

CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2011-104

BEING A BY-LAW TO ESTABLISH A
SALE OR DISPOSITION OF LAND POLICY.

WHEREAS by Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by Bylaw; and

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 270, makes provision in part, that a Municipality adopt and maintain policies for circumstances in which the Municipality shall establish a Sale or Disposition of Land Policy;

AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.


NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enact as follows;

1. That the Sale or Disposition of Land Policy attached hereto as Schedule 'A' and forming part of this by-law is hereby adopted.
2. That this by-law come into force and effect on the date of passing.


READ A FIRST, SECOND, AND THIRD TIME, passed, signed, and sealed with the corporate seal this 20th day of October, 2011.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

		The Corporation of the Town of Gananoque	
		POLICY AND PROCEDURE MANUAL	
POLICY NO.	ADM 08-2011	POLICY TYPE:	Administrative
AUTHORITY	Council	APPROVAL DATE:	October 18, 2011
		EFFECTIVE DATE:	October 18, 2011
		LAST REVISION DATE:	
SUBJECT	SALE OR DISPOSITION OF LAND POLICY		

PURPOSE:

Section 270 requires that a municipality pass by-law setting a policy on providing guidance and direction when the Town of Gananoque (Town) deems it appropriate to dispose of or sell certain land owned by the Town.

POLICY:

From time to time the Council of the Town of Gananoque may deem it expedient to dispose or sale certain land property currently owned by the Town. The following is the process under which a sale will transpire:

Part 1 Authorization to Sell

- 1.1 By Motion or Resolution, Council shall declare that the subject parcel of land is declared surplus.

Part 2 Determining Value

- 2.1 The Town shall obtain a minimum of one appraisal of the land proposed to be sold. The appraisal shall be a written opinion or market value of the land and shall be prepared by a qualified appraiser as determined by the Chief Administrative Officer of the Town.
- 2.2 Notwithstanding the clause 2., the Town is not required to obtain an appraisal, unless Council declares it desirable to obtain an appraisal, for the following:
- a. Land 0.3 metres or less in width.
 - b. Closed roadway, alley or road allowance if sold to an owner of the land abutting the roadway.
 - c. Land formerly used for railway lines if sold to an owner of lands abutting the former railway land.
 - d. Land that does not have direct access to a highway if sold to the owner of the land abutting the land.
 - e. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
 - f. Easement granted to public utilities.

Part 3 Method of Sale

Council may determine by Motion or Resolution as to the method of disposition of lands; sale by public tender, sale by real estate firm or broker, direct sale to landowner or direct sale to public.

3.1 Sale by Public Tender

- 3.1.1 All costs to be incurred such as legal, survey, appraisal, advertising etc. shall be established.
- 3.1.2 An estimated bid shall be established which shall not be less than the appraised value plus the above costs (i). Notwithstanding the bid amount, Council may accept an amount less than or higher than the estimated bid amount.
- 3.1.3 An advertisement shall be placed within the newspaper and notice to be posted on the Town of Gananoque website for a minimum of 21 days and include the following information:
- a) Location of property including a brief description of the property and map
 - b) Final date that offers will be accepted
 - c) Following statement "The Town reserves the right to refuse to sell any land to any industry, individual or business or to impose conditions and restrictions as it deems advisable"
 - d) Following statement "the highest or any offer may not necessarily be accepted".
 - e) The tender documents shall be filed with the Clerk of the Town of Gananoque at the specified date and time.

3.2 Licensed Real Estate Agent/Broker

- a. All costs to be incurred such as legal, survey, appraisal, advertising etc. shall be established.
- b. A listing amount shall be established which shall not be less than the appraised value plus the above costs (i).
- c. The Mayor and CAO shall be authorized to sign the listing agreement
- d. The offers shall be submitted to the CAO for review for a minimum of 14 days
- e. All final offers shall be submitted to Council for approval of the sale price.

3.3 Direct Sale to Abutting Landowner (as noted in Section 4)

- a. All costs to be incurred such as legal, survey, appraisal (if required), advertising etc. shall be established.
- b. An estimated purchase amount shall be established which shall not be less than the appraised value (if required) plus the above costs (i). Notwithstanding the bid amount, Council may accept an amount less than or higher than the estimated bid amount.

3.4 Request for Proposals – For Sale with Conditions/Guidelines:

- a. The extent of the Development Site will be outlined either through a "Request for Proposal" or an "Expression of Interest". The Town of Gananoque has development conditions/guidelines for the development and the selection of a successful proponent. A determination (all or in part) will be made on the basis of how the development proposal conforms to the conditions/guidelines as set out.

Part 4 Public Notice

- 4.1 The Town of Gananoque shall give notice to the public of the proposed sale within the newspaper and notice to be posted on the Town of Gananoque's website for a minimum of 10 days, as per the Town's Public Notice Policy.
- 4.2 The Notice shall specify that anyone wishing to comment on the proposed sale may do so in writing to the Clerk of the Town of Gananoque by the given date as specified in the notice. Any comments received shall be received and considered by Council.
- 4.3 Notwithstanding the above, the Town is not required to give notice for any class of land as follows:
 - a. Land 0.3 metres or less in width.
 - b. Closed roadway, alley or road allowance if sold to an owner of the land abutting the roadway.
 - c. Land formerly used for railway lines if sold to an owner of lands abutting the former railway land.
 - d. Land that does not have direct access to a highway if sold to the owner of the land abutting the land.
 - e. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
 - f. Easement granted to public utilities.

Part 5 Reserves the Right

- 5.1 The Town reserves the right to refuse to sell any land to any industry, individual or business or to impose conditions and restrictions as it deems advisable; or
- 5.2 To change the terms and conditions of this policy at any time. Notwithstanding, the Town will honour any active files under the policy in effect at the time of making any changes.
- 5.3 The Town will seek input from the Real Estate community at any time.