

COUNCIL POLICIES & PROCEDURES

SECTION - D

PROPERTY - SALE / PURCHASE

SUBJECT: Request to Harvest Wood on Municipal Land Number D-3

APPROVAL DATE: July 26, 2006

PREAMBLE: It shall be the policy of Council to consider all requests for the harvesting of wood located on Municipal Property.

TERMS:

DEPOSIT

Upon receipt of the appropriate "Expression of Interest" form for the harvesting of wood on Municipal property and a deposit of \$250.00 Municipal Staff will prepare a Report & Recommendation to be presented to Committee which shall include general information on the lot location, lot size, Municipal title, assessed value, potential impact on value of land, etc.

The deposit shall be held by the Municipality as a form of security until the decision is made whether to sell the wood so requested;

If a decision is made not to tender for the harvesting of wood on the property in question the \$250.00 deposit shall be refunded in its entirety;

All requests to harvest of wood from Municipal Land shall be dealt with by public tender with the tender appearing in a local newspaper circulating in the Municipality for a minimum of a two (2) week period.

If the applicant is the successful tenderer or a decision is reached to waive policy and sell the wood directly to the applicant the \$250.00 shall be applied towards any expenses so incurred by the Municipality such as advertising and the balance, if any, will be applied towards payment owed to the Municipality for the sale of the wood.

If the applicant is the unsuccessful bidder for the property the \$250.00 will be returned along with the required additional tender/security deposit.

If the applicant does not tender on the property as advertised, and no other tenders are received or accepted by Council, the deposit, or that portion

thereof required to cover the expenses incurred to date, shall be applied to those expenses and the balance, if any, shall be returned to the applicant.

Only tenders offering what is considered by the Municipality to be “fair market value” for wood will be accepted.

TERMS AND CONDITIONS FOR SUCCESSFUL TENDERER

If the Municipality awards tender to harvest wood on municipal land it will be necessary for the Municipality to hire a qualified Forestry Technician/Scaler to identify the area to be cut and to provide estimates of quantities of wood within the identified area. An allowance for the work will be provided by the tenderer.

Prior to allowing any harvesting of wood on municipal lands it will also be necessary for the Municipality to conduct a survey of the property to ensure that the wood that is being harvested is being taken from Municipal property and not private lands. An allowance for the work will be provided by the tenderer.

All harvesting of wood on municipal land shall be carried out in accordance with the Wildlife Habitat and Watercourse Protection Regulations for Nova Scotia as well as all other applicable Municipal, Provincial and Federal policies, regulations and laws.

It shall be the responsibility of the successful tenderer to obtain any necessary right-of-ways or easements across other private or crown lands in order to access the municipal property so tendered and proof of such agreement shall be provided to the Municipality prior to gaining access to the property.

The successful tenderer shall be required to provide a performance bond equal to 10% of the total estimated value of the wood based on the tender/stumpage value or equal to 100% of the value of the land. The performance bond would remain in place for 120 days following completion of harvesting to ensure that the tenderer repairs any roads, bridges and landings damaged during harvest. The performance bond will be returned after the 120 day period provided that all requirements of the contract have been met to the satisfaction of the Municipality.

Stumpage shall be paid to the Municipality on a per ton or per cord basis with the quantities paid for to be based on weigh scale receipts or such other proof acceptable to the Municipality.

The Municipality must be advised when the wood is hauled to roadside and a municipal representative must approve the shipment of the estimated

quantity of wood to a specific facility which has the capability to provide weigh scale receipts.

WOOD HARVESTING AGREEMENT

The successful tenderer shall sign a contract with the Municipality agreeing to or confirming the following:

- a. that a survey has been completed
- b. that a forest management plan has been completed confirming areas to be cut and quantities of wood expected to be harvested (copy to be attached to the contract)
- c. stumpage that is to be paid to the Municipality, when payment is due and supporting documents required such as weigh scale tickets.
- d. compliance with the Wildlife Habitat and Watercourse Protection Regulations for Nova Scotia as well as all other applicable Municipal, Provincial or Federal policies, regulations and laws.
- e. that roads, bridges, landings, trail and boundary lines will be left in good condition and clear of any type of debris
- f. that the tenderer is covered under the Worker's Compensation Act with the applicable letter of clearance
- g. proof that the tenderer and/or cutters have applicable training (i.e.: Occupational Health and Safety Act, First Aid, chainsaw course, etc.)
- h. that the tenderer will ensure that the cutters will wear the proper protection and safety equipment.
- i. that the performance bond, if required, has been paid
- j. proof that any necessary easements or right-of-ways have been obtained to gain access to the municipal property so tendered.

WAIVER

The Municipality does not accept any responsibility or liability relating to damages done to any other properties including roads, bridges or landings as a result of the harvesting of wood on municipal property and that any such liability shall be born solely by the successful tenderer.

This policy may be waived by a majority vote of Council.

WOOD HARVEST PROPOSAL FORM

Amounts due to Municipality:

Deposit: \$ _____

Allowance for Survey: \$ _____

Allowance for Timber Cruise/Forest Management Plan: \$ _____

*Stumpage _____ cords @ _____ per cord: \$ _____

Other, please describe: \$ _____

Total Due to Municipality: \$ _____

Performance Bond: \$ _____

* Stumpage will be paid for all wood cut from municipal property