

Department: Legal Affairs	Policy Number: L07-01290
Subject: Land Disposition	Effective Date: 14/03/06
Bylaw No:	Revision Date: 13/12/16
	Version #: 2

Purpose:

To develop procedures for land acquisition and sale of municipal property.

Definitions:

Fair Market Value: the most probable price which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests.

Non-viable Land: a parcel(s) of land being disposed of, by means of a land exchange, for municipal or other government purposes. Non-viable property shall also include a parcel of land, which on its own, would not be eligible for a building permit and the leasing of municipally owned land or buildings for a term of less than 21 years.

Viable Land: a parcel of land, which on its own, would be eligible for a building permit, or can be assembled with other land to increase the development or redevelopment potential of the whole, and includes any parkland or part of any park.

Policy:

1. *The Municipal Act, 2001* Section 270 (1) requires that a municipality shall adopt and maintain policies with respect to its sale and other disposition of land.
2. Before selling any viable land, the municipality shall;
 - a) circulate a request for comment to Department Managers.
 - b) by resolution declare the land to be surplus.
 - c) obtain at least one appraisal of the land, and
 - d) give notice to the public of the proposed sale via municipal website posting, newspaper advertisement or real estate listing.
3. The municipality shall maintain a public register listing describing the land owned by the municipality.
4. Availability of land will be posted on the municipal website and if deemed necessary a local real estate office may be engaged to sell land, this practice constitutes giving notice of the proposed sale
5. Subsequent to an opinion of value, Council establishes the purchase price of municipal land based on Fair Market Value and;

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- a) that any purchaser interested in land submit an offer to purchase to the Clerk
 - b) that the offer shall include a 10% deposit (cheque) of the purchase price
 - c) that the purchaser absorb their own legal fees associated with land
 - d) that the municipality complete the transaction and absorb the legal fees for sale and where required the creation of the parcel of land upon receipt of an offer
6. Procedure for sale of land for tax arrears is described in the *Municipal Act*.
7. Terms of Disposition and Exemptions
- a) A Council Bylaw is required to execute the sale of municipal property.
 - b) Notwithstanding that the Terms of Disposition have been followed, that one or more interested parties may present to Council an Offer to Purchase the real property, Council shall have the absolute discretion to accept any proposal to purchase the land, to judge the acceptability of any terms or conditions therein and to judge the sufficiency of acceptability of any consideration proposed by a potential purchaser.
 - c) The sale of municipal property does not obligate or bind Council to approve amendments with respect to the provisions set out in the *Ontario Planning Act*.
 - d) The Town will not be responsible for errors and omissions as a result of information provided by a third party or interpreted on behalf of a third party.
 - e) Notwithstanding sections a) and b), non-viable lands are exempt from the declaration and notice provisions of this policy, and can therefore be sold by the Town without the need to declare intent to sell or give notice, unless otherwise directed by Council.
 - f) All of the Town's costs with respect to the disposition of non-viable property save and except land exchanges for municipal purposes, shall be recovered from the purchaser or lessee, unless, in the sole opinion of the Town, it is desirable to waive this requirement. In addition, the applicant may be required to enter into an agreement to the satisfaction of the Town Solicitor and pay a deposit toward the expected costs to be incurred by the Town.