

H. HAMLET OF GRISE FIORD, N.W.T
BY-LAW NO. 35

1083

A By-law of the Municipal Corporation of the Hamlet of Grise Fiord in the Northwest Territories to provide for the administration of municipal lands, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s. 132.2

AS the Council of the Municipal Corporation of the Hamlet of Grise Fiord deems it to be desirable to establish a uniform process for the disposal of real property owned, leased or otherwise held by the Hamlet;

NOW, THEREFORE, THE MUNICIPAL CORPORATION OF THE HAMLET OF GRISE FIORD, at a duly assembled meeting, enacts as follows:

SHORT TITLE

1. This by-law may be cited as "The Land Administration By-law".

INTERPRETATION

2. In this By-law:

- a) "Council" means the Council of the Municipal Corporation of the Hamlet of Grise Fiord;
- b) "Development Costs" means the cost directly incurred by the Municipality in developing land, including, but not limited to, the costs of:
 - (i) planning and engineering design;
 - (ii) project management;
 - (iii) road construction;
 - (iv) land fill;
 - (v) open spaces;
 - (vi) electrical distribution lines (and poles);
 - (vii) legal surveys;
 - (viii) land acquisitions and disposal costs;
 - (ix) financing charges, including interest, for any loans incurred in developing the land;
- c) "Disposal of Land" means the lease, or other disposition of land.

- d) "Equity Lease" means a lease for which all annual lease payments are credited against the total lot price until such time as the lot price is paid in full.
- e) "Land" means real property owned, lease or otherwise held or acquired by the Municipality;
- f) "Lot" means a parcel of land, for which development cost have been incurred and which has been duly described or surveyed for the purpose of acquisition, lease or other disposition;
- g) "Lot Price" means the valuation of a lot;
- h) "Market Value" means the value of a parcel of land based on the amount that a willing buyer would pay to a willing seller. This value shall be determined by a professionally qualified land appraiser or by public tender or auction;
- i) "Minister" means the Minister of Municipal and Community Affairs;
- j) "Municipality" means the Municipal Corporation of the Municipality of Grise Fiord, which is represented by the Senior Administrative Officer or his or her designate, except when decisions of Council are required;
- k) "New Lots" means vacant lots which are developed after the date of this By-law;
- l) "Off Site Levy" means a surcharge made (at the time of lease execution) by the Municipality to the lessee of municipal lands to assist in the payment of all or part of the capital costs of new or expanded infrastructure, including land, such infrastructure being located outside the lands being leased, but of direct, though not exclusive, benefit to the lessee;
- m) "Replacement Cost" means the estimated development costs for a parcel of land, updated to the current year, representing the costs to develop a similar lot and the incorporation of any site-specific factors;

- n) "Site-Specific Factors" mean factors which may be used, where applicable, in adding or subtracting up to 25% of the development costs of new lots or the replacement cost for existing developed lots, and which may be composed of
- (i) size of land parcel,
 - (ii) site condition
 - (iii) desirability of location,
 - (iv) adjacent land use, and
 - (v) proposed land use;

and the addition of site specific factors for new lot shall not exceed development cost for the entire subdivision.

APPLICATION OF THE BY-LAW

3. This By-law shall, except as otherwise expressly authorized by the Director, apply to all acquisitions, leases or other dispositions of land by the Municipality.

Preconditions to Acquisition and Disposal of Land

4. Land speculation will be discouraged.
5. Neither the Municipality nor any authorized representative of the Municipality shall make or enter into any offer, agreement or the other arrangement for the purchase, lease or other disposition of lands except by by-law in the form of Appendix A and Appendix B attached hereto and each such By-law shall contain:
- a) a complete legal description of the lands to be acquired, leased or otherwise disposed of,
 - b) the minimum consideration to be paid for the acquisition, lease or other disposition of the lands, and,
 - c) the term and conditions, if any, upon which the lands shall be acquired, leased or otherwise disposed of.
6. No By-law for the acquisition, lease or other disposition of land, shall be passed pursuant to Sections 132.2(4) or 132.2 (5) of the Hamlets Act, until

- a) it has been established through a search at appropriate Land Registry Office, that the Municipality may lawfully acquire, lease or otherwise disposed of the land;
- b) an inspection of the land has been conducted to determine:
 - (i) if the lands are occupied;
 - (ii) if there is any improvements situate on the lands;
 - (iii) if there is any easements affecting the lands; and,
 - (iv) such other information a Council may, in its discretion, consider to be relevant;
- c) the Senior Administrative Officer has advised Council as to the value of the lands and any improvements situate thereon and that the proposed use of the lands shall comply with the Zoning By-law or Land Use Plan in effect in the Municipality.

Advertising of Land for Disposal

- 7. a) Subject to subsection 7(c), the Municipality shall not lease or otherwise disposed of the land until it has published a notice of proposed lease or other disposition:
 - (i) by notice posted in three prominent places in the Municipality for a period of two weeks.
- b) Each advertisement or notice shall contain:
 - (i) a sketch, drawn to scale, identifying the size and location of the lands to be leased or otherwise disposed of;
 - (ii) the minimum consideration for which the lands will be leased or otherwise disposed of;
 - (iii) an indication as to the method to be employed in leasing or otherwise disposing of lands; and
 - (iv) an indication as to where and when applicants may obtain application forms.

- (c) Sub-sections 7 (a) and 7 (b) shall not apply to:
- (i) lands required by the Federal or Territorial Governments;
 - (ii) lands which can only be of use to an adjoining owner/lessee;
 - (iii) additional adjacent lands required for expansion of an owner's/lessee's existing or proposed development.
8. The municipality shall re-advertise for lease or other disposition of lands which:
- a) an application has been made but withdrawn by the applicant after acceptance by the municipality;
 - b) a lease has been granted but terminated prior to the construction of any improvements on the lands; or
 - c) re-zoning has taken place and the lands remain untenured.

Application for Land

9. The municipality shall only accept a written application for land in the form of Appendix C. This form shall contain, but not be limited to:
- a) the legal name of the applicant or applicants;
 - b) the legal description of the land;
 - c) the purpose for which land is to be used;
 - d) a request, if applicable, for joint tenancy or tenancy-in-common;
 - e) the signature of the applicant or applicants; and
 - f) a refundable application fee.
 - g) declaration of residency, if required
10. The municipality shall keep a ledger of all lands, containing:

- a) a full legal description of the lands;
 - b) the location of the lands within the municipality;
 - c) a valuation of the lands for purpose of lease or other disposition;
 - d) the terms and conditions upon which the lands may be leased or otherwise disposed of; and
 - e) an indication of whether the lands have been leased or otherwise disposed of, or whether there is a pending lease or other disposition of the land.
11. The ledger kept pursuant to Section 10 of this by-law shall be open to inspection by the public at the municipal office during normal business hours.

Terms and Conditions of Land Disposals

12. a) The standard term of all lease documents shall be:
- 30 years for residential land use;
- 50 years for commercial land use;
- b) The term of leases referred to in Section 12 a) may be varied at Council's discretion based on the nature and value of improvements to be constructed.
- c) The term of all other leases will be at Council's discretion.
13. The Municipality, in leasing or otherwise disposing of new lots for residential purposes, shall ensure that prospective private home owners have preference over lessees who wish to acquire more than one lot at a time, except when lots are required by:
- a) the Federal or Territorial Governments;
 - b) the Northwest Territories Housing Corporation or their clients;
 - c) the Canada Mortgage and Housing Corporation; or
 - d) the Designated Inuit Organization.

14. Every disposal of land shall be in writing.
15. The municipality, in leasing or otherwise disposing of new lots, shall require that commencement of construction must begin within 12 months of the effective date of the lease and improvements must be completed within twenty-four (24) months of the date of the agreement. The municipality may cancel a lease for failure to complete construction of the building or other improvements within the time required. Subject to Section 16 if construction is not completed within twenty-four (24) months, the land may revert back to the municipality.
16. The municipality may allow a maximum extension of twelve (12) months to either term outlined in Section 15. The following may be required prior to consideration by Council:
 - a) written explanation for the delay in construction; and
 - b) written plan to complete construction within the extension period;
 - c) proof of approved financing;
 - d) development permit application; (when zoning by-law will be enacted)
 - e) no outstanding debts to the municipality.
17. The Municipality shall not lease or otherwise dispose of new lots by auction.
18. The Municipality shall lease land by one or a combination of the following means:
 - a) Ballot draw;
 - b) Development Proposal Call, as set out in Section 21;
 - c) First come, first served basis; and that Council shall decide, at its discretion, as to which means will be employed to lease land.
19. Prior to disposing of land through means of a ballot draw, Council shall, by resolution, establish guidelines for such a process.

20. The Municipality shall, when disposing of land through means of a ballot draw, give preference to prospective lessees by sorting ballots into the following categories:

Category One - first time homeowners residing in the municipality for more than Five (5) years,

Category Two - persons residing in the municipality for more than Two (2) years.

Category Three - all others

21. The municipality shall decide whether, and under what circumstances, formal development proposals or bids will be asked from prospective lessees and may use the proposal call tender system outlined in Appendix "D".

Pricing of New Lots

22. The lot price for new lots shall be determined by development cost including any allowance for site specific factors.

23. The Municipality shall recover development costs in the valuation of lands for disposal, subject to Section 24.

24. The municipality may, when it is unable to lease or otherwise dispose of a lot, reduce the price of the lot below its development cost:

- a) when the lot has not been developed through financing from the Government of the Northwest Territories or a financial institution; or
- b) when the lot has been developed through financing from the Government of the Northwest Territories or a financial institution and the reduced land valuation is approved by the Minister.

Pricing of Existing Lots

25. The municipality, in leasing existing developed lands shall determine lot price by either of the following:

- a) replacement cost; or

- b) the market value as determined by:
 - (i) a qualified land appraiser or assessor; or
 - (ii) a call for bids, (by public tender or auction) in which the advertised minimum price is not less than the replacement cost.

Lease Rates

26. Lease rates

a) The annual lease rate shall be as follows:

- (1) Residential: 5 percent of lot price per annum.
- (2) Commercial: 6 percent of lot price per annum.
- (3) Industrial: 7 percent of lot price per annum.
- (4) other land uses: as decided by Council

b) Council may vary the lease rate for dispositions of land to non-profit organizations.

27. The Municipality may permit leases to accumulate value, through the issuance of equity leases, at terms and conditions to be approved by Council.

Off Site Levies

28. When disposing of land the municipality may levy a surcharge to a lessee of lands to help pay for all or part of the Municipality's capital cost for all or any of the following:

- a) new or expended facilities for the storage, transmission, treatment or supply of water;
- b) new or expanded facilities for the treatment, movement or disposal of sewage;
- c) new or expanded roadways and sidewalks; and
- d) land required for, or in connection with, any of the facilities described in (a), (b), (c) and (d).

29. The municipality shall not include, as part of any off-site levy, any costs paid for by grants or contributions received from the Government of the Northwest Territories.

30. The municipality shall clearly identify to the public that any off site levy is a separate surcharge above the lot price, which is collected together with the lot price.
31. The municipality shall place all off-site levy revenues in a separate account to be used for the purpose set out in Section 28.

Land Development Reserve Account

32. The municipality shall open and maintain a separate financial account in which all revenue obtained from the selling, leasing or otherwise disposing of lands, including off-site levies, will be placed.
33. The municipality shall, in regards to the account identified in Section 32:
 - a) establish clear procedures for the management and operation of the account;
 - b) use all expenditures from the account for the sole purpose of acquiring and/or developing land by the Municipality, unless written approval by the Minister is obtained for other types of expenditures;

Private Sector Development of Lands

34. The Municipality shall encourage the utilization of the private sector in the development of lands only if:
 - a) the Municipality has prepared a cost estimate of the project as if it were to develop the land; and
 - b) the private sector can develop the land such that the lot price is the same as, or less than, the Municipality would charge under its estimate in (a).
35. If in the opinion of the Municipality, the private sector can develop the lands in a cost-effective manner as outlined in Section 34, the Municipality shall call for proposals.

36. The Municipality, in disposing of vacant lands to a private developer, shall:
- a) do so by the way of a lease to which a subdivision agreement may be attached;
 - b) require the developer to establish a land disposal procedure that is consistent with this by-law;
 - c) require the developer to provide a list of lot prices of the lots to be developed;
 - d) specify, in the lease, the standards to which the land must be developed; and
 - e) specify, in the lease, that in cases for non-performance with regard to 36(a), 36(b) or 36(c) above, the lease will be cancelled.

Easements

37. The Municipality may, in the public interest, establish easements through, under or over any portion of the land for any public utility purpose, but the said easement shall not interfere with the rights, granted to the lessee or any improvements made by the lessee on the lands.

Lease Assignments (Transfers)

38. Assignments may be granted subject to the following:
- a) Annual lease rental owing to the municipality must be paid in full;
 - b) any taxes owing to the Government of the Northwest Territories must be paid in full;
 - c) proof of ownership of improvements;
 - d) satisfactory completion of improvements.

Lease Surrenders

39. Surrenders may be granted subject to the following:

- a) annual lease rental owing to the Municipality must be paid in full;
- b) any taxes owing to the Government of the Northwest Territories must be paid in full;
- c) the lessee must remove all improvements from the land and return the lot in a state satisfactory to the Municipality;
- d) the lessee must deliver up to the Municipality the duplicate leasehold title where one exists.

Cancellation of Lease

40. If the municipality cancels a lease due to non-compliance with any terms and conditions of a lease:
- a) where there is a debt owed to the Municipality, the Municipality may seek an order to retain the right to any improvements upon the leased lands;
 - b) where there is no debt owing to the Municipality, the lessee shall remove any improvements and restore the site within 90 days, failing which the Municipality may seek an order allowing for the removal of the improvements and
 - c) where the duplicate leasehold title for the lands has not been surrendered in accordance with the Land Titles Act, the Municipality shall seek an order cancelling the leasehold title.

Quarries

- 41.
- a) The Municipality may issue quarry permits for the temporary use of a quarry site. Applications for a quarry permit shall be in the form of Appendix "E".
 - b) Prior to the issuance of a quarry permit, the Municipality shall, by Council resolution, establish quarry fees and any exemptions to such fees:

- c) Fees established under Section 41(b) shall reflect the cost of development, operation, maintenance, administration and restoration of quarries;
- d) All quarry fees shall be placed in a separate financial account.

Land Use Permits

- 42. a) The Municipality may issue land use permits for the temporary use of land.
- b) The temporary land uses for which a permit is required are set out in Appendix "F".
- c) Application for a land use permit shall be in the form of Appendix "G".
- d) Any environmental impacts of the proposed use must be addressed by the applicant to the satisfaction of the Municipality prior to the issuance of a permit.

By-law Administration

- 43. Council may by resolution adopt standard forms of agreement for the administration of land and the Municipality may make minor changes not affecting the intent of these forms of agreement as may be necessary for such administration.

- 44. The following appendices shall form part of this By-law:

APPENDIX "A"	Land Acquisition By-law
APPENDIX "B"	Land Disposal By-law (Lease)
APPENDIX "C"	Land Application Form
APPENDIX "D"	Guidelines for Proposal Calls
APPENDIX "E"	Quarry Application Form
APPENDIX "F"	Land Use Operations
APPENDIX "G"	Application for Land Use Permit

45. Minor changes to the Appendices of this By-law can be made by Council, without amending this By-law provided the changes to the Appendices do not alter the intent of of this By-law.

READ a First Time this 31st day of July, 1996 A.D.

[Signature]
Mayor

[Signature]
Senior Administrative Officer

READ a Second Time this 8th day of October, 1996 A.D.

[Signature]
Mayor

[Signature]
Senior Administrative Officer

Approve by the Minister of Municipal and Community Affairs this 21 day of NOV, 1996 A.D.

[Signature]
MINISTER OF MUNICIPAL AND
COMMUNITY AFFAIRS

READ a Third Time and Finally adopted this 4th day of February, 1997 A.D.

[Signature]
Mayor

[Signature]
Senior Administrative Officer

