

Policy: Disposal of Surplus School Property Policy

Date Originally Approved: August 28, 2003

Motion: "That the Disposal of Surplus School Property Policy, as contained in Action Item dated August 14, 2003, be approved."

Motion carried.

This Policy is current as of: September 10, 2003

The Municipality of the County of Colchester

Disposal of Surplus School Property Policy

Introduction

Prior to the amalgamation, in 1970, of the Colchester, Stewiacke, Truro and East Hants School Boards, the Municipality of Colchester was directly responsible for public schools within the Municipality. Since the School Boards amalgamated, there has been occasions when the School Board has declared a particular school surplus to their needs. If the surplus school is one which was owned by the Municipality prior to amalgamation, the School Board will offer to re-convey the property to the Municipality.

Process

1. Written notice will be received from the School Board that a particular school is surplus to their needs. Council shall determine if they wish to have the property re-conveyed, in accordance with Section 93 (1) of the *Education Act*.
2. Should Council decide to have the property re-conveyed, they must then decide if the property is required for Municipality use. If the property is not needed for Municipal purposes, then proposals will be accepted from those looking to acquire the property .
3. The Executive Committee and the area Councillor for the municipal district in which the school is located, shall review all proposals, and make a recommendation to Council.
4. Council shall identify the preferred proponent.

Call for Proposals

5. The Call for Proposals shall be advertised, at least once, in the local daily newspaper and on the County Web Site. In addition, the Call for Proposals may also be advertised in a local weekly or monthly newspaper, which is circulated in the municipal district in which the school is located.
6. All proposals shall be opened publically and referred to the Executive Committee and the area Councillor for review.
7. All proposals shall, at a minimum contain the following information:
 - S information about the person(s), group or business, including , if applicable, whether or not they are incorporated or a nonprofit organization;
 - S the purpose for acquiring this property;
 - S a five year plan for the use of the property, including financial information;
 - S the purchase price, if any.

Evaluation of the Property

8. An evaluation of the property must be undertaken by staff. Staff must also arrange to have an appraisal of the property done, which will provide an estimate of the market value of the property and

may have the property surveyed.

“As Is”

9. Any property transferred under this Policy shall be transferred from the Municipality on an “as is” basis.

Sale of the Property at or above Market Value

10. Section 50 (5) (b) of the *Municipal Government Act*, allows the Municipality to sell property at market value.

11. If Council decides to sell the property, other than to a nonprofit organization under sections 12 and 13 of this Policy, it may sell the property to a person that has submitted a proposal pursuant to sections 5 - 7 of this Policy provided that the purchase price reflects market value and is otherwise satisfactory to Council, failing which it 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 of the property which may include the appraisal and survey costs and the cost of preparing the deed.

Sale of the Property to a Nonprofit Organization below Market Value

12. 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

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

13. 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 to Council Members of Intent to Consider (7 days minimum): _____	
Date of Passage of Current Policy: _____	
I certify that this Policy was adopted by Council as indicated above.	
_____	_____
Municipal Clerk	Date