

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2011-010

SALE OF LAND

(OR OTHER DISPOSITION OF MUNICIPAL LAND)

WHEREAS Section 270 of the Municipal Act S.O. 2001, c.25, as amended effective January 1, 2007, requires Municipalities to adopt and maintain policies with respect to the sale or other dispositions of land;

AND WHEREAS the purpose of this by-law is to update the current Municipal policies on the sale and other disposition of land.

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF STRONG AS FOLLOWS:

1. TITLE

This by-law shall be called the **Sale of Land By-law**.

2. CONTENTS:

PART 1 - Sale of Land (Other than Public Highways)

PART 2 - Sale of Land (Public Highways)

PART 3 - Exclusions, No Public Notice or Appraisal Required

PART 4 - General Provisions
i) Adjournment
ii) More Comprehensive Notice
iii) Effective Date

3. DEFINITIONS

3.1 In this By-law:

- a) **Appraisal** shall mean a written opinion of the fair market value of the land. This may be provided by:
- i) the Clerk's office, having reference to assessed values in the surrounding area, or,
 - ii) by an opinion of a Real Estate Agent, having knowledge of land values in the area, or,
 - iii) by a formal valuation by a qualified Real Estate Appraiser.
- b) **Other Disposition** means the granting of the use of land by:
- i) lease for a period of 21 years or more, or,
 - ii) a lease with options to renew for a period greater than 21 years, but,

- iii) this does not include a licence given by the Municipality which is revocable by the Municipality within the 21 year period.
- c) **Sale** means a transfer of legal title in land and includes a lease of 21 years or longer.

PART 1 **(Other than Public Highways)**

4. SALE REQUIREMENTS

4.1 **Method of Sale** - Council shall have the absolute discretion to select the particular method of disposing of a parcel of land to the public for sale. Such method may include:

- a) sale by public tender;
- b) listing with a real estate firm(s) or broker;
- c) direct sale (no agent);
- d) such other method as is determined by Council.

4.1.1 **Unsolicited Offers**

- a) unsolicited offers to purchase a parcel of real estate may be considered by Council;
- b) where more than one (1) person has expressed an interest in purchasing real property, or whether Council believes it to be in the best interest of the municipality, Council may by Resolution direct that the real property be sold by tender.

4.2 **Appraisal** - The Municipality shall, prior to the sale of any land:

- a) obtain at least one (1) appraisal of the land in the manner as deemed appropriate by Council (see definition 3.1 (a) above);
- b) this provision (appraisal) shall not apply to any other disposition of land (defined in paragraph 3.1(b) above).

4.3 **Sale Price of Land**

Council at its discretion shall determine the sale price of any land. The sale price includes the sale price of land and the anticipated costs being incurred by the Municipality with respect to the sale including legal fees, surveys (if applicable), appraisal fees (if applicable) and the publication of the Public Notice.

4.4 **Surplus Land**

Council shall, prior to the sale of land, determine by By-law or Resolution, that the subject lands are surplus to the requirements of the Municipality.

4.5 **Public Notice**

Unless otherwise directed by Council, Public Notice shall be given,

- a) Publishing - The Municipality shall give Notice to the public of a proposed sale or other disposition of land by publishing a Notice at least three (3) times, one week apart, in a newspaper having local circulation in the Municipality.
- b) Posting - The Municipality shall post the Public Notice in a minimum of three (3) places in the general area of the land being sold for three (3) consecutive weeks prior to the Council Meeting.
- c) Website - The Municipality shall post the Public Notice on the municipal website for a period of three (3) consecutive weeks.

4.5.1 **Council Consideration : Interval**

Final consideration of the proposed sale or other disposition by Council shall not take place sooner than one (1) week after the last published date, after the last of, the publishing date, the posting date, the website date, which ever shall be last.

4.6 **Public Comment**

The Notice shall specify that anyone wishing to comment on the proposed sale or other disposition may do so by:

- a) delivering such comment in writing to the Clerk of the Municipality on or before the date the subject matter is to be considered by Council; or,
- b) by appearing at the Council Meeting and advising the Clerk that the person wishes to speak to the issues.

PART 2 **(Public Highways)**

5. SALE REQUIREMENTS

Where the land being sold is all or part of a Public Highway, or of a former Public Highway, the following provisions shall apply.

5.1 Surplus Land

Council shall first determine that the land is surplus to the requirements of the Municipality.

5.2 Approval in Principle

- a) Application Form: Application Fee
On receipt of a request to purchase all or part of a Public Highway, the Applicant shall fill out an Application Form, pay the required fee (see Schedule A attached), and after preliminary investigation the matter shall be placed on Council's agenda.
- b) Council Resolution
Council shall by Resolution reject, defer, or approve in principle the Application. Any approval in principle shall include,
 - i) any additional conditions required by Council;
 - ii) a condition that the Application is subject to investigation by the Clerk's office;
 - iii) a stipulation that the Applicant is responsible for all administrative and legal costs in connection with the Application and its processing.
- c) Initial Deposit (After Councils Resolution)
The Applicant on receiving a Resolution approving in principle shall file an initial deposit against legal and administrative fees, as set out in Schedule A attached.
- d) Sale Price
Unless otherwise determined by Council, the sale price shall be as set out in Schedule A attached.

6. PUBLIC NOTICE

6.1 Prior to Council's consideration of a Road Closing By-law there shall be, unless otherwise directed by Council,

- a) Publishing - Notice to the Public of the proposed closing and sale of all or part of a Public Highway shall be published for three (3) consecutive weeks in a newspaper having local

circulation in the Municipality.

- b) Posting - Posted in a minimum of three (3) places in the general area of the road allowance being closed, at three (3) consecutive weeks prior to the Council meeting.
- c) Website - If the Municipality has a website, to be posted thereon for a period of three (3) consecutive weeks and such posting shall be deemed to be posting in the Township offices.

6.1.1 **Council Consideration: Interval**

Final consideration of the proposed sale or other disposition by Council shall not take place sooner than one (1) week after the last published date, after the last of, the publishing date, the posting date, the website date, which ever shall last occur.

6.2 **The Notice shall also include:**

- a) Description: a description of the lands which is the subject matter of the Notice;
- b) Intention: intention and purpose of the by-law;
- c) Date and Time: the date and time that the by-law will come before Council;
- d) Location: the location of the Council Meeting;
- e) Representation: a statement that Council will hear from anyone in person or by his/her counsel, solicitor or agent who claims that his/her lands will be prejudicially effected by the by-law, and who applies to be heard;
- f) Reference Plan: a copy of the Reference Plan (if available) can be inspected at the at the Municipal offices.

6.3 **Time of Council's Consideration**

Council's consideration of the proposed sale, or other disposition, shall not be sooner than one (1) week after the last day the Notice has been published.

PART 3

(Exclusions, No Public Notice or Appraisal Required)

7. NOTICE OR APPRAISAL NOT REQUIRED

7.1. The Public Notice and Appraisal portion of this policy (paragraph 3.1(a) and 3.1(b)), shall NOT apply to the sale or other disposition of the following classes of land unless Council at its discretion determines that an appraisal is necessary for such sale:

- a) **Reserves** - land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act or otherwise;
- b) **Abutting Owners** - closed highways (excluding Original Shore Road Allowances) if sold to an owner of land abutting the closed highway;
- c) **Former Railway Lands** - land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- d) **No Direct Access** - the subject land that does not have direct access to a highway and if sold to the owner of land abutting that land;
- e) **Expropriation Act** - land repurchased by an owner in accordance with s.42 of the Expropriations Act;
- f) **SS. 107 and 108 Municipal Act** - land sold under ss.107 (grants guaranteed) and 108 (small businesses) of the Municipal Act, 2001;
- g) **Land sold to Municipality or Local Board** - land sold to a Municipality, a local board including a school board and conservation authority, or the Crown in Right of Ontario or Canada and their agencies.

8. SPECIAL PROVISIONS

This By-law shall NOT apply to the sale or other disposition of land in the following classes of land:

- (a) **Capital Facilities Agreement**
land sold under s.110 of the Municipal Act, 2001 (municipal capital facilities agreement);
- (b) **Industrial Operations**
land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- (c) **Sale for Tax Arrears**

land sold under Part XI of the Municipal Act, 2001 (sale of land for tax arrears).

- (d) Electrical and Communication Easements
an easement required for electrical distribution line, electricity transmission line, hydro carbon distribution line, within the meaning of Part VI of the Ontario Energy Board Act, 1998, Bell Telephone, or any cable company.

PART 4
(General Provisions)

9. ADJOURNMENT

9.1 **Adjournment: Notice deemed to continue**

Where notice of a public meeting or notice of intention to pass a by-law has been given in accordance with this by-law, Council may adjourn the public meeting to another specified date, or may adjourn to continue consideration of the by-law to another specified date. On such subsequent date, notice shall be deemed to have been sufficiently given to continue the public meeting or consideration and pass the proposed by-law.

9.2 **More comprehensive Notice**

Nothing in this by-law shall prevent the Clerk from using a more comprehensive method of giving Notice, or, providing for longer or shorter Notice period, when directed by by-law or resolution of council.

10. EFFECTIVE DATE

11.1 This by-law shall become effective on the date of passing.

11.2 Provided however, that any procedure followed under the repealed by-law prior to the effective date of this by-law, shall be deemed to be in compliance with the *Municipal Act* and this by-law with respect to any sales of land that are completed on or after the effective date.

11. REPEAL

10.1 By-law 2007-1546 and 2008-1574 is hereby repealed.

THIS BY-LAW READ A FIRST, SECOND TIME THIS 8TH DAY OF FEBRUARY 2011

AND THIRD TIME, AND FINALLY PASSED ON A MOTION BY: J.D.Newstead
SECONDED BY: Merlyn Snow THIS THE 22ND DAY OF FEBRUARY , 2011

**THE CORPORATION OF THE
TOWNSHIP OF STRONG**

Mayor, Christine Ellis

Clerk/Treasurer, Linda Maurer

Seal

Schedule A to By-law 2011-011

SCHEDULE A

PART 2

(Sale of Public Highway Lands)

1. Initial Deposit with Application (for initial investigation - non-refundable) -
~~\$500.00~~
2. Preliminary Deposit when given approval in principle - ~~\$3,000.00~~
3. A Fair Market Value, Sale Price, to be determined by Council
Sale of shore Road allowance ~~-\$0.25 per sq. ft.~~

Please note the sale price for land is amended from time to time per the Tarriff of Fees By-law. Applicants should consult the by-laws to determine the most fees applicable to purchase land.