

Municipality of the District of Lunenburg POLICY

Title: Donation of Land	
Policy No. 057	
Effective Date: June 14, 2011	Amended Date:

1 Purpose

This policy establishes guidance concerning land donations to the Municipality.

2 Overview

The Municipality of the District of Lunenburg welcomes opportunities to receive donations of property which fulfill the objectives of the Open Space Strategic Plan.

Land donations that achieve the following will be considered:

- Showcases the diversity of the Municipality's natural environment and Open Space opportunities;
- Enhances the quality of life for residents and visitors of the municipality;
- Consolidates with existing Municipal, Provincial, Federal or Common lands;

3 Donation Process

3.1 An offer to donate land to the Municipality must be submitted in writing by the landowner or their legally authorized representative to the Director of Recreation Services and be accompanied by the following:

- a) Copy of the deed of title;
- b) Property survey or sketch map that shows the location and number of acres of the land; and
- c) Any other information about the parcel that may have significance to the landowner.

3.2 Each potential gift of land shall be reviewed by the Committee of the Whole.

3.3 Upon acceptance by the Committee of the Whole, staff will arrange for the following to be completed:

- a) The property appraised by an appraiser, holding an Accredited Appraiser Canadian Institute designation, to establish the fair market value of the property;
- b) Conduct a title search of the lands to be donated satisfactory to their legal counsel. The Municipality does not accept responsibility for resolving any outstanding issues;
- c) Conduct a survey if required.

If the appraisal and title search requirements are met then the Municipality of the District of Lunenburg may proceed with the land transaction.

- 3.4 The Municipality prefers land donations that are not subject to restrictions upon use.
- 3.5 The Municipality may require that a land donation be subject to an independent environmental audit, which may be at the donor's expense, to ensure that the subject property is free from toxic and/or hazardous substances.
- 3.6 All land transactions, including donations of land, are subject to approval by Municipal Council.

4 Costs

Although the Municipality may consider paying costs associated with a donation of land, there may be legal or income tax/capital gains implications, associated with a donation. Donor's considering donating land to the Municipality should consult a financial advisor and lawyer. The Municipality cannot advise the donor with respect to personal, legal, income tax and financial conditions.

5 Benefits

- 5.1 Upon completion of a donation, if requested by the donor, the Municipality may issue a tax receipt to the donor for the appraised fair market value of the lands.
- 5.2 The Municipality may consider receipt of land by means of a combination of a cash exchange and donation. In such cases, the Municipality will issue a tax receipt for the value of the property donated. The tax receipt issued and the cash paid out for the remainder of the property shall not equal more than the appraised market value of the lands.
- 5.3 The Municipality may recognize the donor in a method that is agreeable to both parties.

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members
of Intent to Consider (7 days minimum) May 25, 2011

Date of Passage June 14, 2011

I certify that this MDL-57 "**Donation of Land**" policy was adopted by Council as indicated above.

Amell Whyno Hobbes
Municipal Clerk

Date *July 19, 2011*