



Policy Section: Corporate

Policy Name: Sale / Disposition of Land Policy

122.SA

SALE / DISPOSITION OF LAND POLICY

I. PURPOSE / APPLICATION

The *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, (the Act) requires all municipalities adopt and maintain a policy with respect to the sale / disposition of land. The purpose of this Policy is to establish the procedures governing the sale / disposition of land owned by the Township of Ear Falls.

II. DEFINITION(S)

In this Policy:

“Clerk Treasurer Administrator” – shall mean the Clerk Treasurer Administrator of the Corporation of the Township of Ear Falls.

“Council” – shall mean the Council of the Corporation of the Township of Ear Falls.

“Newspaper” – shall mean a printed publication in sheet form, intended for general circulation to all or part of the Township of Ear Falls, published at regular intervals, consisting in part of news or articles of general interest to the public.

“Notice” – shall mean a written, printed, published, verbal, electronic or posted notification or announcement.

“Opinion of Value” – shall mean written opinion as to the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer, provided by:

- a. a Realtor, certified or not, acceptable to Council as an appraiser of land in the area; or
- b. Staff of the Township of Ear Falls, whose knowledge of the property and current market values within the Township is acceptable to Council.

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“Public Register” – shall mean a Register in the form set out in Schedule “A” to this Policy listing and describing the land owned and leased by the Township, save and except for those classes of land which may be exempt from listing by the Municipal Act, 2001 or the regulations made pursuant thereto and as amended from time to time.

“Published” – shall mean published in a newspaper that, in the opinion of the Clerk Treasurer Administrator, has such circulation within the Township of Ear Falls as to provide reasonable notice to those affected by, or interested in the land sale, and “publication” has a corresponding meaning.

“Sale” – shall mean to include a lease of twenty-one (21) years or longer.

“Surplus” – shall mean any land of the Township of Ear Falls declared surplus under the Policy.

“Township” – shall mean the Corporation of the Township of Ear Falls.

III. DECLARATION OF SURPLUS OF LAND

Prior to the disposal of any land, the Council shall by resolution passed at a Regular Meeting open to the public declare the land to be surplus.

IV: OPINION OF VALUE

Except for disposal of land for which there is an exemption under the Municipal Act, 2001 or the regulations made there under at least one opinion of value of the property will be obtained prior to disposal.

V: NOTICE

Before selling any surplus land, the Township shall publish a Notice in a newspaper.

The Notice shall include the following:

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- A brief description of the purpose of the land sale / disposition.
- A legal description, Township address and / or key map which in the opinion of the Clerk Treasurer Administrator is sufficient to identify the land to be sold / disposed.
- When and where information pertaining to the land sale / disposition will be available for public viewing.
- Name and contact information of the person handling the land sale / disposition.

The Notice shall be posted in the Municipal Office and at least two other public locations in the Township.

VI: PUBLIC REGISTER

The Public Register shall be available for inspection during regular office hours.

VII: PROCEDURE FOR SALE

1. Offers to purchase land declared surplus by the Township may be processed on a first come - first serve basis provided that Council has set a minimum offer to be accepted.
2. Where the Council believes it to be in the best interests of the Township the Council may by resolution direct that the land be sold by one of the following methods:
 - a. Public Tender
 - b. Public Auction
 - c. Land Exchange
 - d. Call for Proposals

VIII: SELLING PRICE

The Purchaser shall be responsible for all costs incurred or required to dispose of the land

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including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and any other fees which apply directly to the completing of the conveyance. Notwithstanding that a Public Notice of the intended disposition has been given and that one or more interested parties may present to Council an Offer to Purchase or an Offer to Lease the land, nothing shall fetter the absolute discretion of Council to retain or to dispose of the land on such terms and conditions as may be fixed by Council, which shall include the power to sell or lease the land for nominal consideration and to whomever it wishes, regardless of whether the disposition is to the party which apparently has presented the best offer.

IX: AUTHORIZING BY-LAW

Any sale / disposition of land by the Township shall be ratified by a by-law authorizing the sale / disposition.

X: CONFLICT WITH ACTS & REGULATIONS

In the event that the provisions of this Policy are inconsistent with the provisions of the Municipal Act, 2001, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

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