

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 23 - 2008

BEING, a by-law to establish a Policy for the sale and other disposition of land;

WHEREAS, Section 270(1) of the Municipal Act, 2001, as amended, requires the Council of the Corporation of the Municipality of West Grey to pass a by-law to establish policies governing the sale of real property;

AND WHEREAS, it is deemed necessary to establish and adopt a Policy with respect to the sale and disposition of land;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:

1. Definitions in this By-law:

- a) "Appraisal" shall mean a written opinion/letter of opinion by an individual with training and experience in valuing property, as to the amount that the real property might be expected to realize if sold in the open market;
- b) "CAO/Clerk" shall mean the CAO/Clerk of the Corporation of the Municipality of West Grey;
- c) "Council" shall mean the Council of the Corporation of the Municipality of West Grey;
- d) "Disposal" shall mean the sale of real property by the Municipality;
- e) "Municipality" shall mean The Corporation of the Municipality of West Grey;
- f) "Real Property" shall mean lands owned by the Municipality, whether vacant or not, or any other proprietary interest in lands owned by the Municipality, and without limiting the generality of the foregoing, includes easements, rights-of-ways, leaseholds exceeding 21 years, and any interest in lands under an agreement of purchase and sale;
- g) "Surplus Land" shall mean any land of the Municipality declared surplus under this By-law.

2. Exclusion of Certain Classes of Land:

- 2.1 This By-law shall not apply to the sale of the following classes of land owned by the Municipality, provided that the Municipality shall give notice of the intended sale by posting the notice in a public area of the municipal office and on the Municipal website at least ten (10) days prior to the passing of the By-law approving the sale, and further provided that Council, prior to giving notice of intended sale of land and of disposing of such real property, shall by resolution declare the real property as surplus:
 - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - b) Closed highways if sold to an owner of land abutting the closed highway;
 - c) Land formerly used for 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 sections 107 and 108 of the Municipal Act, 2001, as amended;
 - g) Easements granted to public utilities or to telephone companies;
 - h) Land being exchanged with any land owner as part of a procedure that requires the acquisition of that owner's lands for municipal purposes, and is deemed to be beneficial to the municipality;

- i) Land sold to an abutting land owner that is incapable on its own of meeting the requirements for a building lot;
- j) Sale of land to public bodies, including a municipality; a local Board, including a school board and a conservation authority; and The Crown in right of Ontario or Canada and their agencies.

2.2 This By-law shall not apply to the sale of the following classes of land:

- a) Land sold under Section 110 of the Municipal Act, 2001, as amended – Municipal Capital Facilities;
- b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- c) Land sold under Part XI of the Municipal Act, 2001, as amended – Tax Sales;
- d) Easements over municipally owned lands, as approved by Council.

- 3. Council shall have the absolute discretion to accept, or not accept, any proposal to purchase the real property of the Municipality, to judge the acceptability of any terms or conditions placed therein and to judge the sufficiency or acceptability of any consideration proposed by any purchaser.
- 4. The Municipality shall establish and maintain a public register listing that describes the land owned by the Municipality or local board.
- 5. The CAO/Clerk shall provide a “Certificate of Compliance” attached as Schedule “B”, to be included in the Transfer/Deed of Land verifying that to the best of the knowledge and belief of the CAO/Clerk, the Municipal Act, 2001, as amended, and the provisions of this By-law have been complied with and which Certificate shall be deemed to be sufficient proof of such compliance.
- 6. That By-law No. 28-2001 is hereby repealed.
- 7. Schedules “A” and “B” are attached hereto and form part of this By-law.
- 8. This By-law shall take full force and effect upon the date of its passing.

Read a first and second time this _____ day of _____, 2008.

Read a third time and finally passed this 7th day of April, 2008.

Kevin Eccles, Mayor

Christine Robinson, CAO/Clerk

SCHEDULE "A" TO BY-LAW NUMBER 23 - 2008

PROCEDURE - SALE OF REAL PROPERTY

1. Prior to the disposal of real property, the Municipality shall:
 - a) By resolution, declare the land to be surplus;
 - b) Obtain at least one appraisal of the fair market value of the land from an independent qualified appraiser, or from a real estate firm or broker;
 - c) Give notice to the public of the intended sale of the land by placing at least one advertisement in a newspaper having general circulation in the Municipality, and posting notice on the Municipal website, a minimum of fourteen (14) days prior to sale of the land. The advertisement shall include a brief description of the real property, and date and time associated with each sale. A notice of proposed sale shall also be posted at the real property location.

2. The method of sale of real property of the Municipality shall be by tender, request for quotation, public quotation, or by real estate through a real estate firm or broker, once the surplus property is officially declared by Council. The method of sale of real property shall be approved by resolution of Council. The following provisions shall apply:
 - a) The costs incurred or anticipated to dispose of the real property such as legal fees, survey, appraisal, real estate listing, encumbrances, advertising and improvements, shall be established;
 - b) An estimated bid amount shall be established which shall not be less than the appraised value plus the amounts of the costs referred to in clause 2(a) above;
 - c) The tender or quotation documents shall be submitted to the CAO/Clerk by the date specified therein;
 - d) The tender or quotation document and advertisement in a newspaper shall include the statement that "the highest or any offer may not necessarily be accepted";
 - e) The sale by public auction documents shall include a minimum bid reserve;
 - f) If the sale of real property is through a real estate firm or broker, offers on the standard Ontario Real Estate Association Agreement of Purchase and Sale forms shall be submitted to the CAO/Clerk, providing for an irrevocable period of at least twenty (20) days, and shall be presented at the next regular meeting of Council, for Council's acceptance or dismissal.