

BY-LAW NO. A-6
A LAND ACQUISITION BY-LAW FOR THE COUNCIL OF
CENTRAL YORK RURAL COMMUNITY

PURPOSE: The purpose of this By-Law is to provide direction to Central York Rural Community Council and Administration with the acquisition of municipal land, with or without structures.

WHEREAS: Section 10 (l) of the Local Governance Act, SNB 2017, c 18, authorizes local governments to establish a land acquisition By-law.

BE IT ENACTED: by the Council for Central York Rural Community

1. TITLE

This By-law will be cited as “Land Acquisition for Central York Rural Community”

2. DEFINITIONS

Acquisition: means the procurement of land or an interest in land for municipal purposes.

Land for Public Purposes: means “land for public purposes” as defined in the Community Planning Act, SNB 2018, c. 19 or any amendments thereto or successor legislation.

Structures: means something built, constructed, or under construction.

3. LAND ACQUISITION

- (a) An Acquisition will be considered by Council if there is an identifiable municipal purpose connected to the specific property, which may entail environmental considerations including, but not limited to, the preservation of land for environmental purposes (e.g. retention of naturalized areas such as wetlands and urban forests).
- (b) The policy applies whether the acquisition process is through an agreement (e.g. agreement of purchase and sale, an easement, etc.), the subdivision approval process, expropriation or any other method that may be applicable.
- (c) An Acquisition may be identified by:
 - a. Council;
 - b. A third party offer to dispose of its land to Central York Rural Community; or
 - c. A Standing Committee of Council requirement for the Acquisition for a specific purpose pursuant to its mandate.

- (d) Following the identification of an Acquisition under (c) b., the Chief Administrative Officer shall coordinate a review of the offer, at minimum, requesting feedback from all Standing Committees of Council to determine:
- a. If any department wishes to proceed with the Acquisition for a specific purpose pursuant to its mandate, the Chief Administrative Officer shall present a recommendation for the Acquisition before Council; and
 - b. Where there is no expression of interest to proceed with the Acquisition, the third-party offer shall be refused.
- (e) Following the identification of an Acquisition under (c) b., the Chief Administrative Officer shall present a recommendation for the acquisition to Council.
- (f) The recommendation for the Acquisition under (d) a. and (e) by the Chief Administrative Officer to Council shall be brought forward in a private session and shall include, but is not limited to, in the report:
- a. The rationale for the recommendation for the Acquisition; and
 - b. Where a consensus cannot be reached by the Chief Administrative Officer in favour of the recommendation for the Acquisition, an analysis of the potential benefits and drawbacks associated with the Acquisition for Council's consideration.

Duly Passed and Enacted by the Council for Central York Rural Community on
April 11, 2023.



Mayor David DuPlessis



Duncan Walker, CAO

1st Reading March 28, 2023

2nd Reading March 28, 2023

3rd Reading April 11, 2023