



Policy

POL.COR.00.00

Sale and Other Disposition of Land

Policy Type: Corporate Policy (Approved by Council)

Date Approved: Month, 00, 20XX

Department: Administration

Staff Report: FAF.XX.XXX

By-Law No.: 2008-08

Policy Statement

Policy direction for Council procedure in considering the sale and other disposition of public land by the municipality.

Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

Application

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with respect to the sale and other disposition of public land by the municipality.

Definitions

Adjoining Landowner(s): means the owner of any property sharing a common boundary with a property(ies) which forms the subject of a land development application or touches any corner of the aforesaid property(ies).

Appraisal: shall mean an appraisal of the “Best Use” fair market value of the land to be sold or otherwise disposed of and may include consideration of a public benefit in the case of any land transfer or exchange.

Stop up and Close: shall mean the process that is required to be completed to ensure a roadway, unopen road allowance, or Laneway has been deemed closed and no longer considered for use or potential use by the public for vehicular traffic.

Town Owned Land: shall mean Land that is owned by the Corporation of the Town of The Blue Mountains.

Procedures

1. Requests may be received and considered twice per year (April and September) in the second and third years of each Term of Council.
 - a. Formal requests will be submitted through the Town via formal request for consideration for the disposition and sale of Town Owned Land by individuals, groups and our Corporations or numbered company;
 - b. Staff will receive submissions during the prescribed intake period and provide a staff report to Committee of the Whole outlining the fulsome list of requests with clear recommendations for Council to consider the proposed options and recommendations based on review by staff;
 - c. A staff report will be considered by Council outlining the recommendations for each subject Town Owned Land;
 - d. For those lands that are to be considered Surplus, a formal Public Meeting shall be held to receive comment and information from members of the Public prior to the formal declaring of the land as Surplus and considering disposal of the Land;
 - i. in the case where the Land is part of a Right of Way, Lane, or unopen road allowance, staff must confirm whether the process to consider the stopping up and closing of the subject lands is required;
 - e. A follow up Staff Report will be considered by Committee of the Whole from the Public Meeting(s) and shall provide an overview of the required process as well as comments and information that were received through the Public Meeting;
 - f. Council shall provide direction to staff on how to proceed with each individual subject Town Owned Land;

- g. Pending Council direction to declare the Town Owned Land(s) Surplus, Staff may proceed with the disposition of Town Owned Land and follow the process outlined in Section 3 of this Procedure.
2. Town staff may identify to Council potential declaration of Town Owned Lands as Surplus concurrently through the submission intake periods. The same review and reporting process shall be utilized as outlined in Section 1 subsections c. through g. of the Procedure of this Policy.
3. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the sale of land Council shall:
 - a. at a regularly scheduled Council meeting deem that any land to be sold or conveyed is surplus to the needs of the Corporation;
 - b. obtain at least one appraisal of the “Best Use” fair market value of the land to be sold or conveyed and this appraisal may include consideration of a public benefit in the case of any land transfer or exchange;
 - c. give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.
4. Council may, at their sole discretion and acting in good faith, upon compliance with clause 1. of this Policy, advertise to request sealed tenders or bids for the sale of land or to engage a real estate firm or broker for the sale of land or utilize an alternative method of sale or disposal of land to be determined by Council.
5. Council may, at their sole discretion, add or delete any costs incurred by the municipality with regard to the sale of land to or from the sale price of the land.
6. Town staff will undertake the completion of Appraisal the first year of each term of Council based on the best use.
7. The Town and any affected Local Board shall establish and maintain a public register listing and describing the land owned or leased by the Town.

Exclusions

1. Council may, at their sole discretion, determine that Clause 2 of the Procedure Section of this Policy does not apply to the sale of the following classes of land:
 - a. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.

- b. Town Owned Lands that are described as a Road Allowance, Laneway, or Fire Lane that are deemed Surplus and that have been stopped up and Closed may be offered to the Adjoining Land Owner(s) based on the appraised value and on the basis that no future variances or building permits for any structure extension of an existing structure may be applied for and conditions to support this restriction shall be placed on Title of the Lands being added to.
 - c. Where Adjoining Land Owner(s) do not wish to acquire a portion of the subject lands that are deemed surplus, the Town may offer these lands to the remaining Adjoining Land Owner(s) with equal division of subject lands based on the appraised value and on the basis that no future variances or building permits for any structure extension of an existing structure may be applied for and conditions to support this restriction shall be placed on Title of the Lands being added to.
 - d. Land that does not have direct access to a highway if sold to an owner of land abutting the former railway land.
 - e. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*.
 - f. Lands sold under Sections 107, 108 and 109 of the *Municipal Act, 2001* (Economic Development Services).
 - g. Easements granted to public utilities or to telephone companies.
2. Council may, at their sole discretion, determine that Clause 1.a) of this Policy does not apply to the sale of land to the following public bodies:
- a. A municipality.
 - b. A local Board, including a School Board and a Conservation Authority.
 - c. The Crown in right of Ontario or Canada and their Agencies.
7. Council may, at their sole discretion, determine that Clause 1. of this Policy does not apply to the sale of the following classes of land:
- a. Land sold under Section 110 of the *Municipal Act, 2001* (Municipal Capital Facilities).
 - b. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
8. This Policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001*, Sale of Land for Tax Arrears.

References and Related Policies

Town Policy POL.COR.07.01 “Accounting and Transparency” and Town Policies POL.COR.07.03 “Provision of Notice and Manner of Giving Notice” through POL.COR.07.07 “Code of Conduct for Members of Council” inclusive, as approved, together with this Policy.

Consequences of Non-Compliance

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

Review Cycle

This policy will be reviewed once per Term of Council and within the first year of the Term of Council by the Senior Management Team for report to Council in open session where revisions and or modifications are proposed by staff for Council considerations.