**THE CORPORATION OF THE TOWN OF DEEP RIVER**

**BY-LAW NUMBER 26-2021**

**A BY-LAW TO ADOPT A STATEMENT OF POLICY AND TO ESTABLISH PROCEDURES WITH RESPECT TO THE SALE AND DISPOSITION OF LAND OWNED BY THE CORPORATION OF THE TOWN OF DEEP RIVER**

**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 Municipality deemed it advisable and in the public interest to pass such a bylaw pertaining to the sale of land owned by or deemed to be surplus to the needs of the Municipality;

**AND WHEREAS** on the 6th day of July 1994 Council passed By-law Number 25-94 to adopt a revised Statement of Policy;

**AND WHEREAS** Council now deems it appropriate to update the current Municipal policy and to establish procedures for the sale and other disposition of land;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Deep River enacts as follows:

1. **THAT** the Statement of Policy governing the sale and disposition of municipal land attached hereto as Schedule ‘A’ will provide guidance to both Council and Staff and provide a basis for decision making related to the sale of lands surplus to the needs of the municipality.
2. **THAT** the policies and procedures including the giving of notice to the public governing the sale surplus to the needs of the municipality. Schedule ‘A’ is hereby incorporated into and forms part of this by-law.
3. **THAT** this By-law shall not include the procedures for closure and conveyance of Original Shore Road allowances (OSRA) and Original Road Allowances (ORA) within the municipality of the Town of Deep River.
4. **THAT** all former by-laws to establish policies and procedures for the sale of Surplus Municipal Land includingBy-law 25-94 are hereby repealed.
5. **THAT** this by-law comes into force and effect upon its adoption by the Council of the Corporation of the Town of Deep River.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF JUNE, 2021.

Suzanne D’eon, Mayor Jackie Mellon, Clerk

**SCHEDULE ‘A’ TO BY-LAW 26-2021**

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| **Corporate Policies and Procedures** | | | |
| **DEPARTMENT:**  Legal | | | **POLICY #:**  **L07-1** |
| **POLICY:**  Sale and Disposition of Municipal Lands | | | |
| **DATE:**  July 6, 1994 | **REV. DATE:**  June 9, 2021 | **COVERAGE:**  Council and Staff | **PAGE #:**  1 of 3 |

**POLICY STATEMENT:**

The *Municipal Act*, 2001 section 270(1) requires the Municipality adopt and maintain a policy to govern the sale and other disposition of municipally owned land. The purpose of this policy is to establish an open and transparent process to ensure that the consideration for such disposal is fair, reasonable, and in the best interest of the municipality.

**SCOPE:**

The procedures established within this policy are intended to provide guidance to Council and staff. These procedures will govern the sale and disposition of surplus land owned by the Corporation of the Town of Deep River. Land disposal procedures may be initiated in response to inquiries from the public, or as the result of internal municipal actions and decisions of Council.

This policy does not apply to the sale of land under Part X1 of the Municipal Act – Sale of Land for Tax Arrears.

**DEFINITIONS:**

APPRAISAL: a formal written opinion of the fair market value of the land, performed by an independent, certified appraiser.

DISPOSITION: the sale, transfer, conveyance, or exchange of the fee simple interest in land or the granting of a lease of 21 years or longer by the Town, but does not include the granting of a lease for less than 21 years, the granting of a license, or the granting or release of an easement or right-of-way by the Town.

LAND: real property owned by the Town and includes any building located thereon.

SURPLUS: property that the Town does not require to meet its present or anticipated future needs.

TOWN: The Corporation of the Town of Deep River.

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**GENERAL CONDITIONS GOVERNING THE DISPOSITION OF LAND**

Before any disposition of Land by the Town, the following actions shall occur:

1. The land shall be declared surplus by a resolution of Council;
2. At least one (1) appraisal shall be obtained;
3. The method by which the land is disposed of shall be approved by Council;
4. Notice of the proposed disposition shall be provided to the public.
5. Public Meeting to pass a by-law to sell surplus land

Commencement of Disposal

The Town may commence the proceedings to dispose of land at its own initiative or upon the receipt of a written request or inquiry from an applicant.

Declaration of Surplus Land

Prior to the sale of land Council shall determine by By-law that the subject lands are surplus to the requirements of the Town. This declaration can be revoked by the Town at any time prior to a disposition of the same land.

Appraisal

The Town shall, prior to the sale of any land, obtain at least one (1) appraisal of fair market value of the land. The appraisal shall carry the designation of ‘AACI’ being an Accredited Appraiser with the Canadian Institute or ‘CRA’ being a Certified Residential Appraiser.

Sale Requirements – Method of Sale

Council shall have the absolute discretion to select the particular method of disposing of a parcel of land to the public for sale including:

1. Request for Tenders
2. Request for Offers
3. Listing with a Real Estate Broker
4. Direct negotiation.
5. Request for Proposal

In all cases an Agreement of Purchase and Sale is required.

Sale Price of Land

Council at its discretion shall determine the sale price of any land or minimum tender bid. The sale price or minimum tender bid shall include the sale price of land plus the anticipated costs being incurred by the Town with respect to the sale including, but not limited to, legal fees, surveys, appraisal fees, and the publication of the Public Notice.

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The purchaser shall be responsible for all costs incurred or required to dispose of the land, including, but not limited to, legal, survey, appraisal fees, encumbrances, advertising, improvements, environmental testing / remediation, demolition, due diligence research, administrative fees, land transfer and registration fees.

**PUBLIC NOTICE:**

Public Notice shall be given to the public at least twenty-one (21) days, including holidays, prior to the Council Meeting at which it will be considered. Notice shall be by:

1. Publication in a newspaper having general circulation in the municipality, once a week for a minimum of two (2) consecutive weeks;

1. Posting on the Town of Deep River website and Facebook page for three (3) consecutive weeks.
2. By the posting of a sign at least two (2’) feet x two (2’) feet on the property.

General Provisions

Council reserves the right to undertake activities to increase the value of the land prior to appraisal(s) and sale.

The Town makes no representation regarding the title or any other matters relating to the land to be sold. Surplus Land is sold “as is, where is”.

Council shall at a meeting open to the public consider the ultimate disposition of any Class of real property. Council may accept any offer, notwithstanding that it might not be the highest offer received, or may determine not to dispose of the property in question at that time.

The Transfer / Deed of Land shall be registered pursuant to the *Registry Act* or the *Land Titles Act*, as applicable.

**PRIVACY:**

The disclosure of information relevant to the sale of Surplus Land shall be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c M56, as amended.