

Municipal Corporation of the Township of Killaloe, Hagarty and Richards

By-Law # 12-2014

Being a by-law to repeal By-Law #43-2003 and to establish revised policies for sale and disposition of land.

WHEREAS Section 270(1) of the Municipal Act, 2001 c.25, as amended, requires municipalities to adopt and maintain policies with respect to the sale and other disposition of land;

AND WHEREAS the provisions of By-Law #43-2003 were established under the provisions of the Municipal Act, 2001, S. 268;

AND WHEREAS Section 268 of the Municipal Ac, 2001, has subsequently been repealed;

NOW THEREFORE, the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. THAT By-Law #43-2003 is hereby repealed.
2. THAT Council establishes the Procedural Policy attached hereto as Schedule "A" with regard to the disposition of real property in the Township of Killaloe, Hagarty and Richards.
3. THAT this by-law shall come into force and take effect on the date of final passing thereof.

Read a first and second time this 18th day of February, 2014.

Read a third time and finally passed this 18th day of February, 2014.


Janice Sivastki Moore
Mayor

Jana Shudler
CAO/Clerk-Treasurer

SCHEDULE "A" – Procedural Policy to By-Law 12-2014

A Procedural Policy for the Disposal of Real Property

Section 1 – Definitions:

For the purposes of this by-law:

Appraisal means a written estimate of current market value by a property appraiser registered by the Appraisal Institute of Canada.

Clerk shall mean the CAO/Clerk-Treasurer for the Municipality of Killaloe, Hagarty and Richards.

Cost of Purchase means all costs incurred or required to dispose of the property including, but not limited to, legal fees, survey costs, appraisal costs, encumbrances, advertising, improvements, administration fees, environmental investigations and/or audits if required, land transfer and registration fees.

Council means the Council of the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

Disposal means the sale, exchange for other lands, or the lease for a term of 21 years or longer of any portion of the Township's real surplus property, but does not include the granting of an easement or right-of-way. A by-law shall be passed to dispose of each parcel of real property.

Public Notice means publication as described in Section 3(ii). The notice shall comply with the municipality's notice provision by-law, and shall contain a description of the property and the date on which Council will consider the sale of same.

Real Property means land and buildings, inclusive of roads and road allowances, which are owned by the Corporation of the Township of Killaloe, Hagarty and Richards.

Surplus Real Property means property which the Municipality does not require ownership of to meet its current or future program or operational requirements.

1. The policies and procedures on this schedule shall apply to the sale of property by the Corporation of the Township of Killaloe, Hagarty and Richards, including a lease of 21 years or longer, but does not apply to the sale of land for tax arrears pursuant to Part XI of the *Municipal Act, 2001 c25*, as amended.
2. Interest in the purchase of real property shall be submitted in writing to the municipality.
3. Prior to the disposal of property:
 - i. Council shall by resolution made at a regular council meeting, declare the property to be surplus.
 - ii. Notice shall be given to the public by way of publication in a local newspaper having general circulation in the municipality, by way of publication on the municipal website, and by any other means of communication which in the opinion of the Clerk, is reasonable and appropriate.
 - iii. Council shall obtain at least one appraisal of the fair market value of the property, and the appraisal shall be conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
4. When more than one party has expressed an interest in purchasing the property, or where Council believes it to be in the best interests of the municipality, the Council may, by resolution, direct that the property be sold by:
 - i. Public Tender
 - ii. Public Auction
 - iii. Land Exchange
 - iv. Proposal Calls
 - v. Contract with Licensed Real Estate Broker

5. When Council directs that the property by sold by tender, the municipality's tendering policy and procedures which are in effect at the time shall apply, with necessary modifications, shall apply.
6. Council shall, at a meeting open to the public, consider the ultimate disposition of any class of real property. With due consideration to Section 106 of the Municipal Act, 2001, as amended, Council reserves the right to accept any offer, notwithstanding that it might not be the highest offer received, or they may determine not to dispose of the property in question, at that time.
7. Where the property is not to be disposed of by tender or public auction, the purchaser shall pay in advance, the appraisal costs and the cost of giving notice to the public. All other Cost of Purchase, as defined in this policy, shall be paid prior to the transfer of ownership of the property from the municipality to the purchaser.
8. A Certificate of Compliance for each sale of property shall be issued by the Municipality.

Section B – Exclusion from Appraisal – Classes of Lands

Section 3(iii) does not apply to the sale of the following classes of land:

- a. Land that is 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
- b. Highways, roads and road allowances, whether open, unopened, closed or stopped up.
- c. Land formerly used as railway lines, if sold to an owner of land abutting the former railway land.
- d. Land that does not have direct access to a highway if sold to the owner of land abutting that land.
- e. Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*.
- f. Land sold under Section 107 & 108 of the *Municipal Act, 2001, S.O. c25*, as amended.
- g. Easements granted to public utilities or to communications companies.
- h. Land that is sold to another municipality or local board, including a school board or conservation authority.
- i. The Crown in right of Ontario or Canada and their agencies.