

POLICY MANUAL	Policy No. 1-10
For the Municipality of South Dundas	Effective Date: January 1, 2008 Amended: February 7, 2017 Amended: April 24, 2024
Subject: Sale and Disposition of Land	Department: Council

APPLICATION:

This policy applies to the sale or other disposal of land by the Corporation of the Municipality of South Dundas.

This policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001* – Sale of Land for Tax Arrears.

POLICY STATEMENT

WHERAS Section 270(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires every municipal Council to adopt and maintain policies with respect to its sale and other disposition of land;

AND WHEREAS Council of the Municipality of South Dundas (the "Municipality") deems it expedient to amend procedures governing the sale or other disposition of the land and other municipal assets;

DEFINITIONS

"Appraisal" means a written opinion 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.

"Appraiser" means a member of the Appraisal Institute of Canada who has completed the admission requirements of the Appraisal Institute of Canada and participates in the Professional Liability Insurance Program of the Appraisal Institute of Canada or such other qualified person as Council may provide in this by-law;

"CAO" means the Chief Administrative Officer of the Municipality, including his or her successor and designate from time to time;

"Clerk" means the Director of Council Services/Clerk of the Corporation of the Municipality of South Dundas.

"Council" means the Council of the Corporation of the Municipality of South Dundas.

"Disposition" means the sale of Real Property or lease of Real Property for a period of 21 years or longer and the sale of Municipal Assets;

"Municipal Assets" means items owned by the Municipality which have a minimum monetary value of Twenty-Five Thousand Dollars (\$25,000.00);

"Notice" means notification provided to the public;

"Property" means Real Property and Municipal Assets;

"Publish" means to be published in a newspaper that has general circulation within the geographic area of the Municipality.

"Real Property" means all rights, interests, or benefits in land;

"Surplus" means any Municipal Assets or Real Property declared surplus to the needs of the Municipality.

"Municipality" means The Corporation of the Municipality of South Dundas.

GENERAL CONDITIONS AND PROCEDURES FOR THE SALE OF PROPERTY

The procedures set out in this policy will ensure that the disposal of any municipal property is conducted in a consistent, transparent, and fair manner. For the purposes of this policy a sale includes a lease of lands for a period, including renewals, for 21 years or longer.

The sale of surplus land shall occur at no expense to the Municipality.

Prior to the disposal of any Property, the Council of the Municipality shall by resolution or by-law, at a meeting open to the public, declare the Property to be Surplus and no longer required by the Municipality for municipal purposes.

The property will be offered for sale using the following disposal process:

- a) If the surplus land is a vacant parcel which is deemed too small to build the final price will be based on the appraised value. Preference will be given to the adjacent landowner who expresses interest in the land. In the event that more than one adjacent landowner is interested in the parcel, the parcel shall be divided, and all costs will be split proportionally between the two parties;

- b) Public notice seeking offers shall at a minimum be given through an advertisement in a local newspaper and on the Municipality's webpage two weeks prior to Council considering a sale in open session or a real estate agent may be retained to sell the surplus properties. The Agent shall be permitted to use various selling strategies such as selling one lot at a time or sell multiple properties simultaneously.
- c) The CAO or his or her designate shall be authorized to negotiate and sign conditional offers, which shall be subject to the final approval of Council. The sale shall be approved by Council resolution or by-law in open session;
- d) The CAO or his or her designate shall be authorized to negotiate a conditional offer on behalf of the Municipality when a full price offer has been received and the CAO or his or her designate is permitted to negotiate multiple offers.
- e) Once the above conditions have been met, the Mayor and Clerk shall be authorized to sign all applicable documents required to finalize the sale.

PROCEDURE FOR DECLARATION OF SURPLUS PROPERTY

Before the sale of any Surplus Property, a notice of the proposed sale shall be posted to the municipal website or advertised in at least (1) one local newspaper, to provide members of the public with reasonable notice.

In the case of the sale of Real Property, notice shall also be posted on the Real Property. Notice shall be given no later than twenty (20) days prior to the proposed sale of the Property and if by notice on the Municipal website or publication, shall include the following:

- (a) A brief description of the reason for the sale of the Property;
- (b) The proposed date of the sale of the Property and/or the date, time and location of the meeting where Council will consider the sale of the Property;
- (c) The legal description, municipal address and/or key map to sufficiently identify the Real Property to be sold and/or a description of the Municipal Asset to be sold;
- (d) When and where information pertaining to the sale of the Property will be available for public viewing;
- (e) The name and contact information of the person or entity handling the sale of the Property; and
- (f) the deadline for written submissions and offers to the Municipality.

APPRAISAL

Before the sale of any Surplus Property, the Municipality shall obtain an appraisal of the fair market value of the Property from:

- (a) An Appraiser; or
- (b) Any other person or entity deemed qualified by the Municipality, in the circumstances, for this purpose.
- (c) Council may, by resolution, on a case-by-case basis, direct that in the circumstances, an Appraisal is not warranted.

SPECIAL CLASSES

The following shall apply for special classes of property:

Conditions before sale:

If it is a closed highway and, is without any structures greater than 10 square metres, is sold to an owner of property abutting and/or adjacent to the closed highway and the sale has been recommended by Council Resolution or By-Law in open session, then the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

If it is property that does not have direct access or access through a right of way or easement to a highway, is without any structures greater than 10 square metres, is sold to an owner of property abutting and/or adjacent to that property, and the sale has been approved by Council Resolution or By-Law in open session then, the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

If the purchaser is an incorporated, not-for-profit organization, local board, including a school board or conservation authority, municipality, or crown in right of Ontario or Canada, and their agencies, and the sale has been approved by Council Resolution or By-law in open session then, the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

If Council, by resolution, deems that the sale is an important means of promoting economic development, there is an appraisal for the property, and the sale has been approved by Council Resolution or By-Law in open session then the Mayor and Clerk shall be authorized to sign all applicable documents required for the sale.

If the Municipality's CAO in consultation with the municipal planner deems that due to lot configuration it would be good planning to merge the property with an existing abutting lot, then if it is to be sold to the owner of the lot and the sale has been approved by Council

in open session be Resolution or By-law, then the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

If the Municipality's CAO in consultation with the municipal planner deems that due to lot location it would be good planning to sell the property to the nearest adjacent property owner providing the property provides direct access to a body of water, a public road or any infrastructure that will add value to the adjacent property and the sale has been approved by Council in open session by Resolution or By-law then the Mayor and Clerk shall be authorized to sign any documentation required for the sale.

For lands being sold to abutting landowner(s), in addition to the above, the Clerk shall provide notice by first class mail to every owner of land within 60 metres of the boundary of the lands proposed to be sold. The owner of land shall be deemed to be the person(s) shown on the last revised assessment roll of the municipality unless written notice of a change of ownership has been received, in which case notice will be given to the new owner.

ROAD ALLOWANCES

The Municipality of South Dundas encourages the preservation of road allowances leading to the water. The Municipality of South Dundas requires that such road allowances remain in the Municipality's ownership to ensure that access to the water is available to the public now and in the future or the proposed purchaser shall offer an alternative means of guaranteeing access to the water that either provides at least the equivalent access to the water that the road allowance could provide or provides access appropriate for the location.

The Municipality of South Dundas will not typically consider the stop up and closing of an unopened road allowance where the road allowance might potentially serve future development or movement of traffic.

All cost incurred for the road closing are borne by the applicant (e.g. legal fees, survey costs, advertising costs). Road closing that takes place, are at no expense to the Municipality.

If any portion of this by-law is ruled invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the remainder of the by-law shall remain valid and binding.

EXEMPTIONS

The sale of the following classes of lands are exempt from an appraisal:

- a) Land 0.3 meters or less in width acquired in connection with an approval or decision made under *the Planning Act*;
- b) Highways, roads and road allowances if sold to an owner of land abutting the highway, road and/or road allowance;

- c) Land formerly used for railroad lines if sold to an owner of the land abutting the former railway land;
- d) Land that does not have direct access to a public highway if sold to the owner of land abutting that land;
- e) Land purchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- f) Land sold under Sections 107, 108, and 110 of the *Municipal Act*; and, Easements granted to public utilities or to telephone companies.
- g) The sale of land to the following public bodies is also exempt from an appraisal:
 - A municipality;
 - A local board, including a school board and a conservation authority; and/or,
 - The Crown in right of Ontario or Canada and their agencies.

This process is not applicable to agreements entered into for the purposes of infrastructure and public service facilities as defined in the Provincial Policy Statements, 2020.

No sale shall be finalized without the final approval of Council.