

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW NO. 15-53

Being a By-Law to establish a policy for the sale and other disposition of municipal land

WHEREAS the *Municipal Act*, 2001, c. 25 as amended, Section 270 (1) requires that the municipality shall adopt and maintain a policy for the sale and other disposition of municipal land;

AND WHEREAS the existing policy, as set out in By-Law 13-81, is out of date, complicated and inefficient;

NOW THEREFORE the Council of the Corporation of the Municipality of Greenstone enact as follows:

1. That the policy for the sale and other disposition of municipal land as set out in Schedule A to this By-Law be adopted;
2. This By-Law shall come into force and take effect upon the final passing hereof;

AND FURTHER THAT By-Law 13-81 is hereby repealed.

ENACTED and **PASSED** this 20th day of July 2015.

*Original signed by R.Beaulieu
Resolution 15-186*

Renald Y Beaulieu,
Mayor

*Original signed by G.Lecuyer
July 20, 2015*

Gabrielle Lecuyer,
Clerk

SCHEDULE A
By-Law 15-53

POLICY FOR
THE SALE OR OTHER
DISPOSITION OF LAND

DEFINITIONS

“Appraisal” means a written opinion of market value prepared by a person having appropriate credentials and experience.

“CAO” means the Chief Administrative Officer for the Corporation.

“Corporation” means the Corporation of the Municipality of Greenstone.

“Director” means the Corporation’s Director of Protective and Planning Services.

“Disposition” includes:

- (1) the sale of Land and,
- (2) the leasing of Land or the granting of easements or other rights in Land that has the effect of granting the use of or right in Land directly or by entitlement for a period of 21 years or more

“Municipal Website” means the official internet website for the Corporation.

“Newspaper” means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one (1) week and sold to the public and to regular subscribers.

“Published” means published in a newspaper that has such circulation within the Municipality as to provide reasonable notice to the public affected.

“Land” includes building

SALE AND DISPOSITION OF LAND PROCEDURES

Methods of Sale/Disposal

Notice Requirements

Public Auction

- motion of Council of intent to sell by this method at least 2 weeks prior to the auction
- ad published in newspaper
- posting on municipal website

Public Tender

- motion of Council of intent to sell by this method at least 2 weeks prior to the deadline for receipt of Tenders
- ad published in newspaper
- posting on municipal website

Direct Sale

- motion of Council of intent to sell at least 2 weeks prior to sale
- ad published in newspaper
- posting on municipal website

Land Exchange

- motion of Council of intent to exchange lands at least 2 weeks prior to the exchange
- posting on municipal website

Call For Proposal

- motion to request proposals for the disposition of the land
- posting on municipal website
- ad published in newspaper

Listing With Realtor

- motion of Council
- posting on municipal website

Long Term Lease of More Than 21 years

- motion authorizing disposition by lease at least 2 weeks prior to the execution of the Lease
- ad published in newspaper
- posting on municipal website

All Notices are to identify the subject property as thoroughly and as accurately as possible. All Notices shall list the Director as the contact person for any disposition of land.

1. Terms Of Disposition

Notwithstanding that the notice of intended disposition has been given and that one or more interested parties may present to Council an Offer To Purchase the real property, nothing shall limit the absolute discretion of Council to retain the land or to dispose of the land on such terms and conditions as may be fixed by Council, which shall include the power to sell the real property for nominal consideration (subject to the anti-bonusing provisions of the Municipal Act 2001, as it may be amended from time to time), and to whomever it wishes, regardless of whether the disposition is to the party which apparently has presented the best offer.

2. Costs of Disposition

Any costs involved in the disposition of land (legal, survey, administration, etc.) may be allocated to the purchaser at the discretion of Council prior to the finalization of the sale.

REQUIRED APPRAISALS OF LAND

The Director, in consultation with the CAO, shall determine whether an appraisal is necessary or advisable (if not required by statute) for any disposition of land.

REQUEST TO PURCHASE MUNICIPAL LAND

The Request To Purchase Municipal Land form (as attached hereto as Appendix A to this Policy) shall be made available to any prospective purchaser by the Director of Protective and Planning Services or the Clerk.

PROCESSING OF REQUEST

Once the Director of Protective and Planning Services, the CAO and other relevant staff have reviewed/vetted the respective Request, it will be forwarded to Council together with a brief report on the proposed disposition and potential development.

GOOD STANDING

Land dispositions are subject to additional rules and guidelines as outlined in the Corporation's "Good Standing Policy".