



DRUMHELLER

RESILIENCY AND FLOOD MITIGATION OFFICE



COUNCIL POLICY No. DRFM-02-20

Drumheller Resiliency and Flood Mitigation Program Land Acquisition Policy

POLICY STATEMENT

- 1.0 The Town of Drumheller (Town) will ensure a fair and objective process for selecting and acquiring lands that will be required for the implementation of the Resiliency and Flood Mitigation Program (Program).

PURPOSE OF POLICY

- 2.0 The purchase and acquisition of private lands is recognized as a politically sensitive activity and that confidentiality during the acquisition process is paramount.
- 3.0 The Land Acquisition Policy will:
 - 3.1 Provide a clear basis for selecting which lands to acquire for the Program,
 - 3.2 Provide comfort to Members of the Program Advisory Committee, to Council and to Town administration and to the Public that the purchase process is objective, fair and straightforward,
 - 3.3 Ensure transparency of the acquisition process and decision making while maintaining confidentiality until acquisition transactions are complete,
 - 3.4 Maintain separation of decisions and transactions from Committee Members, Council and administration, and
 - 3.5 Satisfy the expectations and requirements of the Governments of Canada and Alberta funding programs.

BACKGROUND

- 4.0 The Town of Drumheller has chosen to make a significant investment to mitigate flooding and adapt to a changing climate and is moving forward to implement this initiative through the Drumheller Resiliency and Flood Mitigation Program (Program).

- 5.0 A major aspect of the Program will be the need to acquire lands for the construction of flood mitigation infrastructure and development of other flood mitigation measures and for the buy outs of properties at significant risk from flooding.
- 6.0 The Government of Alberta has agreed to provide funding to the Town under the Alberta Flood Mitigation Program for the “Purchase of lands, and associated expenditures including remediation and/or reclamation” Lands acquired under this funding program to be designated as Environmental Reserve or another “suitable mechanism” as may be approved by the Province.
- 7.0 The Government of Canada has agreed to provide funding to the Town under the Disaster Mitigation and Adaptation Fund Program to undertake measures to mitigate potential damage from future flooding including the acquisition of land. The costs of land acquired that are directly linked to the development of Natural Infrastructure are eligible expenses. The use of the lands acquired are to be protected by the Town for at least 40 years

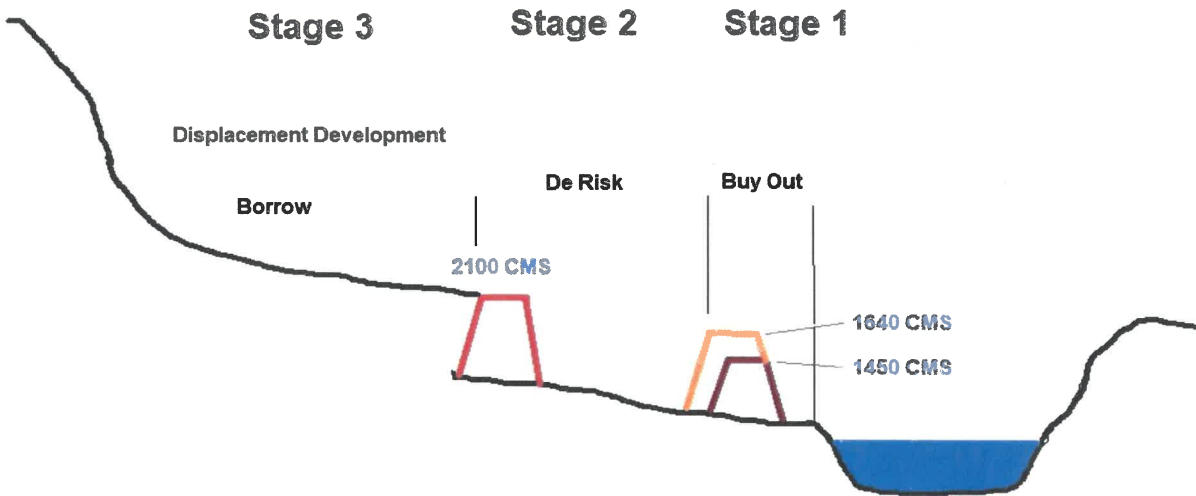
DEFINITIONS

- 8.0 In this Policy:
- 8.1 **“2014 Assessed Value”** means the value of the Property as set out in the 2014 Assessment Roll of the Town as prepared in accordance with the *Municipal Government Act*,
- 8.2 **“Chief Resiliency and Flood Mitigation Officer”** or **“CRFM Officer”** means the Chief Resiliency and Flood Mitigation Officer appointed under the provisions of Bylaw 15.19 of the Town,
- 8.3 **“Drumheller Land Corporation”** or **“Land Corporation”** means the corporation registered as 878947 Alberta Ltd which is controlled by the Town,
- 8.4 **“Municipal Government Act”** means the *Municipal Government Act*, R.S.A 2000, c. M-26,
- 8.5 **“Owner”** means the owner or owners of a parcel or parcels of land under a single title that are to be acquired under this Policy,
- 8.6 **“Property”** means a parcel of land or parcels of land under a title,
- 8.7 **“River”** means the Red Deer River, Rosebud River, Michichi Creek or Willow Creek, and
- 8.8 **“Town”** means the Town of Drumheller

IDENTIFYING LANDS TO BE ACQUIRED AND ESTABLISHING THE PRIORITY OF ACQUISITION

- 9.0 To mitigate the potential for damage from future flood events and prepare the community to respond to future flood emergencies, the Town will acquire land:
- 9.1 for construction of Flood Mitigation Infrastructure including dikes and berms,
 - 9.2 to increase the conveyance capacity of the River by providing additional floodway area, removal of impediments to flow and improvements in channel flow,
 - 9.3 to remove occupants and development that are at high risk from flooding,
 - 9.4 for the retention and development of Natural Areas and Parks,
 - 9.5 for borrow areas to provide fill for present and future dike installations, and
 - 9.6 for development areas to accommodate displaced residents and businesses,
- 10.0 The Town acknowledges that some acquisitions for purposes set out in Section 9 may not be fully eligible for funding under the Governments of Canada or Alberta funding agreements.
- 11.0 The required lands will be acquired in the following stages as referenced to Figure 1 following:
- 11.1 In Stage 1, the Town will acquire lands:
 - a) required for the enhancement of existing dikes and berms and the construction of new dikes, berms and other flood mitigation infrastructure,
 - b) needed to enhance the ability of the River to give room for the river, and
 - c) buy out Properties at significant risk from flooding.
 - 11.2 In Stage 2, the Town will acquire lands:
 - a) for construction of further dikes, berms and embankments,
 - b) to be a source of fill for the construction of permanent dikes, berms and embankments, and
 - c) to be a source and location of stockpiled fill for dikes, berms and embankments that may need to be constructed hastily in an emergency flood situation.
 - 11.3 In Stage 3, the Town will acquire lands to complete System 2100, to provide linkages and continuity for the trail system and to provide sites for Flood Mitigation interpretation installations and Education Plazas.

Figure 1
Land Acquisition



SELECTION OF BUY OUT LANDS

12.0 The properties to be acquired under Section 9.1 c) above will be chosen in concert with decisions on the various infrastructure projects to be undertaken and will be selected based on an assessment of relative risk which will consider the factors of Life, Property, Environment and Economy with considerations of Life and safety being the highest priority and economic considerations being the lowest and then weigh these considerations against whether a property is:

- a) certain, near certain, likely or less likely to be flooded, and
- b) if flooded, how severe will be the impact.

AUTHORIZATION TO THE CHIEF RESILIENCY AND FLOOD MITIGATION OFFICER

13.0 Reflecting the assessment relative risk in Section 12.0, the Chief Resiliency and Flood Mitigation Officer is authorized to select the Properties that will be purchased as buy outs under Section 9.1 c) and to move forward with acquisition within the funding available for acquisition.

14.0 The CRFM Officer is authorized to select the Properties that will be required for the other purposes in Section 9.0 and to move forward with acquisition within the funding available for acquisition.

15.0 All Properties once identified for acquisition under this Policy must be acquired.

PROCESS FOR THE PURCHASE OF LANDS

- 16.0 The Town will engage an independent land services contractor to:
 - 16.1 undertake initial contact with owners,
 - 16.2 conduct negotiations, and
 - 16.3 secure signed purchase agreements.
- 17.0 The Drumheller Land Corporation will be the purchaser of all lands acquired under this Policy and title to the acquired Property will be issued initially in the name of the Land Corporation.
- 18.0 The Town's Solicitor will handle conveyancing of the title of the properties acquired and provide the necessary legal services to complete the sales agreements.
- 19.0 Funds will be transferred from the Town to the Solicitor to be held in trust from which to pay out the Purchase Price of acquired Properties.
- 20.0 Properties intended for municipal purposes will be subsequently conveyed to the Town as Environmental Reserve or, as may be approved by the Government of Alberta, in a form appropriate to the use of the land including:
 - 20.1 Public Utility Lots,
 - 20.2 Municipal Reserves, or
 - 20.3 Rights of way.
- 21.0 Lands may also be acquired which are not needed for long term municipal use or environmental protection such as :
 - 21.1 Portions of Parcels not needed for Infrastructure Construction,
 - 21.2 Portions of Parcels not at risk from flooding,
 - 21.3 Public Lands for land development, and
 - 21.4 Private properties expediently acquired to facilitate overall land acquisition and project development.
- 22.0 Properties not intended for municipal purposes will remain titled to the Land Corporation and considered for subsequent disposition or development.

- 23.0 Where only a portion of a Property is intended for municipal purposes, the Property will be subsequently subdivided and the portion intended for municipal purposes will be conveyed to the Town and the remainder will remain with the Land Corporation.

SETTING THE PURCHASE PRICE AND COMPENSATION

- 24.0 The funding agreements of the Governments of Canada and Alberta require that properties be purchased at Market Value.
- 25.0 To determine Market Value, the Town will engage an independent appraiser or appraisers to establish Market Value for each Property.
- 26.0 Recognizing that many of the Owners of Properties that may be considered for acquisition have, in earlier contacts with the Town, been given indications that the purchase price would be the 2014 Assessed Value, the Purchase Price for a Property will be either the Market Value as determined by the independent appraiser or the 2014 Assessed Value, whichever is greater.
- 27.0 Other conditions of sale or particular arrangements may be considered and included in the sales agreement terms provided they do not alter in any appreciable way the compensation given to the Owner.
- 28.0 Requests from Owners for the right of salvage from the Properties will be addressed on a case by case basis and the value of the salvage to be deducted from the Purchase Price will be determined in consultation with the Government of Alberta, based on approaches used and experience gained by the Government of Alberta.
- 29.0 For Properties acquired in contemplation of Section 21.0 and needing subdivision as contemplated in Section 23.0, the allocation of Purchase Price amount the resulting parcels will be determined in consultation with the Government of Alberta.
- 30.0 Where a purchase cannot be achieved, the Town will undertake expropriation.


PURCHASE OF LANDS FOR EXPEDIENCY

- 31.0 The CRFM Officer may authorize the Land Corporation to acquire a property in advance of finalization of all properties to be acquired if listed for sale or offered for sale at a price that is likely to be fair market value, as demonstrated by a qualified appraiser.
- 32.0 The CRFM Officer may authorize the Land Corporation to acquire a property that may not be required to be purchased but the purchase of which may expedite or facilitate a larger sequence of purchases or the development of infrastructure.

REPORTING TO THE GOVERNMENTS OF CANADA AND ALBERTA

- 33.0 The CRFM Officer will fulfill the interim and final reporting requirements set out in the funding agreements with the Government of Canada and Alberta.
- 34.0 As part of the interim reporting and once the purchase transactions are completed, the CRFM Officer will forward to the Governments of Canada and Alberta a list of those properties acquired under this Policy the cost of which the Town expects will be eligible under the respective funding agreements.

Date: January 20, 2020



Mayor



Chief Administrative Officer