

THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

BY-LAW NUMBER: 2726-15

A by-law to establish provisions for the sale and other disposition of surplus property owned by the Township of North Dumfries.

WHEREAS Section 270 (1) of the Municipal Act, 2001 requires the Council of the Township of North Dumfries to adopt and maintain policies with respect to the sale and other disposition of land;

AND WHEREAS it is deemed advisable to establish a policy to govern the sale and disposition of real property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. Definitions:

Appraisal - a written opinion of fair market value from an Accredited Certified Appraiser providing information sufficient to satisfy the Chief Administrative Officer or designate that the opinion is reasonable and consistent with the nature of the appraisal requested.

Chief Administrative Officer (CAO) - is the Chief Administrative Officer of the Township of North Dumfries or designate.

Council - Council of the Township of North Dumfries.

Disposal – Shall mean the sale of real Property.

Newspaper – A printed publication in sheet form, intended for general circulation within the Township as to provide reasonable notice to those affected by, or, potentially interested in the sale of the Property.

Property – Property owned by the Township, whether vacant or not, or that is owned by its agencies, boards or commissions and includes land, buildings, easements, licences and leases.

Sale – A commitment to sell or otherwise dispose of Property, including a disposal by way of lease of 21 years or longer.

Surplus – Property which the Township intends to sell or otherwise dispose of.

Township – The Corporation of the Township of North Dumfries.

2. Scope of the By-law

The By-law applies to the sale and other disposition of Property undertaken by the Corporation of the Township of North Dumfries and/or the Township's agencies, boards or commissions unless provided for elsewhere.

3. Policy with respect to the sale and other disposition of surplus property

- (1) Prior to Sale, the Property shall be declared Surplus by Resolution of Council in Open Session. Council shall receive in Open Session a Report from the Chief Administrative Officer confirming the location of the Property(s), the recent past use of the Property(s), an analysis of what is the basis to consider the Property(s) surplus for Township purposes, and, the intended manner or process by which the disposition of the land will be carried out.

The Council Meeting and the consideration of the Chief Administrative Officer's Report shall be advertised and posted on the Township's website and Newspaper a minimum of two weeks prior to the Meeting.

- (2) The classes of Property that are exempt from the requirement of being declared surplus are set out in Schedule A of this by-law;
- (3) The classes of Property that are exempt from the requirement of advertising and the giving of notice are set out in Schedule A of this by-law;
- (4) Upon receiving direction from Council that the Property is surplus and prior to Sale, an Appraisal of the Property shall be obtained. The classes of Property that are exempt from the requirement for an Appraisal; are set out in Schedule A of this by-law; and,
- (5) Prior to the finalization of the Sale of Property(s) as set out in Policy 3(1), and having regard to Policies 3(2) and 3(3), advertising and notice of Council's intention in Open Session to consider a report from the Chief Administrative Officer on the Property disposal shall be undertaken. The Chief Administrative Officer's report shall identify the final purchase price, term(s) of the transaction, and, where the allocation of the net revenue resulting from the sale proceeds shall be assigned.
- (6) Nothing herein shall prevent Council from requiring an Appraisal or additional notice despite the exemptions set out in Schedule A of this by-law.

4. Disposal at Fair Market Value

All sales or disposals will be at the appraised value, with the exception of those circumstances approved by Council in Open Session or as noted in Schedule A. Council may consider a transaction that includes all or part of the value in cash or equivalent value in kind (i.e. Land swap). In the latter case, the Township will require an acknowledgment of an Appraisal of the in-kind value.

5. Methods of Sale

Sale methods for the disposition of surplus Property, include, but are not limited to:

- (1) Auction – a public and open auction conducted by such person(s) deemed appropriate by the Chief Administrative Officer;
- (2) Call for Proposal – a proposal to buy and develop land in accordance with a Council approved use;
- (3) Direct Sale – through the receipt of a bona fide offer of purchase and sale;
- (4) Land Exchange – lands to be exchanged for other land, in whole or in part, deemed necessary for the Township at the equivalent value, unless otherwise approved by Council;
- (5) Real estate broker multiple listing service – listed with a realty firm from the local real estate board acting as the Township's agent for the disposition of the Property; and,
- (6) Tender – property to be offered by public tender process in accordance with the Township's Procurement By-law.

6. Road Closings and/or Walkways

Any Township Property which is surplus because of stopping-up and closing of a public highway and/or walkway may be offered for sale to all abutting land owners. A decision of Council is required first as to whether this is the preferred course of action vs. a method of sale as outlined in Section 5. Where only a portion of the road allowance is stopped up and closed, the

surplus portions can be conveyed to the abutting owner(s) for a nominal value if Council determines to follow this course of action.

If one of the abutting owners does not wish to purchase his/her share, it may be offered to the adjoining owner on the other side at the same or higher price. Should none of the abutting owner(s) wish to purchase the closed road allowance and/or walkway, the Township may seek another buyer for the Property.

7. Cost of Sale

The purchaser of the Property shall be responsible for all costs incurred or required to dispose of the Property including, but not limited to, legal, survey, appraisal, advertising, improvements and administrative fees.

If one or more of these expenses incurred or required to dispose of the Property is waived, it must be dealt with by Council through Resolution adopted in Open Session.

8. Sale of Property to Township Employees

Surplus Township Property may be sold to employees of the Township, provided all requirement outlined in Town by-laws, policies and procedures regarding the sale and other disposition of Surplus Property are met. Any Sale of Property to an employee (or immediate member of their family) of the Township must be declared by the employee to the Chief Administrative Officer prior to consideration by Council so that this information can be publically disclosed in the Staff Report. In this section, an employee includes Members of Council and their immediate family.

9. Public Register

The Clerk shall maintain a public register listing and describing all Property owned or leased by the Township, except for the following classes of land:

- (1) Land 0.3 metre or less in width acquired in connection with an approval decision under the Planning Act;
- (2) All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.

10. Repeal


By-law No. 2300-08 and any other by-law or resolution of Council not consistent with this by-law are hereby rescinded in their entirety.

READ A FIRST AND SECOND TIME THIS 19TH DAY OF OCTOBER, 2015.

READ A THIRD TIME AND PASSED THIS 19TH DAY OF OCTOBER, 2015.



Mayor



Acting Clerk

SCHEDULE A TO BY-LAW No. 2726-15

Classes of Land	Declare Surplus	Appraisal	Notice Requirements
All easements and rights-of-ways	Required	Exempt	Exempt
Leases and licenses for a period less than 21 years In duration	Required	Exempt	Exempt
Sale to other Municipalities, the Region of Waterloo or other upper tier government, a local board (including a school board and a conservation authority) and the Crown in the right of Ontario or Canada	Required	Exempt	Required. A 1.2 m x 1.2 m notice board visible to the street for all forms of transactions a minimum of two weeks prior to the Council Meeting, and, posting of the notice on the Township's website a minimum of two weeks prior to the Council Meeting, and, advertising in the Newspaper for two consecutive weeks prior to Council's consideration of the matter.
Sale for tax arrears	Determined by Tax Sale Act	Determined by Tax Sale Act	Determined by Tax Sale Act
Reserves of approximately 0.3 metres or less in width for Property acquired through the Planning Act process	Required	Exempt	Exempt
Property under Section 42 of the Expropriations Act (expropriated lands deemed surplus shall be offered to the Owners from who the lands were originally taken)	Required	Exempt	Exempt
Stopped up, closed highways or walkways	Required	Exempt	Required. A 1.2 m x 1.2 m notice board visible to the street for all forms of transactions posted a minimum of two weeks prior to the Council Meeting, and, posting of the notice on the Township's website a minimum of two weeks prior to the Council Meeting, and, advertising in the Newspaper for two consecutive weeks prior to Council's consideration of the matter.

Classes of Land	Declare Surplus	Appraisal	Notice Requirements
Lands sold under Sections 107 and 108 of the <i>Municipal Act</i> (grants in the form of sale of Township Property for economic development purposes)	Required	Exempt	Required. A 1.2 m x 1.2 m notice board visible to the street for all forms of transactions posted a minimum of two weeks prior to the Council Meeting, <u>and</u> , posting of the notice on the Township's website a minimum of two weeks prior to the Council Meeting, <u>and</u> , advertising in the Newspaper for two consecutive weeks prior to Council's consideration of the matter.
Lands sold under Section 110 of the <i>Municipal Act</i> (sale of Township Property to a person including another Municipality related to an agreement to provide Municipal capital facilities)	Required	Required	Required. A 1.2 m x 1.2 m notice board visible to the street for all forms of transactions posted a minimum of two weeks prior to the Council Meeting, <u>and</u> , posting of the notice on the Township's website a minimum of two weeks prior to the Council Meeting, <u>and</u> , advertising in the Newspaper for two consecutive weeks prior to Council's consideration of the matter.
Sale for the establishment and carrying on a business in a Municipally owned industrial park	Exempt	Required	Exempt
Easements granted to public utilities or to telephone companies	Exempt	Exempt	Exempt
Land that does not have direct access to a public highway if sold to the owner of land abutting that Property	Required	Required	Required. A 1.2 m x 1.2 m notice board visible to the street for all forms of transactions posted a minimum of two weeks prior to the Council Meeting, <u>and</u> , posting of the notice on the Township's website a minimum of two weeks prior to the Council Meeting, <u>and</u> , advertising in the Newspaper for two consecutive weeks prior to Council's consideration of the matter.

