



<b>POLICY:</b>	<b>SALE AND DISPOSITION OF LAND SCHEDULE "A" TO BY-LAW 16-17</b>
Committee:	Planning Services Department
Effective Date:	September 26, 2016
Most Recent Revision:	September 23, 2016

## **SCOPE**

This policy applies to the sale and disposal of land by the Corporation of the Town of Mattawa.

## **POLICY**

The municipality will dispose of surplus land in an open and transparent process to ensure that the consideration for such disposal is fair, reasonable and in the best interest of the municipality. Policy disposal procedures may be initiated in response to inquiries from the public, unsolicited offers or as a result of internal municipal actions.

This policy does not apply to the sale of land under Part XI of the Municipal Act – Sale of Land for Tax Arrears.

This policy does not apply to the sale of Municipal Road Allowances (See Policy for the Closing and Sale of Municipal Road Allowances – Schedule B to By-law 16-17.

## **DEFINITIONS**

In this Policy:

- a) "Appraisal" means a written opinion from a person/company certified by the Appraisal Institute of Canada as to the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.
- b) "Clerk" means the Clerk of the Corporation of the Town of Mattawa
- c) "CAO" means the Chief Administrative Officer of the Corporation of the Town of Mattawa.
- d) "Council" means the Council of the Corporation of the Town of Mattawa.
- e) "Municipality" means the Corporation of the Town of Mattawa.
- f) "Notice" means the notice of the proposed sale in an approved local newspaper of the intention to dispose of the lands in question.
- g) "Real Property" means lands owned by the Corporation of the Town of Mattawa whether vacant or not or any other proprietary interest in lands owned by the Corporation of the Town of Mattawa, and without limiting the generality of the foregoing, includes easements, right of ways, leaseholds exceeding 21 years, and any interest in the lands under an agreement of purchase and sale.
- h) "Sale" means a transfer of municipal real property.
- i) "Surplus Land" means real property owned by the municipality and declared surplus by resolution of Council.

- j) "Tender" means a completed tender document sealed in an envelope. The required tender form is attached as Appendix "1" forming part of this By-law.

## **PROCEDURE**

### **1. COMMENCEMENT OF DISPOSAL PROCEEDINGS**

- 1.1 The municipality may commence the proceedings to dispose of Real Property at its own initiative or upon the receipt of a written request or inquiry from an applicant.

### **2. DECLARATION OF SURPLUS PROPERTY**

- 2.1 Before selling any land or advertising the lands for sale Council shall by resolution during an open meeting, declare the property to be Surplus Land.

### **3. APPRAISAL**

- 3.1 Council shall before selling any land obtain at least one appraisal from someone/company certified by the Appraisal Institute of Canada of the fair market value of the land by a person or body qualified to do so.

- 3.2 The list price of surplus land for sale shall be the appraised value determined by a qualified appraiser unless a majority of Council sets a different price by way of motion of Council.

### **4. NOTICE TO PUBLIC**

- 4.1 Prior to selling any Real Property the municipality shall give notice to the public of the proposed sale.

- 4.2 An advertisement shall be placed in at least one newspaper having general circulation within the local area once a week for a minimum period of two consecutive weeks.

- 4.3 The Notice shall also be posted on the municipal website and at the municipal office.

- 4.4 The Notice shall include a brief description of the property and a sketch if at all possible.

- 4.5 The Notice will make clear the closing date of the sale(s) and the date and time to which the sealed Tenders will be opened.

- 4.6 The Notice shall state the highest or any Tender not necessarily accepted.

### **5. METHOD OF SALE**

- 5.1 The method of sale for surplus land shall be by sealed Tender.

- 5.2 Tenders received after the original advertised date and time will not be accepted.

- 5.3 Tenders must be delivered to the Town of Mattawa municipal office in a sealed envelope clearly marked "Tender for Surplus Lands" and include the address and name of the applicant.

- 5.4. Sealed tenders will be opened in public on the same day shortly after the deadline for the submission of the tenders at 160 Water Street, Dr. S. F. Monestime Council Chambers, Mattawa, Ontario
- 5.5 The required tender document to be completed by the applicant is attached as Appendix "1". The tender document attached as Appendix "1" must be accompanied by a certified cheque, bank draft or money order worth no less than twenty percent (20%) of the asking price of the Surplus Land for sale.
- 5.6 By submitting a completed application accompanied by the required monetary deposit established in Section 5.5, applicants are accepting the terms and conditions of the Sale and Disposition of Land policy.
- 5.7 Council, at the next regular or special meeting of Council following the opening of the Tenders, may choose to make a final decision to accept or decline the Tender.
- 5.8 Council reserves the right to accept or decline any tender for Surplus Land. Highest or any tender not necessarily accepted.

## **6. SURPLUS LAND SALES BY BEST OFFER**

- 6.1 Sections 3.2 and 5.6 notwithstanding, if there are no Tenders received for properties for sale by the original deadline, Council may pass a resolution to re-advertise any Surplus Lands for 'best offer'.
- 6.2 A decision to dispose of Surplus Lands by best offer must be made within 3 calendar years of the original method of disposing of the land for appraised value. If this decision has not been made within 3 calendar years, the next time the Surplus Land is put up for sale it will be for appraised value.
- 6.3 Sections 3.2 and 5.6 of this policy notwithstanding, the procedures for re-advertised sales by best offer remain the same with the further exception of procedures listed under Section 6 of this policy.
- 6.4 Tenders submitted for Surplus Land sales by best offer will require a certified cheque, bank draft or money order worth twenty percent (20%) of the offer to be accompanied by the completed tender forms.
- 6.5 For sales by best offer Council will determine whether or not a tendered amount will be accepted. Highest or any Tender not necessarily accepted.
- 6.6 Sales by best offer are intended to provide some revenue from Surplus Lands that have historically not received any tendered offers during the sales process.

## **7. EXEMPTIONS**

- 7.1 The following of classes of property disposal are exempt from the provisions of this policy:
- 7.1.1 Disposal of an easement to a public utility;
  - 7.1.2 Municipal tax sales as per Part XI of the Municipal Act, 2001;
  - 7.1.3 Sales pursuant to Section 110 of the Municipal Act, 2001.

7.2 By resolution, Council may direct, on a case by case basis, that any exempted disposal be conducted in accordance with this policy.

## **8. ASSOCIATED COSTS**

8.1 The purchaser of such lands determined to be surplus by the municipality shall be responsible for all costs incurred or required to dispose of the property with the exception of advertising and appraisal costs. These include, but are not limited to encumbrances and legal fees.

8.2 The municipality makes no representation regarding the title or any other matters relating to the land to be sold. Surplus Land is sold 'as is'.

## **ERRORS AND OMISSIONS**

It is acknowledged that any error or omission in following the procedures, in which error or omission was not the result of bad faith on behalf of the municipality will not necessarily render such disposal invalid or void.

## **PRIVACY**

The disclosure of information relevant to the sale of Surplus Lands shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R. S. O. 1990, c. M.56, as amended.

## **FORMS**

Appendix "1" Tender to Purchase Surplus Land