THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER 16-2012

A By-Law to Establish Policies and Procedures Regarding the Sale and Other Disposition of Land

WHEREAS Section 270 (1) 1 of the Municipal Act, 2001, as amended, requires the Council of a Municipality to adopt and maintain policies with respect to its sale and other disposition of land;

AND WHEREAS it is in the best interest of the Town to establish and adopt policies with regard to the sale and other disposition of land including the giving notice to the public and other procedures which shall govern the sale and disposition of municipally owned lands.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 "Appraisal" shall mean a written opinion 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. A letter of opinion shall be deemed to be sufficient.

1.2 “Clerk” shall mean the Clerk of the Corporation of the Town of South Bruce Peninsula or a designate.

1.3 "Disposal" shall mean the sale of municipally owned real property.

1.4 “Lease” shall mean transferring the use of municipally owned real property for a period of more than 20 years.

1.4 “Public Meeting” shall be a meeting chaired by the Mayor or designate whereby members of the public and members of Council will be permitted to speak openly regarding the proposed property disposal. Written submissions will be read by the Mayor or designate.

1.5 "Public Notice" shall consist of publication in a local newspaper having weekly or daily circulation, a listing on the Town website and a paper posting on the bulletin board in the front foyer of Town Hall. The notice shall have an appropriate summary identifying the proposed land disposal and shall be published and posted a minimum of one week prior to the date of the Council meeting at which the surplus declaration is to be considered.

1.6 “Real Property” shall mean land and whatever is affixed to land.
1.7 “Surplus Declaration” shall mean the identifying of real property owned by the municipality and making the conscience decision that said real property is not required for municipal purposes and may be sold or disposed of.

2. CONDITIONS PRIOR TO DISPOSAL OF LAND

2.1 Properties with the potential to be declared surplus will be presented to Council.

2.2 Council will by resolution, provide direction regarding which properties they would consider declaring to be surplus.

2.3 The Clerk shall obtain at least one appraisal of the fair market value of the land. Not withstanding the appraised value, the real property shall be disposed of at a value agreed upon by the buyer and seller. The appraised value shall be used as a guideline for the disposal.

2.4 The Clerk shall provide public notice of the properties proposed to be declared surplus.

2.5 Council shall hold a Public Meeting prior to the consideration of surplus declaration of any real property.

2.6 The real property shall be declared to be surplus by resolution passed by Council.

2.7 The property shall be offered for sale as directed by Council. Sale may include the use of a realtor or other means deemed appropriate.

2.8 The Clerk shall ensure that a signatory by-law is presented to Council for their consideration and permission prior to the sale and disposal of lands.

3. CONDITIONS PRIOR TO LEASING OF LAND-GREATER THAN 20 YEARS

3.1 The request to lease a municipally owned property shall be presented to Council.

3.2 Council will, by resolution, decide whether they will consider a lease of the property in question.

3.3 The Clerk shall provide public notice of the property to be considered in a lease.

3.4 Council shall hold a Public Meeting prior to the consideration of leasing any real property.

3.5 Council will direct staff by resolution to negotiate a lease agreement.

3.6 An appraisal may be obtained to determine the fair market value of the property if it is determined that an appraisal would be beneficial in the negotiation of the lease.
3.7 A lease agreement and signatory by-law will be presented to Council for final approval.

4. **PUBLIC REGISTER**

4.1 A public register shall be available for inspection during regular office hours and shall be posted on the Town website.

4.2 The public register shall be a listing including a description of the land owned by the Town, save and except for those classes of land which may be exempt from listing in the public register by the Municipal Act as amended from time to time.

4.3 The public register shall not include detailed or separated listings and descriptions for road allowances.

4.4 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act shall be exempt from the requirement to be listed in the public register.

4.5 Land formerly used for railway lines shall be exempt from the requirement to be listed in the public register.

5. **EXEMPTIONS AND EXCLUSIONS**

5.1 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act may be sold or otherwise disposed of without obtaining an appraisal or holding a public meeting prior to disposal.

5.2 A closed highway if sold to an owner of land abutting the closed highway will be exempt from the requirement to obtain an appraisal and hold a public meeting prior to disposal.

5.3 Land formerly used for railway lines if sold to an owner of land abutting that land will be exempt from the requirement to obtain an appraisal and hold a public meeting prior to disposal.

5.4 Land that does not have direct access to a highway if sold to the owner of land abutting that land will be exempt from the requirement to obtain an appraisal and hold a public meeting prior to disposal.

5.5 Land repurchased by an owner in accordance with the Expropriations Act.

5.6 Land disposed of under Section 107 (general power to make grants) shall be exempt from the provision to obtain an appraisal but shall conform with the provision to hold a public meeting.

5.7 Easements granted to public or private utilities including but not being limited to gas,
telephone or hydro shall be exempt from the requirement to obtain an appraisal and shall also be exempt from the provision to hold a public meeting.

5.8 The disposition of real property to public bodies including but not being limited to municipalities, local boards, the Crown in right of Ontario and government agencies shall be exempt from the requirements to obtain an appraisal however the requirement to hold a public meeting shall be followed.

5.9 Land sold under Section 110 of the Municipal Act, 2001 (municipal capital facilities) shall be exempt from the provision to obtain an appraisal.


5.11 Real property leases for a period up to and including 20 years.

6. This by-law shall come into full force and effect upon the final passing thereof.

7. All by-laws inconsistent with this by-law are hereby repealed.

READ a FIRST and SECOND time this 7th day of February, 2012.

READ a THIRD time and FINALLY PASSED this 7th day of February, 2012.