



Town of Digby

Administrative Policy # 2014-01

Disposal of Surplus School Property

Background:

Section 92 (2) of the *Education Act* states: "The School Boards shall notify the Municipalities when land and buildings owned by the Municipalities are no longer required for the purpose of the School Boards".

Purpose:

The purpose of this Policy is to set out procedures for the disposal of surplus school property which has been re-conveyed to the Town of Digby by the School Board.

1. Process:

- a. Written notice shall be received from the School Board that a particular school is surplus to their needs and is being turned over to the Town;
- b. Council must decide if the property is required for Municipal use.
- c. If the property is not needed for Municipal purposes, then proposals will be accepted from those looking to acquire the property;
- d. Council shall review all proposals and identify the preferred proponent.

2. Call for Proposals:

- a. The Call for Proposals shall be advertised, at least once, in the Digby Courier, on the Town Web site, In addition, the Call for Proposals may also be advertised on the Towns Official Facebook Page or other Official social media.
- b. All proposals shall be opened publically and referred to Council for review;
- c. All proposals shall, at a minimum contain the following information:
 - i. information about the person(s), group or business, including whether or not they are incorporated or a nonprofit organization;

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- ii. the purpose for acquiring the property;
- iii. a five year plan for the use of the property, including financial information;
- iv. the purchase price, if any

3. Evaluation of the Property:

- a. An evaluation of the property must be undertaken by the Building Inspector for the Town.
- b. An appraisal of the property shall be done in order to provide an estimate of the market value of the property. A survey of the property may also be done.

4. “As is”:

- a. Any property transferred under this policy shall be transferred from the Town on an “as is” basis;

5. Sale of the Property at or above Market Value:

- a. Section 50 (5)(b) of the *Municipal Government Act*, allows a Municipality to sell property at market value when the property is no longer required for the purposes of the municipality;
- b. If Council decides to sell the property, other than to a nonprofit organization under sections 5 (a) and 6 of this policy, it may sell the property to a person, group or business that has submitted a proposal pursuant to section 2 of this policy provided that the purchase price reflects market value and is otherwise satisfactory to Council. If no satisfactory proposals were submitted, Council may re-offer the property for sale to the public by any lawful process of its choice, including tender or through a realtor. In approving a sale, Council shall specify whether the purchaser of the property is responsible for the costs associated with the sale which may include the appraisal, survey costs, and the cost of preparing the deed.

6. Sale of the Property to a Nonprofit Organization below Market Value:

- a. Should Council decide to sell the property to a nonprofit organization for less than market value as per Section 51 (1) of the *Municipal Government Act*, then Council must:
 - i. hold a public hearing in accordance with Section 51 (3) of the *Municipal Government Act* if the property has a market value of more than \$ 10,000, and advertise the public hearing, in accordance with Section 51 (4) and (5) of the *Municipal Government Act*, and

- ii. pass a resolution to sell the property at least a two thirds majority of the Council present and voting, in accordance with Section 51(2) of the *Municipal Government Act*.

- b. Should Council sell the property to a nonprofit organization, then the Municipality shall pay all costs associated with the conveyance of the property.

Clerk's Annotation for Official Policy Book

Date of Notice: **May, 19, 2014**

Date of adoption: **June 2, 2014**

Policy effective date: **June 1, 2014**

I certify that this **Disposal of School Property** Policy was adopted by Council as indicated above.



Clerk

June 3, 2014

Date