. after the established deadline, a summary of status of grazing leases (renewed/not renewed) is to be submitted to Council at the second council meeting in January, for direction on the continued lease or sale of the parcel
 - e. lease or sale dates of the grazing parcels will be targeted for completion prior to the grazing/crop year (April 30 approximately) – advertising / tendering process
 - f. the ongoing status of miscellaneous leases is to be reported to Council, after the renewal dates, for direction on management of the parcel, following conditions outlined in the lease agreements

Commercial & Industrial Access To County Property

Commercial & industrial companies periodically require or request access to County of Vermilion River No. 24 property, for seismic, survey, and well lease or other activities. It is recognized, that while time is of the essence and extended timelines may jeopardize activities, it is also important to ensure appropriate input from the County Council and to maximize benefits and revenue for the County.

Permission and revenue for seismic access is to be provided for by:

1. representatives of the company requesting access to County property by contacting the Development & Planning Officer (D.O.) to advise of the details of the proposed activity/project, outlining how it will affect/damage the County property (leases provide for referring all company representatives to the County)
2. the D.O. can accept the established standard right of entry fee, based on current market values (a follow-up process is to be used for the actual activities carried out and receipt of the

agreed fees – proposed contracts put with postdates are to be checked and if paid, the documents are to be filed in the land files for future reference)

3. the company is to obtain the required permission of any lessee, as required by the Alberta Energy Utility Board, that may be affected by the seismic activities

Permission and revenue for survey, pipeline and/or well lease access is to be provided for by:

1. representatives of the company requesting access to County property, contacting the D.O. to advise of the details of the proposed activity/project that will affect the County property (leases provide for referring all company representatives to the County)
2. the D.O., in consultation with the lessee, is to recommend the location of any interior road(s) and approach(s) to the company and calculate the acres lost for use by the lessee
3. the D.O. is to contact the lessee to advise of the chosen road/approach locations and determine the condition of any fence impacted by the company's proposed activities, to determine the minimum compensation expected by the lessee for fences and inconvenience
4. the D.O. is to submit "In Camera" all information, including offered compensation, on the proposed activity/project for County Council negotiation/consideration (the company representative can be present to facilitate a direct negotiation)
5. if a company representative is not present to accept or reject an alternative compensation amount, the D.O. is to submit County Council's counter offer to the company for their consideration until an agreement is reached
6. the D.O. is to advise the lessee of the decrease in the acres available in the next year
7. oil company is to provide proof, to the D.O., of a compensation agreement with the lessee for fences, improvements, inconvenience and crop damages
8. before accepting and signing off on a completion of work order an inspection by the D.O. /County representative shall be done – a signed letter by the lessee shall be obtained to ensure damage and reclamation is acceptable to them.
9. any and all renewals of lease agreement rates shall be submitted to County Council for approval
10. annual lease payments due are to be setup as A/R at the beginning of the year to ensure collection

Disposal Of Properties Other Than "Reserve Lands" Or Land In The Tax Recovery Process
Properties may be evaluated for disposal/sale when:

1. Individual(s) request is received asking for the opportunity to purchase a parcel
2. a Grazing lease is not renewed
3. other County land is no longer required/wanted for it's original purpose
4. Any land agreement is terminated by either party

The following procedure will be used for any parcel considered by for sale by Council and shall be deemed an acceptable approach to determine market value which is required by the MGA 425 (1):

1. title search to be done to determine any caveat, writ or right of ways present that may affect the sale ability of the property

2. the property will be evaluated for the following:
 - a. future value as a waste management site, gravel source, community water well, etc
 - b. future value of any oil or gas lease revenue – status of the lease
 - c. environmental concerns – i.e.) past landfill use, contaminations due to underground tanks etc
 - d. any provincial or agreement restrictions on the disposal of the property
3. a site visit shall be done to record and plot on an aerial, the following:
 - a. improvements present – conditions and locations of fences, dugouts, etc
 - b. any adjoining parcel impacts (joint fence, etc)
 - c. access conditions – roads/road allowances
 - d. water sources value and quantity
4. present information, including the current assessed value, to Council for final decision on disposal of the land – sale or public tender
5. the previous lessee of the subject County of Vermilion River #24 property shall have the same rights as any other bidder in a public tender
6. if the property is offered for public tender the following conditions shall apply and be included in the advertisement in two issues of the Vermilion and Lloydminster papers:
 - a. lowest or any tender not necessarily accepted
 - b. accept the condition that no improvement to access to the property will be provided by the County
 - c. accepts that the purchaser shall be responsible for any legal and transfer costs associated with the offer/purchase of the subject property
 - d. tender information must include the offer price, the full name, address and telephone number of the purchaser/contact and verification that they accept the conditions as advertised
 - e. a 10% deposit must accompany tender offer with the balance due and payable by certified cheque within 30 calendar days following Council's acceptance of the tendered amount. Such funds to be held "in trust" by the County of Vermilion River No. 24 if any outstanding issues need to be resolved
 - f. GST is payable on the property, however, if the purchaser provides their GST number the payment is not necessary. The reporting of the GST on the transaction is the responsibility of the purchaser
 - g. tender bid shall be received by the advertised deadline in a marked/sealed envelope. The postmark shall NOT determine date of receipt