

**QUICK FACTS REGARDING
REQUEST TO PURCHASE
MUNICIPAL LAND**

SURPLUS LANDS

The Town of Kirkland Lake has a running list of lands that have been declared surplus and are available for purchase. Any individual can submit a request to purchase for any of the properties listed on the Surplus Lands List. The “*Surplus Lands List*” is available on the Town of Kirkland Lake’s municipal website, or by visiting the Department of Development Services.

PROCESS

The length of time for approval depends on the complexity of the proposal. On average, most proposals take a minimum of sixty (60) days for the Town to process, if no survey is required.

Once the proposal is submitted, it is reviewed by all internal departments for comment. Once all of the internal departments are satisfied, the proposal will be scheduled to appear at an in-camera Council meeting for discussion purposes. If further information is required by Council, it will be requested and reconsidered at a future in-camera Council meeting. If Council is satisfied with the proposed sale, staff will be directed to provide “*Notice of Intent to Sell*” at the following Council meeting. A By-law delegating authority to the mayor and clerk to sign all documents pertaining to the sale will be signed at a scheduled open Council meeting shortly thereafter.

PROPOSAL SHALL INCLUDE:

- Application fee, regulated by the Town’s User Fees By-law;
- Name and contact information;
- Corporate documents of company name;
- Proposed offer;
- List of proposed uses;
- Type and approximate size of proposed structures;
- Proposed date of closing;
- Number of employees (if applicable);
- Any conditions of purchase; and
- Signature.

Submit application to:

Planning Administrator
Department of Development Services
Town of Kirkland Lake
1 Dunfield Road
Kirkland Lake, Ontario P2N 3P4
FAX: (705) 567-9400
planning@tkl.ca

TOWN'S CONDITIONS OF SALE

1. Other than single and two-unit residential buildings, all properties may be subject to site plan control.
2. The proposed use must comply with Zoning By-law 21-032
3. The property is being sold "as is" with no warranties.
4. The sale is for surface rights only.
5. All proposals will be reviewed and evaluated based on "best value", comparison to "market value" and compliance to applicable acts, regulations and by-laws.
6. The proposal with the highest value will not necessarily be accepted.
7. The municipality does not guarantee that there are any services, nor the condition of any services that may exist. All unserviced lots are subject to the appropriate *"Service Connection Fees"*.
8. The municipality shall not be held responsible for any liability arising out of any fill or material that has been placed on the property.
9. All street numbers shall be allocated by the Town and the designated street number shall be on front of the building visible from the street.
10. Prior to selling, it is a purchaser's responsibility to perform all exploratory review of the property/site to establish ground and soil conditions, soil capabilities and any other issues which may impact building. Approvals must be obtained from the Town prior to any exploratory work.
11. All proposals must include a signed authorization letter permitting the *Planning Division* with the authority to review tax files for properties owned by the proposed purchaser and all properties that are associated with the proposed purchaser. At no time shall the municipality sell property to an individual who is in tax arrears and/or registration, as per the *"Property Sales and Other Land Uses to Residents in Arrears"* policy.
12. All proposals must include the non-refundable administration fee, as set out in the Town of Kirkland Lake's User Fees By-law (as amended annually). Failure to include the fee will result in the proposal to be considered incomplete. This fee does not form part of the purchase price, nor is it a deposit towards the purchase price.
13. The purchaser is responsible to pay for all the legal fees and any other applicable costs. These costs may include but are not limited to the following disbursements:
 - i. Register transfer
 - ii. Register consolidation application
 - iii. Execution certificate
 - iv. Electronic registration line charges
 - v. Lawyer's fees
 - vi. Tax on land sales
 - vii. Register application to register condition
 - viii. Land transfer tax
 - ix. Title search
 - x. Law society transaction levy
 - xi. Copy of parcel
14. The municipality will maintain first-right-of-refusal if the purchaser defaults on property conditions.

- i. A purchaser and all subsequent owners undertake and agree that they shall grade the lands in accordance with Town standards and agree to maintain the same, and before commencing any grading or construction on a lot, prepare a detailed report, drawings and site plan acceptable to the municipality which shall show:
 - First floor elevation, finished lot grades and direction of surface drainage;
 - The location of all buildings and structures to be erected on the site and all final grades;
 - The means whereby storm drainage will be accommodated and the means whereby erosion and silting will be contained and minimized both during and after the construction period.
 - ii. Where a purchaser intends to renovate the property, the proposal is conditional on acceptance of a proposal for renovating the property. The proposal must:
 - Include specifics of the plan for renovations, including timeframes for building permits, commencement of renovations and significant milestones and completion;
 - Stipulate the amount of a refundable deposit to be paid to the vendor on closing to secure performance of the proposal (minimum of \$2,000).
 - iii. Where the purchaser intends to construct a building as part of the conditions, the purchaser shall agree that the building will be completed and ready for occupancy within twenty-four months of registration of the transfer. In the event that the purchaser intends to sell or offer to sell the said lands for sale prior to the completion and readiness for occupancy as above, or in any event there is not a building completed and ready for occupancy within the specified timeframe, the Corporation of the Town of Kirkland Lake will have the irrevocable first option to purchase the lands from the transferee or his assigns on the same terms and conditions as this Agreement of Purchase and Sale (regardless of improvements). Additionally, the purchaser shall pay the Corporation of the Town of Kirkland Lake's legal costs for the registration of the said transfer.
15. If the proposed purchase is to add land to an abutting property, the Town will require that the two parcels be consolidated so that one cannot be sold without the other.
16. At no time shall a municipal property be sold to a tax payer who owes monies to the Town of Kirkland Lake. Please see *"Property Sale and Other Land Uses to Residents in Tax Arrears"* Policy, passed by Council on February 1, 2011.

PROPOSAL TO PURCHASE

CONTACT INFORMATION:

Name:	
Mailing Address:	
Phone Number:	
E-Mail Address:	

INFORMATION ON PROPERTY OF INTEREST:

Civic Address:	
Existing Use:	
Proposed Use:	

SPECIFY ANY CONDITIONS OF SALE:

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OFFER TO PURCHASE

Proposed Purchase Price:	
Proposed Closing Date:	
Legal Representation:	Name: Phone Number:

I _____ (*print name*) have reviewed the contents of the **“Surplus Land Proposal”** and understand all associated conditions and fees which apply to a municipal land purchase. I have also included the non-refundable application fee attached to this application. I understand failure to include this fee will result in the proposal to be considered incomplete. I further understand that the fee does not form part of the purchase price, nor does it reflect a deposit towards the purchase price.

I _____ (*print name*) agree to the conditions stipulated in the **“Request to Purchase”** document attached.

Date: _____ Signature: _____