

THE CORPORATION OF THE TOWN OF KIRKLAND LAKE
Bylaw # 09-064

Being a Bylaw to Establish
The Procedures for the
Sale of Real Property Owned by the Municipality

WHEREAS Section 270 (1) of the Municipal Act 2001, RSO requires that a municipality shall adopt and maintain policies with regard to its sale and other disposition of land;

AND WHEREAS Section 8(1) of the Municipal Act 2001 RSO 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;

AND WHEREAS it is deemed advisable to establish a policy to govern the sale and disposition of real property;

NOW THEREFORE THE COUNCIL OF THE TOWN OF KIRKLAND LAKE HEREBY ENACTS AS FOLLOWS:

1. APPLICATION

- .1 That where made applicable by Section 270 of the Municipal Act, this bylaw shall apply to the sale of real property by the Corporation including properties designated as residential, commercial, industrial, open space, institutional, hazard land, rural land and reserve; including leases of 21 years or longer.

2. DEFINITIONS

Buildable Lot – Land of sufficient size to permit the lands to be utilized as an individual parcel of land in conformity with the Official Plan and compliance with the Zoning Bylaw regulations.

Clerk – The Clerk of the Town of Kirkland Lake, including his or her successor and designate from time-to-time.

Disposal – The sale of real property or the lease of real property for a period 21 years or longer.

Land – Real property owned by the Town, whether vacant or not, or owned by its agencies, boards or commissions, the jurisdiction for sale of which has been transferred to the Town.

Real Property – Includes properties designated as residential, commercial, industrial, open space, institutional, hazard land, rural land and reserve.

Sale – A commitment to sell or otherwise dispose of land, including a disposal by way of a lease of 21 years or longer.

Surplus – Land which is no longer required by the Town which it intends to sell or otherwise dispose of.

Town – The Corporation of the Town of Kirkland Lake.

3. PUBLIC REGISTRY

- .1 That a public register be available for inspection through the municipal website.

4. LAND SALES PROCEEDURE

- .1 Unless exemption or exclusion in this by-law, before selling any land, Council shall:
- a. Declare the land to be surplus by resolution passed at a public meeting, containing the information and format as described on Schedule “A”.
 - b. Value the land in accordance to Section 5 of this By-Law and
 - c. Give notice to the public in accordance to Section 6 of this By-Law.

5. FAIR MARKET VALUE

- .1 Prior to the disposal of real property and where there is no exemption, Council shall obtain at least one appraisal of the fair market value in one of the following manners:
 - a. A written opinion from an Accredited Certified Appraiser of fair market value providing information sufficient to satisfy Council that the opinion is reasonable.
 - b. An estimate or opinion of value prepared by an independent licensed realtor or property appraiser.
 - c. The value assigned by the Municipal Property Assessment Corporation or established by a Municipal Assessor based on the configuration and proposed use of land.

6. PUBLIC NOTICE

- .1 Notice to the public of the proposed sale, containing the information and format as described on Schedule "B", shall be given at least 5 days, including holidays, prior to the disposal:
 - a. By way of advertisement in a newspaper having local circulation that, in the opinion of the Town Clerk, has such circulation within the Town as to provide reasonable notice to those affected by, or interested in the land sale; and
 - b. Posting on the Town's website.

7. OFFERS

- .1 That unsolicited offers to purchase real property may be processed on a first come, first serve basis.
- .2 That when more than one party has expressed an interest in purchasing real property, or where the Council believes it to be in the best interest of the community, the Council may by resolution direct that the real property be sold by tender. When real property is to be sold by tender, then the tendering policy and procedures in effect at the time shall apply with necessary modifications.

8. EXEMPTIONS AND EXCLUSIONS

- .1 An appraisal and/or notice does not apply to the sale of land to the following 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.
- .2 An appraisal and/or notice does not apply to the disposition of the following properties:
 - a. Any land that by itself is incapable of being a buildable lot providing the sale is to an abutting landowner and the properties are to be consolidated;
 - b. Closed highways if sold to an owner of land abutting the closed highway (*This exemption does not apply if the road is being closed and sold under the same bylaw*);
 - c. Land that does not have direct access to a highway if sold to the owner of abutting land and the properties are to be consolidated (*This exemption does not apply when the land abuts more than one property and is not being divided and sold to all abutting owners*).
- .3 The following properties are exempt from the Land Sale Procedure:
 - a. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act, and subsequently sold to the abutting landowner or any Government Authority;
 - b. Land formerly used for railway lines if sold to, and consolidated with, an owner of land abutting the former railway land;
 - c. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act;
 - d. Easements granted to public utilities or to telephone companies;
- .4 The following classes of land are excluded:
 - e. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

9. PURCHASERS RESPONSIBILITY

- .1 That the purchaser shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees, etc.

10. CERTIFICATE OF COMPLIANCE

- .1 That the Clerk may issue a certificate (Sample Schedule “C”) with respect to a sale of land by the Town, verifying to the best of his/her knowledge the requirements of the bylaw which applies to the sale of land have been complied with. That the fee for issuing a Certificate of Compliance shall be \$50.00.

11. EFFECTIVE DATE

- .1 This bylaw shall come into effect on the day of its passage.

12. REPEAL

- .1 Bylaw 95-040 is hereby repealed.

Read a first, second and third time, enacted and passed this 10th day of August 2009

William Enouy, Mayor

Jo Ann Ducharme, Clerk

SCHEDULE “A”
Declaration of Surplus Land

The following information is required on a resolution from Council for the declaration of surplus land:

That Council of the Town of Kirkland Lake declares the following land surplus and no longer required by the Town:

Municipal Address:
Legal Description:
Roll Number:

SCHEDULE “B”
Notice of Intent to Sell

The notice of intent to sell shall include the following information:

1. The date on which a bylaw to sell the land will be considered;
2. Municipal address, legal description and/or location map which the Clerk deems sufficient to identify the lands;
3. The approximate size of the land by reference to dimensions and/or area, and a brief description of any buildings;
4. The proposed use of lands and/or reason for the sale;
5. The general identification of the purchaser (e.g. adjacent land owner);
6. The date on which the land was declared surplus;
7. Information advising the public when and where additional information may be obtained and/or comments can be submitted for Council's consideration.

SCHEDULE “C”
Certificate of Compliance



CERTIFICATE OF COMPLIANCE

Certificate of Compliance with Town of Kirkland Lake Bylaw #09-059 in the sale or disposition of the real property described as:

Street Address:

Legal Description:

Roll #:

I HEREBY CERTIFY THAT:

1. The municipality passed By-law 09-064 on the 10th day of August 2009

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

2. The property was declared surplus under Resolution enacted or passed on
The day of 2009.

3. Public notice of intent to sell or dispose of the property was given by the following method(s):

- Northern News
- Town of Kirkland Lake website,
- Council Agenda, and
- Notice Boards of Town Departments

On (dates).

(name), Clerk
THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

(Date)

I HAVE THE AUTHORITY TO BIND THE CORPORATION