

HAMLET OF ENTERPRISE

BYLAW # 2022-141

“LAND ADMINISTRATION BYLAW”

*Approved: December 6, 2022
Motion: #2022-429*

HAMLET OF ENTERPRISE

BYLAW NO. 2022-141

Being a Bylaw of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories to provide for the acquisition and disposition of real property pursuant to section 57 of the *Hamlets Act*, S.N.W.T. 2003, C-22

WHEREAS the Council of the Hamlet of Enterprise deems it to be desirable to establish a uniform process for the acquisition and disposal of real property owned, leased or otherwise held by the Hamlet;

AND WHEREAS the *Hamlets Act* requires the Hamlet to adopt a Land Administration Bylaw to provide for policy and procedures relating to the acquisition, disposition or other activity related to real property mentioned in sections 55 (1) and 56 (1) of the *Hamlets Act*;

NOW THEREFORE, the Council of the Municipal Corporation of the Hamlet of Enterprise, at a duly assembled meeting, enacts as follows:

1. TITLE:

This Bylaw shall be cited as the “**Land Administration Bylaw**”

2. DEFINITIONS:

“Acquisition of Land”	means the purchase, lease, or other means of acquiring an interest in Land.
“Agreement of Sale”	means the terms and conditions of sale of an interest in Land by the Hamlet to a purchaser.
“Appraised Value”	means an evaluation of a property’s value based on a given point in time, performed by a professional appraiser.
“Assessed Value”	means a value placed on a property (including land and buildings) for municipal taxation purposes.
“Bylaw”	means this Land Administration Bylaw.
“Council”	means the Council of the Hamlet of Enterprise.

- “Developed Land”** means Land on or adjacent to which the necessary municipal infrastructure has been placed to allow improvements to be built or installed on the Land.
- “Development Costs”** means the Hamlet’s direct and indirect costs of developing a Lot or another specific area of Land for disposal to the public which may include costs of
- initial acquisition,
 - appraisal, legal services, surveying, planning, engineering, designs, and project management services,
 - any necessary excavation and filling,
 - constructing roads, lanes, parking areas, curbs sidewalks, walkways, boulevards, and all necessary appurtenances necessary to serve the developed Lots,
 - electrical distribution systems, including all necessary appurtenances necessary to serve the developed Lots,
 - development of open spaces, parks, and recreational improvements, and
 - financing charges, including interest for any loans incurred in developing the Land.
- “Disposal of Land”** means the sale, lease, or other disposition of Land.
- “Equity Lease”** means a lease of Commissioners’ land for which the lessee’s annual payments (excluding interest) accumulate as principal towards eventual full payment of the lot price, which is fixed during the term of the contract.
- “Granular Material”** means a Natural Resource defined as sand, black dirt, rock, and clay.
- “Hamlets Act”** means the Hamlets Act, SNWT 2003, c 22, as amended.
- “Hamlet”** means the Municipal Corporation of the Hamlet of Enterprise.
- “Land”** means real property or an interest therein, other than an easement or restrictive covenant.
- “Lease”** means a contract that allows a person or party to occupy, or use premises, Land etc., which are owned by another party, for a specified period of time in exchange for payment of rent.
- “Lot”** means a specific area of Land, within the corporate limits of the Hamlet, the boundaries of which are:
- shown on a plan registered at the N.W.T. Land Titles Office, or
 - are described in a certificate of title registered at the N.W.T. Land Titles Office

“Minister”	means the minister of the Government of the Northwest Territories Department of Municipal and Community Affairs.
“Quarry”	means any work or undertaking in which granular materials are removed from the ground or the land by any method, and includes all ways, works, machinery, plant, buildings, and premises belonging to or used in connection with the quarry.
“Senior Administrative Officer”	means the Senior Administrative Officer of the Hamlet or such other person as may be designated to exercise the powers and perform the duties of the Senior Administrative Officer.
“Subdivision”	means the subdivision of land as defined by the Hamlet’s Zoning Bylaw.
“Site-specific Factors”	means factors which may be used where applicable, in addition to or subtracting (a maximum of 25%) from the cost of developed Land and which may consist of: <ul style="list-style-type: none"> • the size of the parcel, • the site conditions, • the desirability of location, • the existing adjacent land uses, and • the land’s zoning.
“Unsurveyed Lot”	means a parcel of land within the corporate limits of the Hamlet that is not surveyed, or shown on a plan registered at the N.W.T. Land Titles Office, or described in a certificate of title registered at the N.W.T. Land Titles Office.
“Undeveloped Land”	means Land which does not have the municipal infrastructure necessary to allow the land to be used for its intended purpose.

3. APPLICATION OF THE BYLAW

- a) This Bylaw will, except as otherwise expressly authorized by herein, apply to all acquisitions, sales, leases, subdivisions, or other dispositions of Land by the Hamlet.

4. ACQUISITION OF LAND

- a) The Hamlet may acquire real property by expropriation pursuant to the provisions of the *Expropriation Act* and *Community Planning and Development Act*, and through the tax recovery process in accordance with the *Property Assessment and Taxation Act*.

- b) Acquisition of real property shall be approved by a separate bylaw made in accordance with this Bylaw and the *Hamlets Act*.
- c) The Hamlet may acquire fee simple title, head leases or a leasehold interest in any Land which is required for municipal purposes or for the purpose of the transfer or lease of any Land to a bona fide purchaser or lessee.
- d) A bylaw for the acquisition of Land shall include the legal description of the Land to be acquired or in the case of a lease or un-surveyed Land, a description of the Land and sketch sufficient to identify the Land to be leased.

5. DISPOSAL OF LAND

- a) The disposal of Land shall be approved by a separate bylaw made in accordance with this Bylaw and the *Hamlets Act*.
- b) The Hamlet may dispose of Land if the Land is not required for municipal purposes, provided that the intended use of the Land by the person acquiring the Land is in accordance with the Hamlet of Enterprise's Community Plan and Zoning Bylaw.
- c) Prior to the disposal of any Land owned or leased by the Hamlet, the Land must be inspected to determine:
 - i. whether the Land is occupied;
 - ii. if there are any improvements on the Land which do not belong to the Hamlet;
 - iii. if there are any easements affecting the Land; and
 - iv. whether any other circumstances exist which may prevent or delay the proposed disposal of the Land.

6. SUBDIVISION OF LAND

- a) Upon the approval of Council, the Hamlet may undertake the Subdivision of Undeveloped Lands within the boundaries of the Hamlet for a municipal purpose.
- b) The Subdivision of Land by the Hamlet shall be in compliance with the Hamlet's Zoning Bylaw, as amended, and the *Community Planning and Development Act*, SNWT 2011, c 22, as amended.
- c) Once such Land has been developed and subdivided by the Hamlet, any Lots created by the subdivision may be disposed of provided that such Lots are priced in accordance with

Section 7 (b) as newly Developed Land and are disposed of in accordance with Section 11.

7. ESTABLISHING THE PRICE OF LAND – FEE SIMPLE TITLE

- a) The price of previously developed Land to be disposed of by the Hamlet shall be:
 - i. Appraised Value (including improvements); or
 - ii. the Development costs of the Land and improvements on the Land; or
 - iii. the assessed value of Land (including improvements) plus a percentage factor, determined by Council, which would be designated to approximate (i) above; or
 - iv. the previously paid value of existing equity leases that the Department of Lands and the Hamlet have agreed to transfer to fee simple for equity lease holders; or
 - v. a price that is agreed to between Council and the proposed purchaser in exchange for a commitment to build; or
 - vi. such other price as approved by Council, as determined in its sole discretion, that is determined to be fair and reasonable in the circumstances.

- b) The determination of the price of newly Developed Land for fee simple disposition by the Hamlet shall be determined by consideration of the Appraised Value, Development Costs, and any development charges (if applicable).

8. ESTABLISHING THE PRICE OF LAND – LEASE RATES

- a) The annual lease rate for Land leased by the Hamlet to a third party shall be:
 - i. a price not to exceed ten percent (10%) of the Assessed Land Value, unless otherwise authorized by Council by bylaw; or
 - ii. such other lease rate as approved by Council, as determined in its sole discretion, that is determined to be fair and reasonable in the circumstances.

9. DEVELOPMENT COSTS

- a) When disposing of Land, the Hamlet may charge an additional development charge against the purchaser or lessee of the Land to help pay for all or part of the Hamlet's capital costs for all or any of the following:
 - i. new or expanded drainage culverts,
 - ii. new or expanded roadways,
 - iii. Land required for, or in connection with, any drainage culverts or roadways.

- b) The Hamlet shall clearly identify to the public that any development charge is a separate surcharge above the lot price, which is collected together with the lot price.
- c) The Hamlet shall place all development charge revenue in the Land Development Fund to be used for the purposes set out in Section 10 (a).

10. LAND DEVELOPMENT FUND

- a) The Hamlet shall open and maintain a separate financial account, the Land Development Fund, in which all revenue obtained through selling, leasing, developing and subdividing or other disposing of Lands, including development charges, will be placed.
- b) Council shall establish procedures for the management and operation of the Land Development Fund.

11. TERMS AND CONDITIONS OF LAND DISPOSAL

- a) The disposition of Land will be subject to the terms and conditions of a purchase or lease agreement.
- b) In disposing of Land, the Hamlet will choose one of the following methods:
 - i. first come first serve;
 - ii. ballot draw; or
 - iii. proposal.
- c) The provision of Section 11 (a) and (b) shall not apply to the disposal of Land:
 - i. to the Federal or the Territorial Government;
 - ii. Land to be used for the installation of electric power, telephone or other communication utilities, if the utility company is a Crown Corporation or a government regulated monopoly;
 - iii. Land to be consolidated with adjoining Land, when the Land being disposed of does not comply with the minimum lot size requirement of the Hamlet's Zoning Bylaw;
 - iv. to a person or persons with a leasehold interest who wish to purchase the freehold interest in the same Land; or
 - v. an assignment of an existing lease.
- d) All offers to the Hamlet and all agreements or other arrangements with the Hamlet for the purchase of Land by a third party shall be in writing and in a format which is acceptable to the Hamlet. Any application for the purchase of Land shall indicate the applicant's proposed use of the Land, and, in the case of vacant Land, the improvements proposed to

be constructed or placed by the applicant on the Land by the applicant/purchaser if the purchase is approved.

- e) A bylaw for the disposal of Land by the Hamlet to a specific intended purchaser or lessee shall include:
 - i. the legal description of the Land to be disposed of or in the case of a lease of un-surveyed Lands, a description of the parcel and sketch sufficient to identify the property to be leased; and
 - ii. the list of terms of agreement to be entered into between the Hamlet and the purchaser or lessee.
- f) A bylaw for the disposal of Land by the Hamlet without a specific intended purchaser or lessee shall include:
 - i. a legal description of the Land;
 - ii. the terms and conditions, if any, upon which the Land shall be sold, leased or otherwise disposed of (i.e. first come first serve, or proposal);
 - iii. terms and conditions to be incorporated into the necessary agreement, to be entered into between the Hamlet and the purchaser or lessee; and
 - iv. the minimum acceptable purchase price or lease payment.
- g) Council may amend any of the terms of an agreement for sale, lease, or other disposition of Land by passing a bylaw to amend the bylaw that approved the agreement for sale, lease or other disposition.
- h) Lease agreements shall include a term giving the Hamlet the right to review and amend rental fees for any lease at five-year intervals. Notification of any such amendment shall be provided to the lessee in writing a minimum of three months prior to the termination of any five-year interval of the lease.
- i) A person who acquires Land from the Hamlet shall be required to commence development, add a specific amount of value to, or Quarry the Land within twelve months of purchase; otherwise, the Land shall, in accordance with the terms of the agreement dealing with the disposition, revert to the Hamlet.
- j) If a developer wishes to purchase undeveloped Land from the Hamlet and to build or install municipal infrastructure to develop the Land, then, before approving the disposal of the Land to the developer, the Hamlet shall:

- i. have obtained a cost estimate establishing that the developer will be able to develop and sell lots at lower costs than the price the Hamlet would be required to charge under this Bylaw pursuant to Section 7 (b);
 - ii. require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject Land;
 - iii. specify by agreement with the developer any requirements for the development of Land including any restrictions of the use of Lands;
 - iv. require as a term of the agreement that the development of municipal infrastructure is to be completed within a reasonable period of time to ensure that an adequate supply of serviced Land is maintained by the Hamlet; and
 - v. require the developer to enter into a development or servicing agreement with the Hamlet for the construction and completion of the municipal infrastructure, including the providing of adequate security for the construction of the municipal infrastructure. Security shall consist of cash or an irrevocable letter of credit issued by a chartered bank.
- k) All lease agreements must incorporate clauses relative to the remediation of potential environmental damage which might occur during the term of the lease, including the requirement that remediation shall be done at the lessee's expense.
- l) Purchasers of single residential lots from the Hamlet shall have priority over those acquiring more than one lot, except when lots are required by:
- i. the Federal Government or Territorial Government,
 - ii. the Northwest Territories Housing Corporation, or
 - iii. the Canadian Mortgage and Housing Corporation.

12. PUBLIC NOTICE OF THE DISPOSAL OF LAND

- a) Before disposing of any newly Developed Land to the public, the Hamlet shall provide public notice by advertising either:
- i. in two consecutive issues of the newspaper having circulation in the Hamlet; and/or
 - ii. by posting the notice, for a period of no less than two weeks
 - A) in six prominent places within the municipal boundaries that are open to and frequented by the general public; or
 - B) on the Hamlet's website and in four prominent places within the municipal boundaries that are open to and frequented by the general public.

- b) Each Land disposal advertisement shall include:
 - i. a sketch, drawn to scale, identifying the size and location of the Land;
 - ii. the legal description of the Land, if any;
 - iii. the minimum purchase price that would be accepted;
 - iv. the process by which the disposal of the Land shall occur;
 - v. the location, time and manner in which parties that may wish to acquire the Land may participate in the process: and
 - vi. the results of the inspection conducted by the Hamlet in accordance with Section 5 (c) of this Bylaw.
- c) Land which has been advertised but not sold, leased, or otherwise disposed of in response to such an advertisement or notice may thereafter be disposed of on a first come first serve basis without further advertisement or notice.
- d) The Hamlet shall re-advertise the disposition of Land that was previously advertised for disposition before disposing of that Land if:
 - i. the Land has been rezoned or subdivided since it was first advertised or posted as available for disposition;
 - ii. an application was made for the acquisition of the Land but was withdrawn by the applicant after acceptance by the Hamlet; or
 - iii. any lease or agreement for sale granted in response to the first advertisement was terminated before the construction of any improvements on the Land.

13. LAND SALE INVENTORY

- a) A register of all Land which has been approved for disposal by the Hamlet shall be maintained. The information in the register shall include:
 - i. a sketch, drawn to scale, identifying the size and location of the Land;
 - ii. the full legal description of the Land, if any;
 - iii. the minimum purchase price of that would be accepted;
 - iv. conditions on the disposition; and
 - v. a record of pending dispositions.
- b) The register shall be open for inspection by the public at the Hamlet Office during normal business hours.

14. QUARRY MANAGEMENT

- a) The Hamlet shall manage Quarries in accordance with the statutes of the Territorial and Federal Governments.
- b) The acquisition and disposal of Land by the Hamlet for Quarry purposes shall be subject to the provisions of this Bylaw.
- c) Subject to authorization by bylaw, the Hamlet may apply for Quarry permits and land use permits from senior governments for Quarry purposes.
- d) Any agreement executed by the Hamlet to lease Land for Quarry purposes shall require the purchaser or lessee to restore the Land upon the completion of Quarry activities at the lessee's expense in accordance with the policies and guidelines established by the Government of the Northwest Territories and any other requirements of the Hamlet.
- e) Before executing a lease agreement for a Quarry, the Hamlet shall require the lessee to deliver and deposit security with the Hamlet to ensure complete restoration of the Land. The terms and amount of this security shall be determined by Council. The security shall consist of cash or an irrevocable letter of credit issued by a chartered bank.

15. EXECUTION OF AGREEMENTS

- a) All Agreements shall be duly executed and sealed by the Senior Administrative Officer upon the payment by the other party to the purchase and sale agreement, lease or other form of agreement entered into by the Hamlet pursuant to this Bylaw, and a fee, if required, for execution of the agreement, as set by bylaw from time to time.

16. BYLAW ADMINISTRATION

- a) Council may by resolution, adopt standard forms of agreement for the acquisition or disposal of Land.
- b) The fees, procedures and agreements required for this Bylaw shall be determined by resolution of Council.
- c) The forms of bylaws attached as Appendices to this Bylaw are adopted for use by the Hamlet:
 - i. Appendix "A" - Acquisition Bylaw;
 - ii. Appendix "B" - Disposition Bylaw for Lease; and
 - iii. Appendix "C" - Disposition Bylaw for Sale.

17. **REPEAL**

(a) Upon Council's approval and third reading of this Bylaw, Bylaw No. 2017-74 is repealed.

Read a First time this 15th day of November, 2022.

Read a Second time this 6th day of December, 2022.

Read a Third and Final time this 6th day of December, 2022.



Michael St. Amour
Mayor



Blair Porter
Senior Administrative Officer

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Hamlets Act* and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this 8th day of December, 2022.



Blair Porter
Senior Administrative Officer



Appendix A – Acquisition Bylaw

Appendix 'A'

HAMLET OF ENTERPRISE

BYLAW NO. _____

Being a Bylaw of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories to authorize the acquisition of real property in the Hamlet of Enterprise by way of purchase pursuant to section 55 of the *Hamlets Act*, S.N.W.T.2003, C-22.

Whereas the Council for the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories deems it to be in the public interest that the Municipal Corporation of the Hamlet of Enterprise acquire the land described hereunder for municipal purposes [OR] for the orderly development of property [OR] for the transfer of an equity lease;

Now Therefore the Council of the Municipal Corporation of the Hamlet of Enterprise, at a duly assembled meeting, enacts as follows:

- 1. The Mayor and Senior Administrative Officer are authorized, on behalf of the Municipal Corporation of the Hamlet of Enterprise, to acquire from _____ for the sum of \$ _____ Dollars, the land described hereunder:

The whole of Lot() Block() in the Hamlet of Enterprise in the Northwest Territories according to the Plan of Survey filed in the Land Titles Office under Number() upon the following terms and conditions OR in accordance with the attached agreement:

- 2. That this Bylaw shall come into effect upon the day of final passage thereof.

Read a First time this ____ day of _____, 2022.

Read a Second time this ____ day of _____, 2022.

Read a Third and Final time this ____ day of _____, 2022.

Mayor

Senior Administrative Officer

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Hamlets Act* and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this ____ day of _____, 2022.

Senior Administrative Officer

Appendix B – Disposition Bylaw for Lease

Appendix 'B

HAMLET OF ENTERPRISE

BYLAW NO. _____

Being a Bylaw of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories to authorize the disposition of real property in the Hamlet of Enterprise by way of Lease pursuant to section 56 of the *Hamlets Act*, S.N.W.T.2003, C-22.

Whereas the Council for the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories deems it to be in the public interest that the Municipal Corporation of the Hamlet of Enterprise to dispose of the lands described below by lease; and

Whereas the said parcels of land are not required for municipal purposes;

Now Therefore the Council of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories, in session duly assembled, enacts as follows:

1. The Mayor and Senior Administrative Officer are authorized, on behalf of the Municipal Corporation of the Hamlet of Enterprise, to enter into a lease with _____ (the "Lessee") for the sum of \$ _____ Dollars per annum, for the land described as:

The whole of Lot() Block() in the Hamlet of Enterprise in the Northwest Territories according to the Plan of Survey filed in the Land Titles Office under Number() upon the following terms and conditions OR in accordance with the attached lease:

[insert any terms and conditions that Council has decided are required]

2. The Mayor and the Senior Administrative Officer are authorized to execute all such forms or application, deeds, indentures, and other documents as may be necessary to lease the said Lands to the Lessee and as may be required by the terms of the lease..
3. That the Lessee shall be required to pay the Land Titles Office any fees imposed because of the registration of this Lease at the Land Titles Office.
4. That this Bylaw shall come into effect upon the day of final passage thereof.

Read a First time this ____ day of _____, 2022.

Read a Second time this ____ day of _____, 2022.

Read a Third and Final time this ____ day of _____, 2022.

Mayor

Senior Administrative Officer

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Hamlets Act* and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this ____ day of _____, 2022.

Senior Administrative Officer

Appendix C – Disposition Bylaw for Sale of Land

Appendix 'C'

HAMLET OF ENTERPRISE

BYLAW NO. _____

Being a Bylaw of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories to authorize the disposition of real property in the Hamlet of Enterprise by way of the sale of the Hamlet's fee simple in the real property pursuant to section 56 of the *Hamlets Act*, S.N.W.T.2003, C-22

Whereas the Council for the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories deems it to be in the public interest that the Municipal Corporation of the Hamlet of Enterprise dispose of the lands described below by selling the Municipality's fee simple interest in the land; and

Whereas the said parcel of land is not required for municipal purposes [OR] is for the transfer of the fee simple interest to the lessee of an equity lease;

Now Therefore the Council of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories, in session duly assembled, enacts as follows:

- 1. That the whole of Lot _____ () Plan _____, in the Hamlet of Enterprise in the Northwest Territories be sold and conveyed to _____ (the "Purchaser") in consideration of the sum of _____ Dollars (\$) cash (the "purchase price") upon the following terms and conditions OR in accordance with the attached agreement:

[insert any terms and conditions that Council has decided are required]

- 2. That in addition to the amount specified as the purchase price the Purchaser shall pay the Hamlet a development charge in the amount of \$ _____ on _____, 20__.
- 3. That the Mayor and the Senior Administrative Officer are authorized to execute all such forms or application, deeds, indentures, and other documents as may be necessary to convey the fee simple title to the Lot(s) to the Purchaser and as may be required by the terms of the agreement between the Hamlet and the Purchaser.
- 4. That the Purchaser shall be required to pay the Land Titles Office any fees imposed because of the registration of a Transfer of Land or other document at the Land Titles Office.
- 5. That this Bylaw shall come into effect upon the day of final passage thereof.

Read a First time this ____ day of _____, 2022.

Read a Second time this ____ day of _____, 2022.

Read a Third and Final time this ____ day of _____, 2022.

Mayor

Senior Administrative Officer

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Hamlets Act* and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this ____ day of _____, 2022.

Senior Administrative Officer