A by-law being a by-law to establish a policy for the sale and other disposition of land owned by the Municipality.

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

AND WHEREAS the provisions in By-law 58-2003 were established under the provisions of Section 268 (1) of the Municipal Act, S.O. 2001, c. 25 and the Ontario Regulation 815/94;

AND WHEREAS subsequent amendments to the Municipal Act have established the provisions for the sale of property under Section 270 of the Municipal Act and have repealed Ontario Regulation 815/94;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. PURPOSE

1.1. To provide a formal policy and procedures including the giving of notice governing the sale of real property that is surplus to the Municipality’s needs.

2. DEFINITIONS

2.1. Market Value: the most probable price which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests.

2.2. Non-viable Property: A parcel (s) of land being disposed of by means of a land exchange, for municipal or other government purposes. Non-viable property shall also include a parcel of land, which, on its own, would not be eligible for a building permit and the leasing of municipally owned land or buildings for a term of less than 21 years.

2.3. Viable Property: A parcel of land which on its own would be eligible for a building permit or can be assembled with other land to increase the development or redevelopment potential of the whole and includes any parkland or part of any park.

2.4. Valuation: an independent appraisal or a written opinion of the Market Value or real property.

2.5. Long-term Lease: a leasehold interest with a term or successive rights to renew for 21 years or more.

3. INITIAL REQUEST

3.1. All inquiries regarding the possible purchase and sale of Municipal-owned land should be directed to the Clerk.

3.2. Individuals interested in purchasing Municipally owned land must provide a letter of request to the Clerk. The letter of request must contain the municipal address of the individual, contact information, reasons for his/her request to purchase the land including the proposed or intended use, the address and/or legal description and a location sketch of the said lands.
3.3. The Clerk will verify that the lands in question are indeed owned by the Municipality and will circulate Department Head staff with the letter of request and a location sketch of the property.

3.4. The Clerk will canvass staff to determine if it is appropriate to dispose of the lands or if there are reasons why the Municipality should not dispose of the land at this time. Staff may recommend conditions on the sale of land.

3.5. Staff will make a recommendation to the Clerk as to whether there should be a disposition of the lands and as to any conditions that should be imposed on the disposition.

3.6. If it is the consensus of staff that the sale of lands should not be supported, the Clerk will inform the requester of this decision.

4. DECLARATION OF INTENT TO SELL LAND

4.1. Prior to considering the sale or long-term lease of any viable property owned by the Municipality, Council shall by resolution passed at a meeting open to the public, indicate its intent to sell the property and that Council will consider the sale or long-term lease of the land via a staff report after such notice has been given.

5. NOTICE

5.1. Council shall in the resolution indicating its intent to sell, direct that notice be given to the public in accordance with this policy. The methods of notice may include:

5.1.1. advertisements one or more times in a weekly newspaper or newspapers;

5.1.2. listing of the real property on the Council Agenda and/or the Municipality’s website as property which is intended for sale;

5.1.3. posting a sign on the property indicating the Municipality’s intent to sell;

5.1.4. any other means of communication acting reasonably and in good faith that is deemed to be appropriate in the circumstances, in order to give notice to the public.

5.2. Notice may also be communicated directly by ordinary prepaid mail or such other means, to any or all of the following:

5.2.1. the Government of Canada or any of its ministries;

5.2.2. the Government of Ontario or any of its ministries or agencies;

5.2.3. the County of Huron;

5.2.4. the Board of Education and the Roman Catholic School Board;

5.2.5. Conservation Authorities;

5.2.6. the adjacent landowners;

5.2.7. such other persons, authorities and bodies Corporate as Council and/or Municipal staff shall deem appropriate in the circumstances

6. METHODS OF SALE

6.1. Viable property shall be disposed of or receive offers to purchase solicited by one or more of the following methods:

6.1.1. public auction;

6.1.2. public tender;

6.1.3. direct sale by the Municipality;

6.1.4. land exchange;
6.1.5. call for proposal (RFP);
6.1.6. call for expression of interest (RFEI);
6.1.7. listing of the real property with a real estate broker

7. VALUATION

7.1. Prior to the sale of any property, the Municipality shall have at least one valuation of the market value of the real property.

7.2. Notwithstanding 7.1 all lands being conveyed to the County of Huron for municipal purposes may be exempt from a valuation.

8. TERMS OF DISPOSITION AND EXEMPTIONS

8.1. Council shall authorize all land dispositions via a staff report.

8.2. Notwithstanding that the public notice of the intended disposition has been given and that one or more interested parties may present to Council an Offer to Purchase the real property, nothing shall fetter the absolute discretion of Council to retain the lands or to dispose of the land on such terms and conditions as may be fixed by Council which shall include the power to sell the real property for nominal consideration (subject to the anti-bonusing provision of the Municipal Act, 2001, as it may be amended from time to time) and to whomever it wishes, regardless of whether the disposition is to the party which apparently has presented the best offer.

8.3. Notwithstanding sections 4, 5 and 7, non-viable properties are exempt from the Declaration, Notice and Valuation provisions of this policy and can therefore be sold by the Municipality without the need to declare intent to sell or give notice unless otherwise directed by Council.

8.4. All of the Municipality’s costs with respect to the disposition of non-viable property save and except land exchanges for municipal purposes shall be recovered from the purchaser or lessee unless in the sole opinion of the Municipality, it is desirable to waive this requirement. In addition, the applicant may be required to enter into an agreement to the satisfaction of the Municipality and pay a deposit toward the expected costs to be incurred by the Municipality.

9. POLICY MANAGEMENT

9.1. Staff are authorized and directed to take the necessary action to give effect to this policy.

9.2. The Clerk, Deputy Clerk or designates are delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of both of them, the amendments do not change the intent of the policy.

10. REPEAL PREVIOUS BY-LAWS

10.1. By-law 58-2003 and all previous by-laws, resolutions and policies and parts of by-laws, resolutions and policies inconsistent with the provisions of this by-law regarding the delegation of powers and duties of the municipality.

11. COMING INTO FORCE

11.1. This by-law shall come into force and take effect on the date of final passing thereof.

Read a FIRST and SECOND time this 5th day of November 2019

Read a THIRD time and FINALLY PASSED this 5th day of November 2019

Mayor, Jamie Heffer

Clerk, Trevor Hallam