

THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

BY-LAW NO. 2016-03

A by-law to repeal by-law No. 2015-24 and to establish a policy and procedures, including the giving of notice, governing the sale or other disposition of land owned by the Township of McNab/Braeside.

WHEREAS Section 270 (1) of the Municipal Act, 2001 S.O. 2001, c.25, as amended (the "Act") requires a municipality to adopt and maintain policies with respect to the sale and other Disposition of Land;

AND WHEREAS Section 270 (5) of the Act requires a municipality to adopt and maintain policies to try to ensure that is it accountable to the public for its actions and that its actions are transparent to the public;

AND WHEREAS the Council of the Corporation of the Township of McNab/Braeside passed By-law 2015-24 to establish procedures with respect to the sale and disposition of land owned by the municipality on February 17, 2015;

AND WHEREAS the Council of the Corporation of the Township of McNab/Braeside is desirous of repealing By-law No. 2015-24 and updating its policies and procedures relating to the sale and disposition of land owned by the Township of McNab/Braeside;

NOW THEREFORE the Council of the Corporation of the Township of McNab/Braeside enacts as follows:

SECTION 1: PREAMBLE AND DEFINITIONS

1. Short Title
This By-law may be referred to as the "Sale and Disposition of Land By-law"
2. Purpose
This By-law is enacted for the purposes of establishing a policy and procedures for the Disposition of Land owned by the Township and to foster the following principles in order that the best interests of the Township are advanced and maintained:
 - a. consistency and due process,
 - b. transparency and accountability, and
 - c. flexibility and responsiveness.
3. Headings
The division of this By-law into parts and the insertion of headings are for the convenient reference only and shall not affect interpretation of the By-law.
4. Definitions
For the purposes of this By-law:
 - a. "CAO/Clerk" means the Chief Administrative Officer/Clerk of the Township;
 - b. "Council" means the Council of the Township;
 - c. "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 21 years or longer, and "Dispose" and "Disposal" shall have the same meaning;
 - d. "Land" means real property and includes any building or improvement thereon;
 - e. "Market Value" means the most probable price which Land should bring in a competitive and open market at the time of Sale or listing under all conditions

requisite to a fair Sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests;

- f. "Municipal Act" means Municipal Act, 2001, S.O. 2001, c. 25, as supplemented, amended or replaced from time to time;
- g. "Notice" means notice given in accordance with this By-law.
- h. "Planning Act" means the Planning Act, R.S.O. 1990, c P. 13 as supplemented, amended or replaced from time to time;
- i. "Sale" and "Sold" means the Sale and other Disposition of Land and includes a lease of twenty-one years or longer;
- j. "Township" means the Corporation of the Township of McNab/Braeside; and
- k. "Valuation" means a determination of Market Value by independent appraisal or written letter of opinion satisfactory to the CAO/Clerk.

5. Scope

This By-law shall apply to Disposal of all Lands by the Township, save and except:

- a. Cemetery plots owned by the Township;
- b. Land transferred to the Township for security or for temporary roads or other works in connection with any agreement to which the Township is a party under the Planning Act;
- c. Land which is 0.3 metres or less in width and acquired by the Township in connection with an approval or decision under the Planning Act;
- d. Land Sold for the arrears of taxes, which shall be subject to the procedures set out in Part XI of the Municipal Act;
- e. Lands Disposed of pursuant to sections 107, 108 or 110 of the Municipal Act;
- f. Land transferred to another municipality or the Crown in right of Ontario or Canada including their local boards and agencies; and
- g. Land transferred to, or vested in the Township which neither the Township nor the registered owner intended to vest or be transferred.
- h. All real property shall be disposed of in the following manner and in accordance with the following steps:
 - (i) by resolution passed at a meeting open to the public direct staff to explore the possible total or partial disposition of specific parcels of Township owned land to be surplus to the needs of the Township.
 - (ii) upon passing of the above mentioned resolution, obtain at least one appraisal of the fair market value of the real property, determine zoning and permitted uses, the ability to build and road access.
 - (iii) notwithstanding the above requirement, the Township shall not be required to obtain a Valuation where Council directs, by resolution, that a Valuation is not warranted for a particular parcel of Land.
 - (iv) the appraisal shall be conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
 - (v) By resolution declare land surplus, review land information provided by staff. Set the minimum bid amount. Further that Council would direct staff to advertise the sale of surplus land to the requirements of the

municipality, shall be governed by the specific Provincial legislation applicable thereto and such notice shall be deemed Notice under this bylaw.

- (vi) Staff will consider any Offers to Purchase received for real property in a public bid opening to be disposed of by the Council that are made in writing and that include the following:
 - (a) a proper legal description of the land;
 - (b) the full name of the person making the offer;
 - (c) the purchase price;
 - (d) a Deposit by cash or certified cheque payable to the Municipality in the amount of not less than ten (10%) percent of the entire purchase price; and
 - (e) a date set for closing of the transaction.
 - (vii) Township Treasurer will review all bids received and formally declare a winning bid. The Township will transfer the ownership followed by a report to Council on the sale results.
 - (viii) Notwithstanding Subsection 5(h), Council may, by resolution, authorize any such alternative method of Disposal as Council may deem appropriate in the circumstances.
6. In the event that the Council does not receive an Offer to Purchase for the property that is satisfactory to the Council, the Council shall have the option of refusing acceptance of such offers.
7. Upon acceptance of an Offer to Purchase, the Council shall pass any and all by laws necessary to complete the disposal of the real property, including any by law necessary to authorize the Mayor and CAO/Clerk or designates to execute any documentation necessary to complete the transaction.
8. Council shall establish and maintain a public register listing and describing all real property owned or leased by the Municipality or Local Board. This register shall be maintained at the Township Office by the Treasurer and shall be available to the public during regular office hours.
9. Notwithstanding section 9 of this By Law a Municipality or Local Board is not required to list the following classes of real property in the public register established under section 193 (7) of the Act:
- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 - (b) All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
 - (c) Land formerly used for railway branch lines.
10. Absolute Discretion of Council
- Notwithstanding that Notice may have been given or one or more interested parties may have presented a bid, proposal or offer to purchase Land, nothing shall fetter the absolute discretion of Council to retain or Dispose of any Land on such terms and conditions as may be fixed by Council, which shall include the power to sell Land for less than Market Value and to select the person to whom the Land will be transferred regardless of whether the Disposition is to the party which seemingly has presented the best offer when it is deemed by council to be in the best interest of the Township.

This By Law shall come into force and effect on the date of its final passing. BE IT FURTHER ENACTED, that all BY LAWS, or parts thereof and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

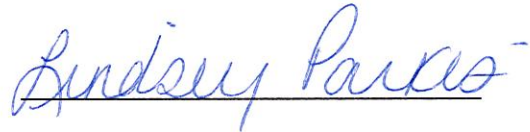
READ a first time this 5th day of **January, 2016**.

READ a second time this 5th day of **January, 2016**.

READ a third and final time this 5th day of **January, 2016**.



MAYOR



CAO/CLERK