



MUNICIPALITY OF **West Elgin**

The Corporation Of The Municipality Of West Elgin

By-Law No. 2019-14

A By-law to adopt and maintain a Policy with respect to the Sale and other Disposition of Land owned by the Municipality of West Elgin.

Whereas Section 270(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality shall adopt and maintain a policy with respect to its sale and disposition of land; and

Whereas Section 5(3) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by By-Law;

Now Therefore the Council of The Corporation of the Municipality of West Elgin enacts as follows:

1. Definitions

“Appraiser” means a professional appraiser (P.App) who is designated an Accredited Appraiser Canadian Institute (AACI) by the Appraisal Institute of Canada;

“Council” means the municipal council of the Municipality of West Elgin;

“Clerk” means the C.A.O/Clerk of the Corporation of the Municipality of West Elgin and/or his or her designate;

“disposition” means 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, and does not include the granting of an easement or right of way, and “disposal” shall have a similar meaning;

“Land”, “property” or “real property” means lands and premises or an proprietary interest in land which is owned or held by the Municipality of West Elgin;

“Market Value” means the most probable price that the Lands shall bring in a competitive and open market with an arm’s length buyer as of a specified date under

all conditions necessary for a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests;

“Municipality” means the Municipality of West Elgin;

“MPAC” means the Municipal Property Assessment Corporation or any successor thereto;

“Qualified Professional” means a registered real estate agent who is familiar with the area;

“Sale” includes the sale, transfer or conveyance of land by the Municipality. Sale does not include a Quit Claim Deed made by the Municipality for the purpose of correcting or clarifying title or boundaries of its land or of land not owned by the Municipality;

“Surplus” means property that the municipality no longer requires to meet its current or future needs;

2. Application

Land owned by the Municipality of West Elgin and intended to be sold by the municipality shall be sold in accordance with the requirements of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, and the provisions of this By-Law.

3. Conditions

Prior to the disposal of any real property or lands, Council shall:

- a) by resolution declare the lands to be surplus;
- b) obtain at least one appraisal, prepared by qualified professional except where the most recent assessed value of the land provided by MPAC is \$30,000 or less;
- c) authorize the disposition of land without an appraisal if in a public meeting, Council deems that to do so is in the best interest of the municipality;
- d) give notice to the public of the purposed sale

4. Notice

4.1 Upon the Council having declared the land surplus to the needs of the municipality, but before any such land is disposed of by the municipality, the Clerk shall give notice to the public of the intention to dispose of the land in one of the following forms:

- a) Publication of an advertisement in a newspaper of general circulation;
- b) Posting a for sale sign on the land;

c) Positing a notice on the municipal website and or social media;

4.2 Where the land being disposed of is, in the opinion of the Clerk, not developable except in conjunction with other adjacent land, the notice provision may be forgone.

5. Surplus Lands

The following classes of land are hereby declared to be surplus to the needs of the municipality, and no further declaration or appraisal is required:

- a) Land 0.3 Metres or less in width acquired in connection with an approval of decision under the *Planning Act*;
- b) Closed highways, road and road allowances
- c) Land formally used for railway branch lines if sold to an owner of land abutting the former railway land;
- d) Land that does not have direct access to a highway if sold to the owner of land abutting said land;
- e) Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- f) Land acquired by the municipality pursuant to Part XI of the *Municipal Act, 2001*, *Sale of Land for Tax Arrears*, which is to be resold within the one year period as set out by the *Municipal Act, 2001*;
- g) Land being sold to public bodies such as Boards of Education, Municipal, Provincial and Federal Government, Conservation Authorities, Ontario Hydro, public utilities and other recognized Authorities;
- h) Easements granted to public utilities or to telephone companies.

6. Methods of Disposal

The disposal of surplus land may be made in one or more of the following methods as determined by Council:

- a) Call for proposals or offers;
- b) Call for public tender by sealed bids;
- c) Direct negotiations or sale by municipality;
- d) Single source sale;
- e) Public auction;
- f) Listing with a local real estate broker;
- g) Land exchange;
- h) Any method determined by Council.

Terms of Disposal

- 7.1 The purchaser shall be responsible for all costs incurred or required to dispose of the property including, legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and any other fee deemed appropriate.
- 6.2 Agreements of purchase and sale and related documents required to carry out the disposition of land shall be executed on behalf of the municipality by the Mayor and Clerk.

7. Enactment

- 8.1 By-Laws 2002-41, 2006-57, 2006-72, and 2007-32 are hereby repealed.
- 8.2 This By-Law shall be known as the Sale and Disposition of Lands By-Law and shall come into force and effect upon the third and final reading thereof.

Read a first, second, and third time and finally passed this 14th day of February, 2019.

Duncan McPhail
Mayor

Genevieve Scharback
CAO / Clerk