



CORPORATION OF THE TOWN OF RAINY RIVER

Property Department

Sale / Disposition of Land Policy

Purpose / Application

The *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, (the Act) requires all municipalities to 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 Town of Rainy River.

Definition(s)

In this Policy:

“Chief Administrative Officer (CAO)” – shall mean the Chief Administrative Officer of the Corporation of the Town of Rainy River.

“Council” – shall mean the Council of the Corporation of the Town of Rainy River.

“Newspaper” – shall mean a printed publication in sheet form, intended for general circulation to all or part of the Town of Rainy River, 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 Town of Rainy River, whose knowledge of the property and current market values within the Town is acceptable to Council.

“Public Register” – shall mean a Register in the form set out in Schedule 1 to this Policy listing and describing the land owned and leased by the Town, 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 Chief Administrative Officer, has such circulation within the Town of Rainy River

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 Town of Rainy River declared surplus under the Policy.

“**Town**” – shall mean the Corporation of the Town of Rainy River.

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.

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.

Exclusion of Valuation, Certain Classes of Land

A valuation is not required for the following:

1. Closed highways if sold to an owner of land abutting the closed highways.
2. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
3. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
4. Easements granted to public utilities or to telephone companies.
5. Land sold/transferred to another municipality.
6. Land sold/transferred to a Local Board including a School Board or Conservation Authority.

7. Land sold/transferred to the Crown in Right of Ontario or Canada or their agents.

Notice

Before selling any surplus land, the Town shall publish a Notice electronically on the municipal website.

The Notice shall include the following:

- A brief description of the purpose of the land sale / disposition.
- A legal description, Town address and / or key map which in the opinion of the Chief Administrative Officer 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.

Before disposing of any Land, the CAO shall publish a notice of the intended Disposal in a newspaper or publication that is, in the CAO's opinion, of sufficient general circulation in the area of the subject Land to give the public reasonable notice of Council's intention and/or by posting notice on the Municipality's website.

This notice shall be given at least fourteen (14) days prior to the meeting which includes this item on the agenda; and shall include the following:

- A legal description of the Lands, municipal address and/or location map which the CAO deems sufficient to identify the Land.
- The notice shall specify that anyone wishing to comment on the proposed Disposal may do so by delivering such comment in writing to the CAO of the Corporation of the Town of Rainy River.
- The final date for submitting such comments shall be specified in the notice. All comments shall be submitted to Council.
- The date on which the resolution or by-law declaring the Lands to be surplus was/will be passed.

Notwithstanding the above, Council may direct the CAO to give notice of publication where it is deemed in the public interest to do so.

Where Land proposed to be disposed of falls within one of the categories listed below, notice to the public shall be deemed to be sufficiently given by including a report dealing with such Disposal as part of the agenda of the Council meeting at which the intended Disposal is to be considered by Council:

- Closed highways if sold to an owner of land abutting the closed highways.
- Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
- Land that does not have direct access to a highway if sold to the owner of land abutting that Land.
- Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
- Easements granted to public utilities or to telephone companies.
- Land sold/transferred to another municipality.
- Land sold/transferred to a Local Board including a School Board or Conservation Authority.
- Land sold/transferred to the Crown in Right of Ontario or Canada or their agents.

Public Register

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

Procedure for Sale

1. The sale of surplus properties within the municipality shall only be considered upon the execution of an agreement to construct a residence, commercial entity, or a combination residence and commercial building. All construction must conform to the existing Zoning By-law at the time of construction.
2. Offers to purchase land declared surplus by the Town may be processed on a first come - first serve basis provided that Council has set a minimum offer to be accepted.

3. Where the Council believes it to be in the best interests of the Town, 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

Selling Price

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

Costs

The municipality shall require the purchaser to be solely responsible for the municipality's costs incurred to dispose of any Property, which costs may include the following: legal, survey, appraisal, removal of encumbrances, advertising and improvements, and administration fees if not sold by registered real estate agent and/or agency.

Methods of Sale

Land may be sold by public tender, by listing with a real estate firm or broker, by land exchange, by offer to adjacent land owner(s) or in such other appropriate manner as may be determined by Council.

Sale by Public Tender

Except where otherwise directed by Council, the following shall apply:

- Costs incurred or anticipated to dispose of the Land such as legal fees, survey, appraisal, encumbrances, administrative fees, advertising and improvements shall be determined.
- An estimated bid amount shall be determined which shall not be less than the appraised value plus the additional costs referred to above. Notwithstanding the foregoing, Council may accept an amount less than or higher than the estimated bid.
- An advertisement shall be placed in a newspaper or a regular publication that is, in the CAO's opinion, of sufficient general circulation and/or by posting notice on the Municipality's website. The advertisement shall include a brief description of the property and shall specify the final date that offers will be accepted and shall include the following statement 'the highest or any offer may not necessarily be accepted'.
- The tender documents shall be delivered in person to the CAO's office by the date and time specified on the notice. Tenders will be opened in public at the time prescribed on the last date for receiving tenders.
- The tender documents shall be accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of money order or by way of bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office. All deposits will be refunded for unsuccessful sales, less any expenses incurred by the Town.
- A proposed Sale or Disposal of Land will not proceed to Council for consideration until after twenty-one (21) days from the date on which the advertisement required above is made.

Disposal by Listing with a Real Estate Agent, Firm or Broker

Should Council determine to engage a real estate firm or broker to dispose of the Land, the following shall apply:

- Costs incurred or anticipated to dispose of the Land such as legal fees, commissions, survey fees, valuation fees, encumbrances, advertising and improvements shall be determined.
- A listing price shall be determined which shall not be less than the appraised value plus the additional costs referred to in the above section.

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- The Chief Administrative Officer shall be authorized to sign the listing agreement.
- The offers shall be submitted to the Chief Administrative Officer on a standard offer to purchase form or document drafted by a lawyer.
- The Municipality may in its sole and absolute discretion prepare and present counter offer(s).
- All final offers shall be submitted to Council for approval of the Sale price.

Disposal Directly to an Abutting Landowner

Should Council determine to sell the Land directly to an abutting landowner the following shall apply:

- Properties located within Plan M77 may be used to expand existing properties if a residence is located on the abutting property and the residential property is comprised of single lot.
- Costs incurred or anticipated to dispose of the Land such as legal fees, administrative fees, survey, valuation fees, encumbrances, advertising and improvements shall be determined.
- An estimated purchase amount shall be determined which shall not be less than the valued amount plus the additional costs referred to above. Notwithstanding the foregoing Council may accept an amount less than the estimated purchase amount.

Subject to the provisions of section 106 of the Act, Council may authorize the Sale of Land for less than the fair market value if in the opinion of the Council it is appropriate to sell the Land for less than fair market value.

Terms of Disposition

Upon approval or acceptance of the terms and conditions of a Disposal by Council, the agreement of purchase and Sale and any ancillary documents shall be prepared in consultation with the Municipality's solicitor, as required.

Prior to completion of the Disposal of Lands, Council shall adopt a by-law that includes the following information:

- Date the resolution declaring the Lands surplus was passed;
- The final Sale price;

- The purchaser's name and municipal address.

Authorizing By-law

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

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.

Exemptions

This policy does not apply to the following classes of Property Disposal:

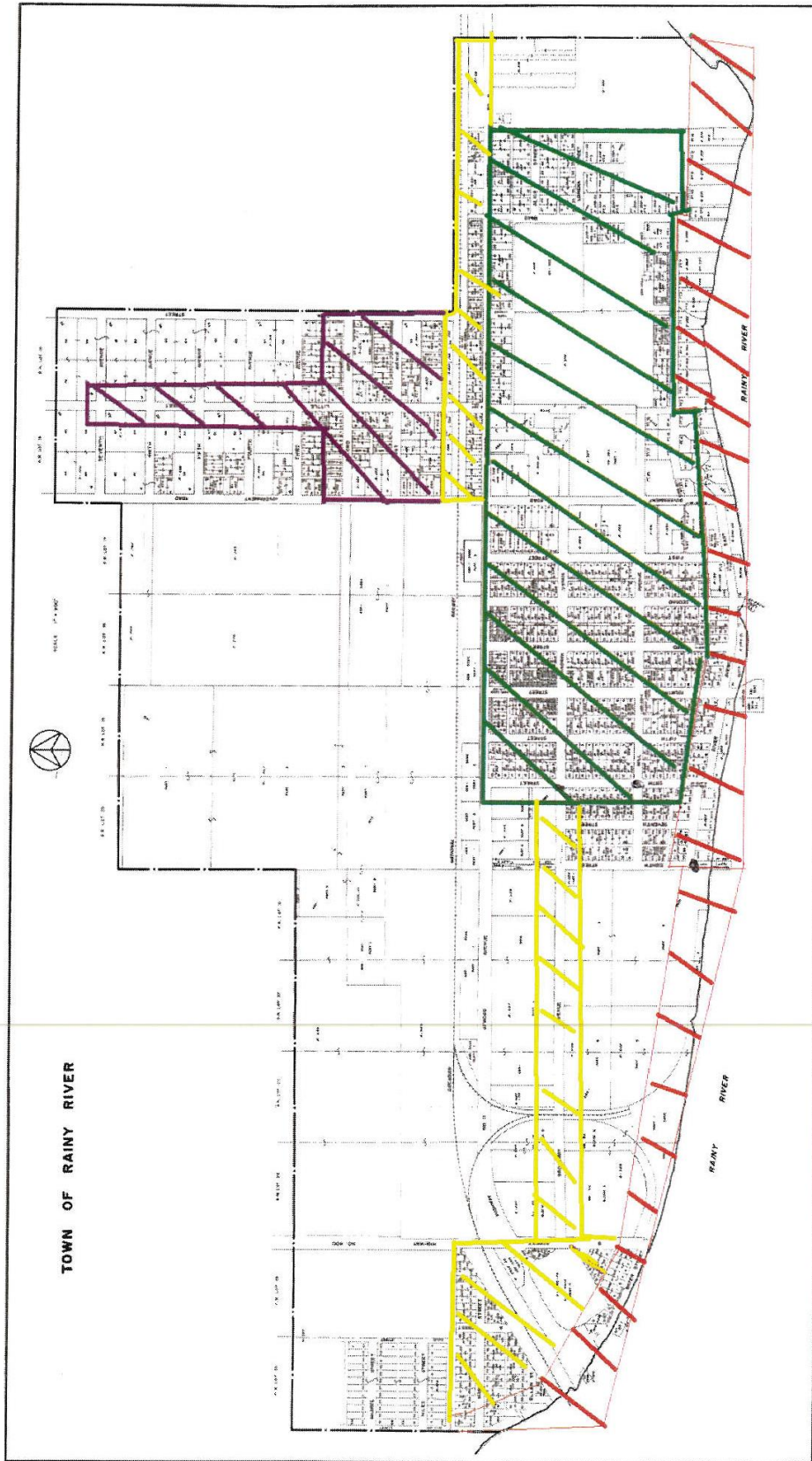
1. A Disposal of Land pursuant to Section 110 of the Municipal Act, 2001, (municipal capital facilities);
2. A Disposal of Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
3. Disposals as part of a municipal tax sale pursuant to Part XI of the Municipal Act, 2001 (Sale of Land for Tax Arrears);
4. Disposals conducted pursuant to a Planning Act application or approval, which Disposal is governed by a consent agreement, subdivision agreement, or site plan agreement;
5. Disposals to the Crown in the Right of Ontario or Canada, or any government agency or authority; and
6. Disposals of an easement to a public utility.
7. Land that does not have direct access to a highway if sold to the owner of land abutting that land.

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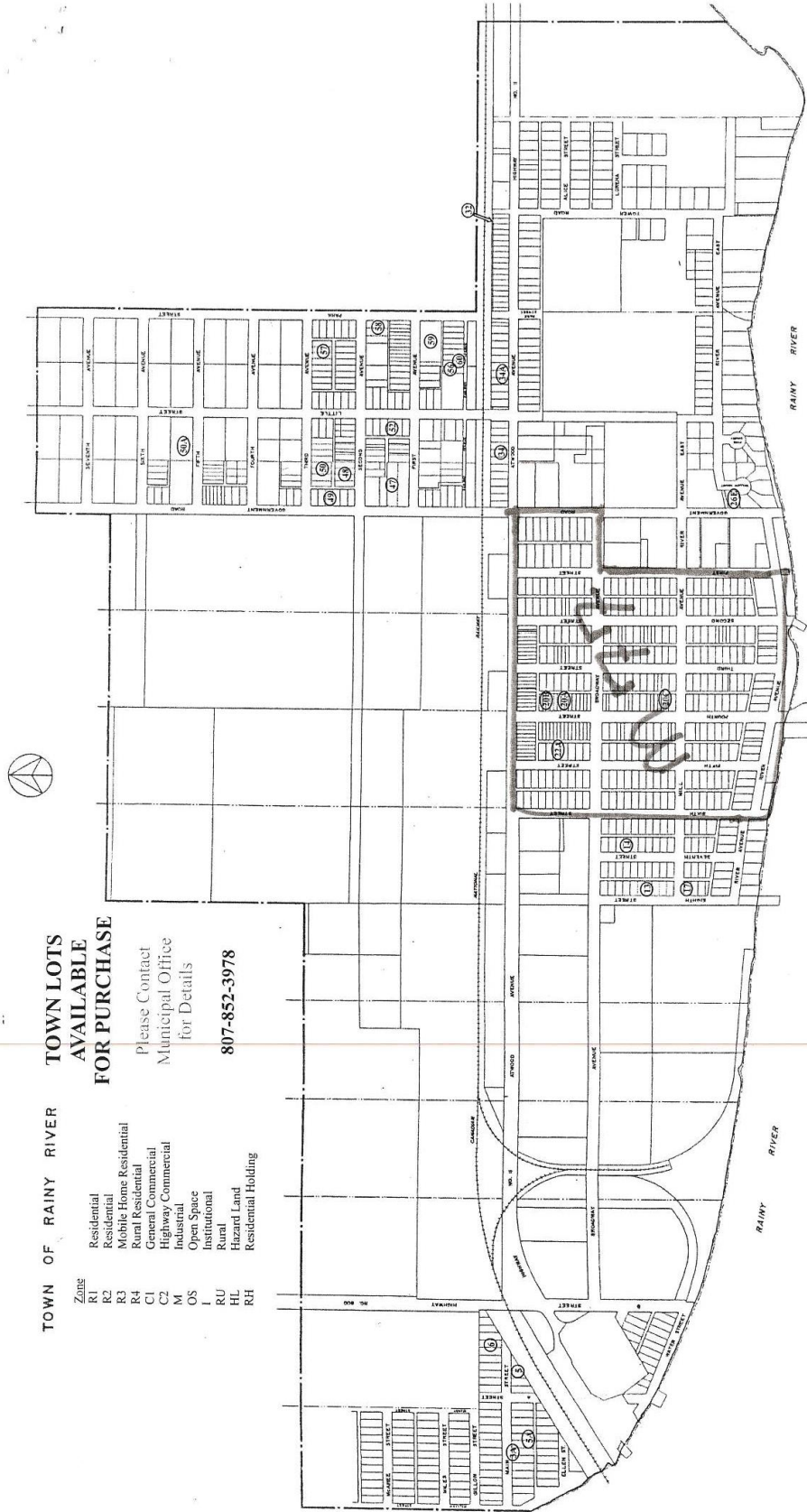
Schedule 1

	Roll				Squar				Pric	Assess
	Map #	Number	Civic Address	Zoning	Frontag	Dept	Acreag	footag		
Y	3A	1701	Main Street	R1	50	150	0.17	7,500	9,375	7,700
Y	5	1800	Main Street	R1	166	150	0.19	24,900	31,125	7,800
Y	5A	1810	Main Street	R1	100	150	0.34	15,000	18,750	7,800
Y	6	2309	Main Street	R1	50	150	0.17	7,500	9,375	7,700
W	13	6310	202-212 Eighth Street	R1	300	105.6	0.73	31,680	31,680	7,800
W	14	5702	214 Seventh Street	R1	50	105.6		5,280	5,280	7,100
W	17	8200	120 Eighth Street	R1	50	105.6	0.12	5,280	5,280	7,100
G	20A	21000	316 Fourth St.	GC	25	120	0.07	3,000	5,250	3,900
G	20B	21300	322 Fourth St. (R.R. Hotel)	GC	100	120	0.28	12,000	21,000	5,200
G	20C	22400	204 Fourth Street	GC	50	120		6,000	10,500	
G	22A	29200	308 Fifth Street	R1	50	120	0.14	6,000	10,500	
								-		
G	26E	35800	Mill Forest PT 1	R1				15,570	27,248	
G			Mill Forest PT 7	R1				11,780	20,615	
G			Mill Forest PT 17	R1				10,000	17,500	
G			Mill Forest PT 18	R1				10,000	17,500	
G			Mill Forest PT 19	R1				10,000	17,500	
G			Mill Forest PT 24	R1			1.37	59,681	104,442	
								-		
Y	32	41700	633 Atwood Avenue	R1	36.5	108	0.09	3,942	4,928	6,700
Y	34	42900	415 Atwood Avenue	R1	50	122	0.14	6,100	7,625	7,300
Y	34A	43900	509 Atwood Avenue	R1	75	120	0.21	9,000	11,250	
								-		
P	47	45200	Government Road	R1	75	303	0.52	22,725	34,088	10,100
P	48	45701	405 Second Avenue	R1	42	140	0.14	5,880	8,820	7,300
P	48	45800	407 Second Ave	R1	42	140	0.13	5,880	8,820	7,300
W	49	46000	608 Government Road	R1	50	120	0.14	6,000	6,000	7,700
W	50	46100	402-404 Third Avenue	R1	84	140	0.27	11,760	11,760	8,500
W	50	46200	406-408 Third Avenue	R1	84	140	0.24	11,760	11,760	8,500
W	50	47700	410-416 Third Avenue	R1	168	149.2	0.58	25,066	25,066	10,400
P	50A	47200		R1H	150	303	1.04	45,450	68,175	7,900
P	52	48700	505 Little Street	R1	50	120	0.14	6,000	9,000	7,300
								-		
W	56	50100	519 Railway Avenue	R1	50	140	0.16	7,000	7,000	7,600
W	57	52000	514-520 Third Avenue	R1	168	140	0.54	23,520	23,520	10,200
P	58	52600	526 Second Avenue	R1	100	150	0.33	15,000	22,500	8,900
P	59	53000	516 First Avenue	R1	278	150	0.09	41,700	62,550	11,200
W	60	53100	521 Railway Avenue	R1	37.87	140	0.14	5,302	5,302	7,100
W		47000	1002 Government Rd	R1	150	303		45,450	45,450	
W		47025	1002 Government Rd	R1	150	303		45,450	45,450	22,500
			Price per square foot							
		Red		\$2.50						
		Green		\$1.75						
		Yellow		\$1.25						
		Purple		\$1.50						
		White		\$1.00						

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ADOPTION & REVIEW GUIDELINES

Approved by Motion #16-073 on June 13, 2016
Reviewed/Revised by Res. # _____

Approximate date of next review _____, 20____

REFERENCES:	POLICY AREA	POLICY NUMBER
	Property _____	Section P-1 _____