



Town of Trenton

POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

ACQUISITION AND DISPOSAL OF SURPLUS PROPERTY POLICY

INTRODUCTION

Purpose

The purpose of the Disposal of Surplus Property Policy is to dispose of surplus real property in a fair, legally compliant, and impartial manner, which considers the highest financial return to the Town of Trenton balanced with economic and community development opportunities.

Objectives

The objectives of the Acquisition and Disposal of Surplus Property Policy are to:

1. Provide a proactive Land Management Program for the Town of Trenton that incorporates an ongoing inventory of municipally owned land holdings which may be declared surplus and deemed a marketable commodity
2. Identify land acquisition, in cooperation with other departments, for capital works, watershed protection, or other municipalities
3. Prioritize a list of surplus properties now owned by the Town of Trenton to be disposed of using appropriate property disposal methods as determined by Council
4. Establish a comprehensive strategy for the disposal of surplus properties owned by the Town of Trenton using a variety of property disposal methods; and
5. Ensure surplus properties are disposed of in a fair, legally compliant, and impartial manner.

POLICY

It is a policy of the Council that the Town of Trenton acquire property in accordance with this policy and as directed by Council.

It is a policy of the Council of the Town of Trenton that property deemed surplus by motion of Council be disposed of in accordance with this policy and as directed by Council.



Town of Trenton

POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

Policy Statements

1. Powers of Town to Acquire Property

The Town of Trenton may acquire property as permitted under the *Municipal Government Act*, including in the following circumstances:

- a) it may acquire and own property granted or conveyed to the Town of Trenton, either absolutely or in trust, for a public or charitable purpose.
- b) it may acquire property, including property outside of its boundaries, that it requires for its purposes or for the use of the public.
- c) it may, by an official or agent, bid for and purchase land at a tax sale for any municipal purpose, or where the minimum bid at a tax sale is insufficient to satisfy the amount owed.
- d) it may acquire land that is free of encumbrances by way of the subdivision process, for open space and public use, including parks, playgrounds and similar public purposes or any combination thereof.
- e) it may acquire title to land and/or buildings that have traditionally been a community-based entity (such as former schools, community clubs, halls or historically worthy sites).

2. Assessment and Usefulness of Town-Owned Property

The Town of Trenton may sell property that has been deemed surplus to the needs of the municipality.

Criteria used to determine usefulness of a Town-owned property may include one or more of the following:

- a) No long-term use has been identified for the property.
- b) It is no longer in the best interest of the Town of Trenton to retain ownership of the property.
- c) Retaining ownership may reasonably expose the Town of Trenton to liability or risk.
- d) A non-profit organization is interested in acquiring the property to provide a service to the community.
- e) One or more of the abutting property owners are interested in acquiring the property.

3. Powers of Town to Dispose of Property

The purposes for which the Town of Trenton acquired and used the particular property shall be considered when choosing the method of disposal. If a property was acquired and/or used for a community, charitable or recreational purpose, every effort should be made to ensure the sale of the property will facilitate a continued community, charitable or recreational vision.



Town of Trenton

POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

There are several methods available to facilitate the disposal of surplus municipal property. Except where otherwise permitted by the *Municipal Government Act*, the Town of Trenton may only dispose of surplus property for market value.

a) Call for Expressions of Interest

Advertise a Call for Expressions of Interest to solicit sealed submissions for the purchase of the property. Should Council choose to proceed with this option, consideration should be given to the possibility that the highest bid may be from an organization that is proposing to use the property for a purpose beneficial to the Town. Should this be the case, see item 7 – Sale for Beneficial Municipal Purposes.

b) Public Auction

Advertise and hold a public auction. For sale by public auction, Council will set a minimum price.

c) Sale by Listing Agent

List the property for sale by a licensed real estate agent. Staff of the Town of Trenton, or the spouse of a staff member of the Town of Trenton, are not permitted to place a bid or purchase property listed for sale by a real estate agent until fifteen days have passed since the property was listed for sale.

d) Direct Sale to Abutting Property Owner

If the Town of Trenton deems property to be “non-usable”, where it does not meet the minimum development standards and has no apparent value to anyone but the abutting property owner(s), it may negotiate for the sale of the property to the abutting property owner(s).

If only one abutting property owner expresses interest in a portion of the parcel, this owner may be offered the entire parcel at a predetermined price.

e) Direct Sale on the Open Market

Surplus properties with high market potential may be disposed of by direct sale. Direct sale on the open market shall involve establishing a predetermined price and advertising the property for sale in local newspapers and/or other appropriate publications, including on the Town’s website.

Pricing shall be set at no less than the appraised value as determined by an independent Certified Real Estate Appraiser.



Town of Trenton

POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

Offers to purchase must meet the specified price, must be made in writing, and shall be accepted on a “first come, first served” basis. All written offers shall be dated, time stamped and initialed by the Chief Administrative Officer, or their designate, upon receipt.

Subsequent written offers to purchase the same property shall be processed in the order of the date and time received when the conditions of sale to the preceding offeror(s) have not been met.

Staff of the Town of Trenton, or the spouse of a staff member of the Town of Trenton, are not permitted to place a bid or purchase property listed for sale directly on the open market until fifteen days have passed since the property was listed for sale.

f) Sale by Land Exchange

Wherever reasonably possible, direct land exchange of surplus properties may be employed as an alternative method for the acquisition of necessary lands to accomplish the needs of the Town of Trenton, including for capital works projects, watershed protection, and street widening.

g) Sale for Beneficial Municipal Purposes

The Town of Trenton may sell property at a price less than market value for any purpose that Council considers beneficial to the Town. Where the property is valued at ten thousand dollars or more, the procedure must include a public hearing, with fourteen days’ notice of the hearing. In all cases of a sale at less than market value, the sale must be approved by a resolution of Council passed by at least two-thirds majority of the Council present and voting.

4. Unsolicited Proposals

When an unsolicited offer to purchase land owned by the Town of Trenton is received, staff will determine if that property has been deemed surplus by a motion of Council. If already deemed surplus by motion of Council, the property will be disposed of in accordance with disposal methods included in this policy.

If the property has not been deemed surplus by motion of Council, the request will be presented to Council. Council will determine if the property is surplus to the needs of the Town of Trenton. If deemed surplus, staff will proceed to dispose of the property using the most appropriate method.



Town of Trenton

POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

5. Investment of Proceeds from the Sale of Town-Owned Property

The *Municipal Government Act* stipulates how funds received from the sale of property are to be invested, which include:

- a) Proceeds received from the sale of property, other than the proceeds of the sale of land transferred to the Town of Trenton during the subdivision process, shall be invested in the Town's Capital Reserve Fund.

A withdrawal from the Capital Reserve Fund must be authorized by Council and may only be used for purposes authorized by the Municipal Government Act, such as:

- i. capital expenditures for which the Municipality may borrow;
- ii. repayment of the principal portion of capital debt;
- iii. landfill closure and post closure costs; and
- iv. settlement of expenditures related to asset retirement obligations.

- b) Proceeds from the sale of land transferred during the subdivision process shall be invested in the Municipality's Open Space Fund. Proceeds received from the sale of land acquired by way of the subdivision process must be used for parks, playgrounds and similar public purposes within the Municipality.

6. Authority of Elected Officials and Staff of the Town to Purchase Surplus Property

Council members and those who are closely connected to a Council member, as well as the Chief Administrative Officer, or their spouse, are not permitted to purchase Town-owned property that has been deemed surplus to the needs of the Town.

For the purpose of this policy, "spouse" is defined by the *Municipal Conflict of Interest Act*, c.299 R.S.N.S. 1989, s.2(i), and as may be updated from time to time.

For the purpose of this policy, "closely connected" is defined by the *Code of Conduct for Municipal Elected Officials Regulations*, N.S. Reg. 219/2024, Schedule "A", and as may be updated from time to time.



Town of Trenton

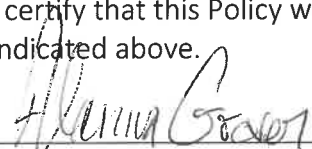
POLICY NO. ADM-20250211-01

APPROVED: 2025-02-11

7. Requirement of Purchaser

Any successful tender or approved purchaser will be required to provide the Town of Trenton with:

- a) A certificate of Title signed by a lawyer in good standing with the Nova Scotia Barristers Society;
- b) All necessary survey or subdivision plans;
- c) All necessary processing charges, including GST/HST, Deed Transfer Tax, Registry of Deeds, legal fees, document recording fees and administration fees;
- d) An appraisal prepared by a licensed appraiser selected in agreement with the Town of Trenton, if deemed necessary; and
- e) Any advertising cost that may result from the tender process over and above the original surplus property listing(s) by the Town of Trenton.

		<u>CAO's Annotation for Official Policy Book</u>	
Policy Number:	ADM-20250211-01	Date of Notice to Council Members of Intent to Consider (Minimum 7 Days):	<u>January 28, 2025</u>
Council Approval:	<u>2025/ 02/ 11</u> Y M D	Date of Passage of Current Policy:	<u>February 11, 2025</u>
Effective Date:	<u>2025/ 02/ 11</u> Y M D	I certify that this Policy was adopted by Council as indicated above.	
Supersedes Date:	<u>2020/ 08/ 18</u> Y M D		
		 _____ Chief Administrative Officer	<u>Feb 11, 2025</u> _____ Date