



By-Law No. 2015-40

Being a By-law to adopt and maintain a policy with respect to the sale and other disposition of surplus land.


WHEREAS pursuant to *Section 270 (1) of the Municipal Act, 2001, S. O. 2001, c. 25*, as amended, the Corporation of the Township of Dubreuilville requires all municipalities to adopt and maintain policies governing its sale and other disposition of surplus land;

AND WHEREAS this policy will include providing proper notice to the public;

THEREFORE BE IT RESOLVED THAT the Corporation of the Township of Dubreuilville enacts as follows:

1. That the attached Schedule "A" form part of this by-law and sets out the policy with regards to the sale of surplus land.
2. That By-Law 2013-15 and 2013-21B be and are hereby repealed.
3. That this by-law shall come into force and take effect upon its reading and being passed.

PASSED this 10th day of November 2015.


MAYOR


CAO-CLERK

Schedule "A" to By-Law No. 2015-40

1. Authority

Section 270 (1) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, requires all municipalities to adopt and maintain policies governing the sale of surplus land. This policy will include providing proper notice to the public.

2. Policy Statement

The Corporation of the Township of Dubreuilville and its management recognize the following principles for the sale of surplus land, the declaration of land as surplus, and for giving notice of any such proposed sale.

3. Definitions

Act means the *Municipal Act, 2001, S. O. 2001*, as amended.

Appraisal means an appraisal, or an opinion of the fair market value of the surplus land provided by a qualified appraiser, real estate agent, or such other person as Council considers holds the requisite knowledge and skill to provide an opinion on the fair market value.

Certificate means the Clerk's Certificate verifying that, to the best of his/her knowledge, the requirements of the *Municipal Act, 2001* and a policy which applies to the sale of surplus land have been complied with.

Clerk means the Clerk of the Corporation of the Township of Dubreuilville, as appointed by by-law.

Council means the Council of the Corporation of the Township of Dubreuilville or a responsibility delegated to a Standing Committee of Council for municipal property matters.

Land means lands owned by the Township of Dubreuilville, and includes buildings and fixtures, whether vacant or not, or any other proprietary interest in lands owned by the Township, and without limiting the generality of the foregoing, includes easement, rights-of-way, leaseholds exceeding twenty-one (21) years, and an interest in lands under an agreement of purchase and sale.

Newspaper means printed or electronic web based publication distributed or accessible by the public and intended for general viewing or circulation within the Township of Dubreuilville.

Notice means notification provided to the public in accordance with the Township of Dubreuilville Procedure By-law, or any By-law which requires notice to the public in accordance with the Township's Provision of Notice policy.

Published means published in a Newspaper that, in the opinion of the Clerk, is available for viewing or general circulation within the Township of Dubreuilville to provide reasonable notice to those affected by, or interested in the surplus land sale, and "publication" has a corresponding meaning.

Sale includes the sale, transfer or conveyance of land by the town and includes leases by the town as landlord of land for a term of 21 years or longer. Sale does not include a Quit Claim Deed made by the town for the purpose or correcting or clarifying title or boundaries of its land or of land not owned by the municipality.

Surplus land means any land declared surplus by the Council of the Corporation of the Township of Dubreuilville.

Township shall mean the Corporation of the Township of Dubreuilville.

4. Procedures for the Sale of Surplus Land

4.1 Declaration of Surplus Land

Prior to selling any land, Council shall, by a resolution or by-law, declare the land to be surplus to the needs of the Township.

4.2 Considerations prior to the Sale of Surplus Land

- a. Before selling any surplus land, the Township shall consider whether in the circumstances it is appropriate to obtain, and may obtain or require an Appraisal of the land from:
 - i. An independent qualified appraiser who may be a registered member in good standing of a recognized body governing appraisers in Canada; or
 - ii. A real estate brokerage firm or an independent real estate agent having knowledge and skill in land transactions in the Township; or
 - iii. Any other person deemed by the Township on the basis of knowledge and skill to be qualified for this purpose, including a qualified land assessor in the Province of Ontario.
- b. Before selling any surplus land, the Township should consider whether notice of the proposed sale of the surplus land should be published in advance of any proposed sale process being published, and may publish a Notice in at least one (1) Newspaper and on the Township website. Additional notice, including publication in Newspapers which provide general distribution within or beyond the geographic area of the Township of Dubreuilville, shall be at the discretion of the Clerk.

Any Notice required shall be no later than ten (10) days prior to commencement of the sale process of the land and may include the following:

- i. A brief description of the reason for the sale of the land;
 - ii. The proposed date of the land sale and/or the date, time and location of the meeting where Council will consider the land sale;
 - iii. Legal description, municipal address and/or key map which in the opinion of the Clerk is sufficient to identify the lands to be sold;
 - iv. When and where information pertaining to the surplus land sale will be available for public viewing; and
 - v. Name and contact information of the person handling the surplus land sale and/or the deadline for any written submissions to the Township.
- c. Before selling any surplus land, the Township shall consider whether any other reports are required including environmental reports or surveys of the land and may obtain or acquire such reports or surveys of the land from a qualified person.
 - d. Before selling any surplus land, the Township shall consider whether any persons having an interest in the land need to be contacted and the Township may obtain approval from any person having an interest in the land as may be required to facilitate the sale of the land.

4.3 Method of Sale

Council shall determine the appropriate method of sale for each parcel of land declared surplus. The Township may choose to utilize any of the following methods of sale:

- a. **Sale by Tender**
- b. **Sale by Auction**
- c. **Listing and Sale by way of a Real Estate Agent**
- d. **Sale by an Alternate Method**

Where the surplus of land is a **Closed Highway** or is **being Closed** under the provisions of the *Municipal Act*, the Township may:

- i. Estimate the costs incurred or required to close and/or sell the highway including public notice, survey, legal fees, realty fees, encumbrances, improvements or such costs associated with the land sale;
- ii. Determine a sale price based on the value of the land plus estimated costs as noted above;
- iii. The Township may, at its sole discretion, place a nominal value on land where the purpose of the road closure and sale is to resolve a long standing encroachment on the highway or to bring a pre-existing building into compliance with the Township Zoning by-law;

- iv. Where the purpose of the proposed road closure and sale is to permit development of the lands either as part of an application under the *Planning Act* or the *Building Code Act*, the Township shall determine the value of the lands in a manner consistent with the "Appraisal" section of this policy (4.2.a);
- v. Give notice in the same time, form and method as set out herein, or in such other policy/procedure as Council may pass, for the purpose of giving notice of the permanent closure of a road under the *Municipal Act*;
- vi. Where the sale of the road is being carried out in conjunction with a road closure, the Notice of Intent may be issued for both purposes that the form of the notice references both the closure and sale of the highway;
- vii. Establish any special terms or conditions of the sale; and
- viii. Council may reserve the right to adjust the sale price where, in the opinion of Council, it is in the best interest of the Township to do so.

4.4 Closed Session

All tenders, quotations or offers may be presented to Council in Closed Session for deliberation, in accordance with *Section 239 of the Municipal Act*, unless Council direction has been given to staff to negotiate the sale within certain terms or an alternate method of sale is approved by Council. Sale of Surplus Land Policy.

4.5 No Further Notice Required

If a final decision is not made at the Council meeting specified in a notice given under this policy and Council refers consideration of the matter to a future Council or Committee meeting for discussion, no further notice is required provided that a resolution is passed indicating Council's decision.

The provisions of this section shall also apply to any further referrals of the matter, including a Committee recommendation to pass the by-law.

Notwithstanding the above, a land sale may not be invalidated on the basis that Council or Committee failed to pass a resolution or that a resolution failed to specify to which meeting the matter was referred provided that a public statement was made of the Township's intent to continue its deliberations on the matter.

4.6 Classes of Property Exempt from Procedures

The provisions set out in sections 2 to 5 (Prerequisites for the Sale of Surplus Land, Method of Sale, Alternate Method, Closed Session and No Further Notice Required) may apply to all classes of land owned by the Township, save and except:

- a. The Sale of Lands for Tax Arrears which shall be subject to the procedures set out in *Part XI of the Municipal Act*; and
- b. The sale of lands under the *Expropriation Act*.

4.7 Authorizing By-Law

Any sale of land by the Township may be ratified by a by-law authorizing the sale.

4.8 Certificate of Compliance

- a. The Clerk may issue a certificate with respect to a sale of land by the municipality verifying that, to the best of his or her knowledge, the requirements of the *Municipal Act* and this policy which applies to the sale of surplus land, have been complied with.
- b. The Clerk's signature may be included in a deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, may be deemed to be sufficient proof that this section has been complied with.

4.9 General

- a. This Policy shall be administered by the Clerk's office;
- b. This Policy shall be referred to as the "Sale of Surplus Land Policy";
- c. Upon approval of this Policy, By-Law 2013-15 and 2013-21B, and any other by-law heretofore in existence relating to the sale of land in the Corporation of the Township of Dubreuilville are hereby repealed;
- d. In the event that the provisions of this Policy are inconsistent with the provisions of the *Municipal Act*, its

Regulations or any other Act, the provisions of the Act or Regulation shall prevail;

- e. This Policy shall come into force and take effect on the date of passing of the by-law; and
- f. This Policy shall be reviewed every five (5) years, or as required under the *Municipal Act*.

COUNCIL RESOLUTION



Moved By: Leandro

DATE: November 10, 2015

Seconded By: Martin

Resolution No. 15-369

Whereas that By-Law No. 2015-40, being a By-law to adopt and maintain a policy with respect to the sale and other disposition of surplus land, be adopted.

<u>✓</u>		
Carried	Defeated	Deferred

RECORDED VOTE:	YES	NO
Councillor Beverly Nantel	_____	_____
Councillor Hélène Perth	_____	_____
Councillor Martin Bergeron	_____	_____
Councillor Léandre Moore	_____	_____
Mayor Alain Lacroix	_____	_____

Declaration of Pecuniary Interest and General Nature Thereof: