

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 5-14

A By-Law to Establish a Policy and Procedures for the Disposition of Land

WHEREAS the *Municipal Act 2001*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the *Municipal Act, 2001*, as amended, stipulates that a municipality shall adopt and maintain policies with respect to the sale and other *disposition* of *land*;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

1. Purpose:

This by-law is enacted for the purposes of establishing a policy and procedures, including the giving of notice, governing the sale of *land* that is surplus to the Corporation of the Municipality of North Grenville and to foster the following principles in order that the best interests of the *Municipality* are advanced and maintained:

- i. Consistency and due process,
- ii. Transparency and accountability, and
- iii. Flexibility and responsiveness.

In addition to selling *land* that has been declared surplus to the needs of the *Municipality* to meet its current or future program and operational requirements, *Council* also acknowledges the sale of *land* for other reasons such as economic growth, income, job creation and community development.

2. Definitions:

- a) “*Abutting land owner(s)*” shall mean the owner(s) of land that have a common boundary with real property owned by the Corporation of the Municipality of North Grenville;
- b) “*Act*” shall mean the *Municipal Act 2001*, as amended;
- c) “*Appraisal*” shall mean an independent written fair market valuation of the *land* by a certified real estate appraiser (CRA) that is satisfactory to the *Chief Administrative Officer*;
- d) “*Chief Administrative Officer*” shall mean the Chief Administrative Officer of the Corporation of the Municipality of North Grenville;
- e) “*Clerk*” shall mean the Clerk of the *Corporation* of the *Municipality* of North Grenville;
- f) “*Corporation*” shall mean The Corporation of the Municipality of North Grenville;
- g) “*Council*” shall mean the Council of the Corporation of the Municipality of North Grenville;

- h) “Disposition”, “disposal” and “dispose” shall mean the sale, transfer, conveyance or exchange of the fee-simple interest in *land* or the granting of a lease for a term of twenty-one (21) years or longer, but does not include the granting of an easement or right of way;
- i) “Land” shall mean real property owned by the Corporation of the Municipality of North Grenville;
- j) “Licensed Realtor” shall mean a realtor licensed and in good standing with the Real Estate Council of Ontario and who normally conducts business in North Grenville;
- k) “Municipality” shall mean the Corporation of the Municipality of North Grenville;
- l) “Non-viable Property” shall mean 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;
- m) “SMT” shall mean persons assigned by the *Chief Administrative Officer* to be members of the Senior Management Team of the *Corporation*, regardless of titles of such persons, as amended from time to time;
- n) “Surplus Land” shall mean *land* and structure(s) which the *Municipality* does not require ownership of to meet its current or future program and operational requirements and has been declared surplus under this by-law; and,
- o) “Viable property” shall mean 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.

3. Initial Request to Purchase Land

- 3.1 All inquiries regarding the possible purchase and sale of municipally owned *land* shall be directed to the *Clerk*.
- 3.2 Individuals interested in purchasing *land* shall provide a letter of request to the *Clerk*. The letter of request shall 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* shall verify that the *land* in question is indeed owned by the *Municipality*, and shall circulate the Senior Management Team (*SMT*) with the letter of request, and the location sketch of the property.
- 3.4 Members of the *SMT* shall canvass their staff to determine if it is appropriate to dispose of the *land*, or if there are reasons why the *Municipality* should not dispose of the *land* at this time. Staff may recommend conditions of the sale of the *land*.
- 3.5 *SMT* shall make a recommendation to the *Clerk* as to whether there should be a *disposition* of the *land* and as to any conditions that should be imposed on the *disposition*.
- 3.6 If it is the consensus of *SMT* that staff will not support the sale of the *land*, the *Clerk* shall inform the requester of this decision.

4. Appraisal

- 4.1. Prior to offering any *surplus land* for disposal, the *Clerk* shall obtain an *appraisal* of the *land*. The *appraisal* shall be deemed a confidential document to be used solely as a guide by *Council*.
- 4.2. Notwithstanding the above requirement, the *Municipality* shall not be required to obtain an *appraisal* where *Council* directs, by resolution, that an *appraisal* is not warranted for a particular parcel of *land*.

5. Costs of Disposal

- 5.1. All of the *Municipality's* costs associated with the *disposition* of *viable property*, including the transfer for a nominal amount, shall be borne by the party or parties acquiring the *land*, unless otherwise directed by *Council*.
- 5.2. All of the *Municipality's* costs with respect to the *disposition* of *non-viable property* save and except a land exchange 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's* Solicitor and pay a deposit toward the expected costs to be incurred by the *Municipality*.

6. Declaration of Surplus Land

- 6.1. Prior to disposing of any *viable property*, *Council* shall by resolution passed at a meeting open to the public, declare the *land* to be surplus to the needs of the *Corporation*.

7. Notice

- 7.1. *Council* shall, in the resolution indicating its intent to dispose of real property, direct that notice be given to the public in accordance with the following:

7.1.1. The methods of notice may include:

- a) publication for at least one week in a local newspaper or newspapers;
- b) publication for at least one week on the *Corporation's* website on a page dedicated for this purpose;
- c) publication for at least one week on the websites Realty.ca, MLS.ca or other professional realty website;
- d) posting a sign on the property indicating the *Municipality's* intent to sell;
- e) 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.

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

- a) The Government of Canada or any of its ministries;
- b) The Government of Ontario or any of its ministries or agencies;
- c) The United Counties of Leeds and Grenville;
- d) The Catholic District School Board of Eastern Ontario
- e) The Upper Canada District School Board
- f) The South Nation Conservation Area
- g) The Rideau Valley Conservation Area
- h) The University of Guelph – Kemptville Campus

- i) The Kemptville District Hospital Board
- j) The *abutting land owner(s)*
- k) Such other persons, authorities and bodies Corporate as *Council* and/or *SMT* shall deem appropriate in the circumstances.

7.2. The *Chief Administrative Officer* shall consider any reasonable offer and shall make recommendations to the *Council* to accept, reject or make any counteroffer;

7.3. The *Council* may, on its own initiative or on the recommendation of the *Chief Administrative Officer*, agree to dispose of the *land* on any terms.

8. Disposal of Land

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

- a) Public auction
- b) Public tender
- c) Direct negotiation and sale
- d) Listing with a *licensed realtor*
- e) Land exchange
- f) Call for proposal (RFP)
- g) Call for expression of interest (RFEI)

8.2. Where the *Chief Administrative Officer* chooses to list the *land* for sale with a *licensed realtor*, the said realtor shall be determined through a competitive process for purchasing services in accordance with the *Corporation's* procurement policies.

8.3. Where the *Chief Administrative Officer* receives a reasonable offer, he/she shall either (i) reject the offer, (ii) make a counteroffer or (iii) make a recommendation to the *Council* to accept, reject or make any counteroffer.

8.4. The *Council* may, on its own initiative or on the recommendation of the *Chief Administrative Officer*, agree to dispose of *land* on any terms.

9. Exempt Classes of Land

9.1. The following classes of *land* are exempt from the requirements of sections 3 to 8 inclusive:

- a) All *land* owned by the *Corporation* that is zoned for industrial uses;
- b) All cemetery plots;
- c) Any *land* transferred to the *Corporation* for security or for temporary roads or other works in connection with any agreement to which the *Corporation* is a party under the *Planning Act*, as amended.
- d) *Land* 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*, as amended;
- e) Property being repurchased by an owner in accordance with the *Expropriations Act*, as amended.

9.2. All classes of land listed in section 9.1, except property owned by the *Corporation* that is zoned for industrial uses, shall be disposed by the *Corporation* on any terms as approved by the *Chief Administrative Officer* or *Council*.

10. Terms of Disposition and Exemptions

10.1. 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 *land* 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 provisions 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.

10.2. Notwithstanding sections 6 and 7, *non-viable properties* are exempt from the Declaration of *Surplus Land* and Notice 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.

10.3. All *dispositions* of *land* are to be approved by-way of a municipal by-law.

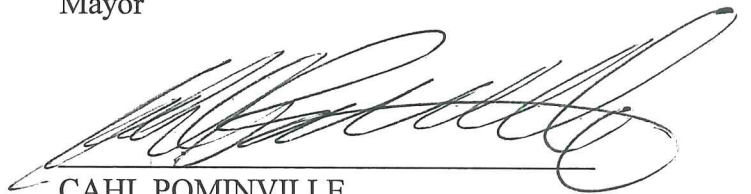
11. By-Law 12-99, "A By-law to establish procedures, governing the sale of real property owned by The Corporation of the Municipality of North Grenville" and all of its amendments, are hereby repealed.

12. This by-law shall come into force and take effect on the date of its passing.

PASSED AND ENACTED
THIS 27TH DAY OF JANUARY, 2014.



DAVID GORDON
Mayor



CAHLE POMINVILLE
Clerk

