

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 08-25

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;

AND WHEREAS Council of the Municipality of North Grenville deems it advisable to adopt a policy regarding the procedures for disposition of land;

NOW THEREFORE BE IT RESOLVED that 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:

- Consistency and due process,
- Transparency and accountability, and
- 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. Scope:

- 2.1. This Policy applies to Council and all municipal departments.
- 2.2. This Policy also applies to disposal of Municipal Land initiated by the Municipality or through an unsolicited written application received from the public.

3. Principles & Priorities:

- 3.1. Municipal Lands will be Disposed of in accordance with this Policy, unless Council passes a resolution to waive requirements.
- 3.2. No municipal road allowances shall be sold unless such a Sale is good for the municipality as a whole.
- 3.3. No Municipal Land shall be sold until examined by the Municipality for feasibility for development as affordable housing.
- 3.4. No Municipal Land shall be sold until examined by the Municipality for potential current or future needs.
- 3.5. No Municipal Land shall be declared surplus without taking into consideration Council priorities.
- 3.6. Sale and Disposition of Municipal Lands will be conducted in a fair and accountable manner.

4. Definitions:

"*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;

"*Act*" shall mean the *Municipal Act 2001*, as amended;

"*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;

"*Chief Administrative Officer*" shall mean the Chief Administrative Officer of the Corporation of the Municipality of North Grenville;

"*Clerk*" shall mean the Clerk of the Corporation of the Municipality of North Grenville;

"*Corporation*" shall mean The Corporation of the Municipality of North Grenville;

"*Council*" shall mean the Council of the Corporation of the Municipality of North Grenville;

"*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;

"*Land*" shall mean real property owned by the Corporation of the Municipality of North Grenville;

"*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;

"*Municipality*" shall mean the Corporation of the Municipality of North Grenville;

"*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;

"*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;

"*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,

"*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.

5. Initial Request to Purchase Land:

- 5.1. All inquiries regarding the possible purchase and sale of municipally owned land shall be directed to the Clerk.
- 5.2. 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.
- 5.3. 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.

- 5.4. 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.
- 5.5. 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.
- 5.6. 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.

6. Appraisal:

- 6.1. 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.
- 6.2. 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.

7. Costs of Disposal:

- 7.1. 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.
- 7.2. 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.

8. Declaration of Surplus Land:

- 8.1. 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.

9. Notice

9.1. 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:

9.1.1. The methods of notice may include:

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

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

- The Government of Canada or any of its ministries;
- The Government of Ontario or any of its ministries or agencies;
- The United Counties of Leeds and Grenville;
- The Catholic District School Board of Eastern Ontario
- The Upper Canada District School Board
- Conseil des écoles publiques de l'Est de l'Ontario
- Le Conseil scolaire de district catholique de l'Est ontarien
- The South Nation Conservation Area
- The Rideau Valley Conservation Area
- The University of Guelph - Kemptville Campus
- The Kemptville District Hospital Board
- The abutting land owner(s)
- Such other persons, authorities and bodies Corporate as Council and/or SMT shall deem appropriate in the circumstances.

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

9.3. 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.

10. Disposal of Land:

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

- Public auction
- Public tender
- Direct negotiation and sale
- Listing with a licensed realtor
- Land exchange
- Call for proposal (RFP)
- Call for expression of interest (RFEI)

10.2. 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.

10.3. Where the Chief Administrative Officer receives a reasonable offer, he/she shall either:

- reject the offer;
- make a counteroffer; or,
- make a recommendation to the Council to accept, reject or make any counteroffer.

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

11. Exempt Classes of Land:

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

- All land owned by the Corporation that is zoned for industrial uses;
- All cemetery plots;
- 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.

- Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act, as amended;
 - Property being repurchased by an owner in accordance with the Expropriations Act, as amended.
- 11.2. 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.

12. Terms of Disposition and Exemptions:

- 12.1. 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.
- 12.2. Notwithstanding sections 8 and 9, 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.
- 12.3. All dispositions of land are to be approved by-way of a municipal by-law.

13. Responsibility & Implementation:

- 13.1. Council is responsible for approving this Policy.
- 13.2. The Chief Administrative Officer is responsible for:
- Directing compliance and resolving any conflicts with this Policy;
 - Assigning appropriate service departments for the administration of this Policy as required;
 - Establishing procedural guidelines; and,
 - Conducting negotiations with prospective purchasers, enter into agreement and sign all documents necessary to sell any land provided:

- i. In the opinion and discretion of the Chief Administrative Officer no other municipal interests will be adversely affected by the conveyance;
 - ii. For all sales, the party acquiring the land pays all transaction costs and enters into an agreement that is acceptable to the Municipal Solicitor;
 - iii. The final agreement is authorized by by-law; and
 - iv. The Finance Department is advised of the sale or disposition for the purposes of maintaining an up-to-date tangible capital asset listing; and,
 - Engaging consultants to prepare environmental site assessments, environmental impact assessments, natural heritage evaluations, or any similar study that may be required prior to the sale of the land.
- 13.3. This Policy shall be administered By the Planning and Building Department in consultation with such departments or committees as deemed appropriate unless a Municipal Housing Corporation is in place to steward and oversee Municipal Lands.
- 14.** That the Clerk of the Municipality of North Grenville is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to the By-Law and schedule(s) as may be deemed necessary after the passage of this By-Law, where such modifications or corrections do not alter the intent of the By-law.
- 15.** That By-Law 5-14 is hereby repealed.
- 16.** That this By-Law shall take full force and effect on the date of passing.

PASSED AND ENACTED THIS 28TH DAY OF JANUARY, 2025.

NANCY PECKFORD
Mayor

CHLOE PRESTON
Clerk