
THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

Policies and Procedures No. A-02-2005	Effective Date: September 7, 2005 Revision Date: September 24, 2008 Revision Date: November 25, 2009
Title: Disposal/Sale of Land	Resolution No.: 259/2008

Scope:

This policy applies to the disposal/sale of land in the Township of South Stormont.

Purpose:

It is the purpose of this policy to regulate the disposal/sale of land owned by the Township of South Stormont. For issues relating to the sale of an unopened Road Allowance, refer to Policy & Procedure No. A-01-2005. For issues relating to the sale of property as a result of tax arrears, refer to the *Municipal Act, 2001* C. 25 Part XI, S. 371. For properties held by the Township as a means of security with regards to subdivisions or site plans, please refer to the applicable agreement. Additionally, reference shall be made to any other relevant Provincial legislation.

Policy:

- A. It is the policy of the Township of South Stormont to have knowledge of significant natural, cultural, and historical resources on lands in order to make informed decisions regarding the disposal and/or sale of land.
- B. It is the policy of the Township of South Stormont to seek to maximize the amount of money that it realizes from the sale of real property. However, there may be times when Council, for reasons it deems to be fair and reasonable, wishes to sell property at less than fair market value.

Definitions:

1. "Appraisal" shall mean a written opinion from a qualified individual, as to the amount that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.
2. "CAO" shall mean the Chief Administrative Officer of the Corporation of the Township of South Stormont.
3. "Clerk" shall mean the Clerk of the Corporation of the Township of South Stormont.
4. "Council" shall mean the elected Council of the Corporation of the Township of South Stormont.
5. "Disposal" shall mean the sale of real property owned by the Corporation of the Township of South Stormont.
6. "Township" shall mean the Corporation of the Township of South Stormont.

Procedure:

1. The Clerk's Department shall be responsible for coordinating the implementation of this policy.
2. All Township Departments shall notify the Clerk's Department as soon as possible when considering the disposition of property.
3. Inventory: The Finance Department shall maintain a complete list of Township-owned lands. The list will include the property roll number, the legal description, its current use the zone designation and any other significant details pertaining to the property.

Prior to the Township disposing of and selling any real property the following steps will be followed:

4. All requests and offers to purchase property owned by the Township must be received in writing at the Municipal Office and indicate the intended use.
5. The request or offer to purchase will be circulated to applicable Township Department Heads for their review and comments, as outlined below, to be returned in a timely fashion.

Building and Development Department: The Building and Development Department will comment on the existence and significance of natural, cultural, and/or historic resources on the property and identify significant concerns regarding zoning and official plan designation. If deemed appropriate, the assistance of advisory boards and community organizations shall be requested. The CAO and Building and Development Manager, in conjunction with relative staff shall review and identify concerns relating to the potential uses of the property within the spheres of development. In addition, comments should include the economic impacts of the proposed transaction, if applicable.

Public Works Operations: Public Works Operations will comment on roadway and traffic implications, the existing water and/or sewer services, if applicable, environmental implications and the overall state of the property and any additional concerns. In addition, concerns relating to the potential uses of the property within the sphere of recreation will be considered.

Finance Department: The Finance Department shall comment on the fiscal impacts of the proposed transaction.

Fire Department: The applicable Fire Department will review subject property and comment on any emergency response impacts that could be realized as a result of the transaction.

6. When the disposal requires the preparation of documents and/or reports the Department originating the action shall be responsible for the initial preparation of the documents and/or reports.

7. Following compilation of all comments, the applicable Department Head will review with the CAO and thereafter make a recommendation to Council either in support of, or in opposition to the proposed transaction.
8. If the recommendation is accepted, the following process shall be followed:
 - a. Council shall by resolution, passed at a meeting open to the public, declare the real property to be surplus.
 - b. The Township shall obtain at least one appraisal of the fair market value of the land.
 - i) Exclusion of certain classes of land; clause 8 b) does not apply to the sale of the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Closed highways if sold to an owner of land abutting the closed highway;
 - Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
 - Land that does not have direct access to a highway if sold to the owner of land abutting that land;
 - Land re-purchased by an owner in accordance with section 42 of the *Expropriations Act*;
 - Land sold under sections 107, 108 and 110 of the *Municipal Act, 2001*;
 - Easements; and
 - Any other lands that Council determines in its discretion.
 - ii) Exclusion of sales to public bodies; clause 8 b) does not apply to the sale of the following:
 - A municipality
 - A local board including a school board and a conservation authority
 - The Crown in right of Ontario or Canada and their agencies
 - c. The Clerk, or designate shall ensure that public notice of the disposal shall be effected prior to the passage of the by-law approving the disposal of the real property of the Township.
9. Significant Resources Identified: When deemed appropriate, the following shall be taken into consideration:

Intent: When significant natural, cultural, or historic resources are identified, resource stewardship organizations may be allowed an opportunity to review and investigate the property to evaluate both the resource(s) and potential methods of protecting the resource.

Process. If a significant resource affects the property, the Township may consider withholding the property from sale in order to allow organizations to perform legal, environmental, cultural, historic, and other reviews and investigations of the property. If an organization expresses an interest in taking title to the property, then the Township may negotiate the sale of the land so that the significant resource will be protected for the public good.

10. Method of Disposition. The applicable Department Head in conjunction with the CAO shall determine which properties to sell through a real estate broker, which through sealed bids, and which through other methods.
11. The applicable Department Head, in consultation with the CAO, shall set minimum bids or upset prices for disposal of property, if deemed appropriate.
12. Properties sold through sealed bids, or through a real estate broker, shall be sold to the person making the highest offer so long as, in the judgment of the CAO, the amount received by the Township is reasonable in relationship to the market value of the property. All sales are contingent upon approval of Council.
13. Upon successful obtainment of a collectively agreed to offer to purchase, and the required purchase payment, a By-law authorizing the sale of land, will be prepared and presented for passage at a regular meeting of Council.
14. All costs incurred as a result of the transaction will be the responsibility of the purchaser.
15. Notwithstanding section 14 above, the costs associated may be incorporated into the agreement and the offer to purchase, if accepted as such.
16. The transfer of the property will be done by way of Transfer/Deed of Land, prepared by a solicitor and registered at the Land Registry Office. A copy of the registered document shall be filed at the Municipal Office.

For further information, contact the Township of South Stormont
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