



The Town of Arnprior Corporate Policies and Procedures Manual

Policy Name: Sale and Disposition of Land

Policy Manual Section:
Administrative Standards – Corporate
Procedures

Revision Date:

By-law Number: 7094-20

Policy Number: AS-CP-14

Organizational Coverage: All

Effective Date: September 28, 2020

1.0 Policy Statement

The Town of Arnprior shall dispose of land in a transparent and accountable manner that considers its social, economic, environmental and cultural return to the Town and its residents.

2.0 Purpose

In accordance with Section 270 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, this Policy establishes a comprehensive framework governing the sale or other disposition of Town-owned lands.

This Policy is intended to foster the following principles in order to advance and maintain the best interests of the municipality.

- Fiscal Accountability
- Consistency with Council's Strategic Plan
- Sustainability
- Social Responsibility
- Accountability and Transparency

This Policy ensures that any dispositions of land are conducted in a manner that fosters public trust and supports the following policy statements.

- The process is fair, open and transparent;
- The Town's current and future interests are protected;

- The Town considers the value of its real property assets;
- Any potential or real risks to the environment, the health and safety of residents and the financial integrity of the Town are minimized.

3.0 Scope

This policy applies to all financial and legal transactions involving the sale or other disposition of Town-owned land unless otherwise exempted under this Policy.

The procedures in this Policy may be adapted as required to comply with pre-existing contractual obligations to which the Town is a party, including funding agreements, licences and joint-use agreements.

The following exemptions shall apply:

- 3.1 Land sold in accordance with Section 110 of the Municipal Act (Agreements for Municipal Capital Facilities);
- 3.2 Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- 3.3 Land sold under Part XI of the Municipal Act (Sale of Land for Tax Arrears) and any related Ontario Regulation made by the Minister;
- 3.4 Easements over municipally owned lands, as approved by Council;
- 3.5 Road Allowances;
- 3.6 Cemetery plots owned by the Town;
- 3.7 Land transferred to the Town for security or for temporary roads or other works in connection with any agreement to which the Town is a party under the Planning Act;
- 3.8 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act, R.S.O. 1990, c. P. 13 as amended;
- 3.9 Land repurchased by an owner in accordance with Section 42 of the Expropriations Act, R.S.O. 1990, c. E. 26 as amended;
- 3.10 Waterfront access points owned by the Town in accordance with Section 34(1)(2) of the Municipal Act, 2001, S.O. 2001, c.25 as amended;
- 3.11 Real property conveyed by the Town as part of the settlement of litigation proceedings, as approved by Council.

4.0 Responsibility

The Chief Administrative Officer (or their designate) shall be responsible to ensure that all sales and other dispositions of land are completed in compliance with this Policy.

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5.0 Definitions

- 5.1 **“Abutting Land”** means real property that directly borders the municipality’s land parcel. In the case of the disposal of a closed highway, abutting land is considered real property that is immediately to the side of the closed highway.
- 5.2 **“Appraisal”** means a written opinion of the market value of the land prepared by a registered member of the Appraisal Institute of Canada, the assessed value as determined by the Municipal Property Assessment Corporation (MPAC), or other person(s) deemed by Council to be qualified for the purpose identified herein.
- 5.3 **“Appraised Value”** means the value noted the appraisal, or the assessed value as determined by the Municipal Property Assessment Corporation (MPAC).
- 5.4 **“Chief Administrative Officer”** means the municipal employee appointed by Council to serve as the Chief administrative officer in accordance with Section 229 of the Municipal Act.
- 5.5 **“Council”** means the duly elected Municipal Council of the Corporation of the Town of Arnprior.
- 5.6 **“Disposition”** means the sale, transfer, conveyance or exchange of the Fee Simple Interest in Real Property, or the granting of a permanent easement or right of way, but does not include the granting of a short-term Lease or a License of Occupation or the release of easement or right of way by the Town. A lease of twenty-one (21) years or longer shall be considered a disposition. For clarity, “Sale” shall have a similar meaning.
- 5.7 **“Fair Market Value”** means the highest amount that real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.
- 5.8 **“Fee Simple Interest”** means an ownership of Real Property in which the owner has the right to control, use or dispose of the Real Property at will.
- 5.9 **“Highway”** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
- 5.10 **“Letter of Opinion”** means a written opinion as to the fair market value of Real Property, provided by an independent qualified appraiser who shall be a registered member in good standing of the Appraisal Institute of Canada, or any other person deemed by Council to be

qualified for this purpose.

5.11 “**Local Board**” means a local board as defined in Part I of the Municipal Act.

6.0 Procedures

6.1 Registry of Town-Owned Surplus Lands

6.1.1 The Town Clerk shall establish and maintain a public registry of surplus real property assets owned by the Town of Arnprior that have been declared as surplus lands by Council.

6.1.2 The following real property assets shall be excluded from the register:

6.1.2.1 All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up;

6.1.2.2 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act as amended.

6.2 Viable and Non-Viable Land

6.2.1 Subject to the discretion of Council, all surplus lands will be designated as either viable land or non-viable land and their respective disposition processes may be treated differently.

6.3 Applicant-Initiated Land Disposal

6.3.1 A prospective purchaser may submit an expression of interest in particular Town-owned land(s) through the submission of the prescribed application form (attached as Schedule B).

6.4 Property Valuation

6.4.1 The Town shall obtain a property valuation for the parcel in question, subject to the following requirements:

6.4.1.1 If the parcel is considered to be non-viable land, a letter of opinion shall be sufficient.

6.4.1.2 If the parcel is considered to be viable land, an appraisal shall be required.

6.4.2 Any property valuation obtained shall be used solely as a guide and shall not be determinative of the terms of price upon which Council may sell any particular parcel. Without limiting the generality of the foregoing, other factors, including the history of the parcel or related properties, may be considered.

6.4.3 Notwithstanding the requirements outlined in Section 6.4.1, Council shall have the absolute authority to determine the selling price of the land.

6.4.4 Notwithstanding the requirements outlined in Section 6.4.1, the Town will not be required to obtain a property valuation, unless Council directs otherwise, for any class of land as follows:

6.4.4.1 Closed highways if sold to an owner of abutting land;

6.4.4.2 Land formerly used for railway lines if sold to an owner of abutting land;

6.4.4.3 Land that does not have direct access to a highway if sold to the owner of abutting land;

6.4.4.4 Land transferred to another municipality or the Crown in right of Ontario or Canada including their local boards and agencies.

6.5 Council Consideration

6.5.1 Declaration of Surplus Land

6.5.1.1 Before land may be disposed of, Council shall adopt a resolution declaring the subject lands to be surplus to the needs of the municipality and determining the viable/non-viable classification of the subject lands.

6.5.1.2 The passage of a resolution declaring land to be surplus does not obligate the Town to dispose of such lands and such a declaration may be rescinded by resolution at any time prior to the competition of the disposal.

6.5.2 Method of Disposal

6.5.2.1 Council shall determine in its sole discretion, by resolution, to dispose of the surplus land by any of the following methods:

- Direct Sale / Negotiation
- Request for Tender (RFT)
- Listing with Real Estate Agent / Broker
- Land Exchange

6.5.2.2 Direct Sale / Negotiation
Direct sale and/or negotiation may be selected with the following considerations:

- The negotiated price shall be determined to be not less than the appraised value plus costs as identified in Section 6.7.
- The Chief Administrative Officer shall be authorized to negotiate a direct sale upon direction of Council.
- The Chief Administrative Officer shall submit all final offers to Council for review.

6.5.2.3 Request for Tender (RFT)

In accordance with the Town's Procurement Policy, Council may direct that surplus lands be disposed of by a Request for Tender (RFT) process.

6.5.2.4 Listing with Real Estate Agent / Broker

Listing by the Town or its agent with one or more property listing services may be selected with the following considerations:

- The listing price shall be determined to be not less than the appraised value plus costs as identified in Section 6.7.FS-CA-02 Sale and Disposition of Land Policy Page 7 of 10
- The Chief Administrative Officer shall be authorized to sign the listing agreement upon direction of Council.
- The Chief Administrative Officer shall submit all final offers to Council for review.

6.5.2.5 Land Exchange

A land exchange involves a reciprocal transfer of land of an equivalent value (monetary or public interest) in whole or in part. Such exchanges may be negotiated with the following considerations:

- The negotiated price shall be determined to be not less than the appraised value plus costs as identified in Section 6.7.
- The Chief Administrative Officer shall be authorized to negotiate a direct sale upon direction of Council.
- The Chief Administrative Officer shall submit all final offers to Council for review.

6.6 Public Notice

6.6.1 The Town shall provide at least ten (10) days public notice of the proposed disposal of surplus land in accordance with the Public Notice Policy.

6.6.2 Should any submissions or concerns be received from the public, such comments shall be considered by Council during an open public meeting

and prior to the by-law authorizing the sale being passed.

6.7 Recovery of Costs

6.7.1 All costs incurred or anticipated to be incurred to dispose of the land, including but not limited to, legal fees, surveying costs, appraisal fees, encumbrances, advertising and improvements, shall be borne by the purchaser.

6.8 Offer Evaluation, Acceptance of Offers and Certificate of Compliance

6.8.1 All bids, proposals and offers shall be presented to Council unless Council has given direction to staff to negotiate the disposition by another method.

6.8.2 Council shall have the authority to determine the successful offer. Council shall pass a by-law authorizing the disposition and directing the Mayor and Clerk to execute an Agreement of Purchase and Sale, in consultation with the Town Solicitor and other appropriate staff as needed.

6.8.3 The Purchaser shall be responsible for paying an administrative fee for the completion of the Purchase and Sale process in accordance with the Town's User Fees and Charges By-Law as may be amended from time to time.

6.8.4 Council reserves the right to accept an offer less than the appraised value including costs where, in the opinion of Council, it is in the best interests of the municipality to do so.

6.8.5 Upon completion of the disposal process and on the recommendation of the Chief Administrative Officer, the Town Clerk shall issue a certificate verifying compliance with the provisions of this Policy in the prescribed form as outlined in "Schedule B".

6.9 Housekeeping Amendments

6.9.1 The Town Clerk is hereby authorized to make such minor amendments to this Policy as are necessary to ensure continued compliance with provincial legislation and Council-ratified operating procedures.

7.0 Attachments

7.1 Schedule A: Certificate of Compliance Template

7.2 Schedule B: Proposal to Purchase Town-Owned Lands Application

Schedule A: Certificate of Compliance Template

Pursuant to Section 270 of the Municipal Act, 2001, S.O. 2001, c.25 as amended in the disposition of land described as:

_____ (Full description may be attached)

I, _____, Town Clerk of the Corporation of the Town of Arnprior certify as follows:

1. **That** the Council of the Corporation of the Town of Arnprior enacted and passed By-law No. 7094-20 on September 28, 2020 being a by-law to repeal and replace By-Law No. 5685-09 (Sale of Land Policy).
2. **That** this By-Law was in full force and effect on the date of the sale of the land described above.
3. **That** a valuation of the fair market value of the land was obtained on _____.

OR

4. **That** the land sale is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

Exemptions
7.2.1.1 Closed highways if sold to an owner of abutting land;
7.2.1.2 Land formerly used for railway lines if sold to an owner of abutting land
7.2.1.3 Land that does not have direct access to a highway if sold to the owner of abutting land;
7.2.1.4 Land transferred to another municipality or the Crown in right of Ontario or Canada including their local boards and agencies.

5. **That** public notice of intent to sell the land was given on the following dates and by the following method(s):

Method(s)	Date
Posting on the municipal website	
Circulation to local news media outlets	
Publication in the local newspaper	
Other:	

Signature _____

Date _____

Corporate Seal

Schedule B: Proposal to Purchase Town-Owned Lands

Application

Contact Information

Name	
Mailing Address	
Phone Number	
E-mail Address	

Information on Property of Interest

Civic Address (if applicable)	
Description (Size, Location, etc.) *You may attach a map/sketch (if applicable)	
Existing Use	
Proposed Use	

Do you own a property that abuts the property of interest identified above? (circle one)	Yes	No	Unsure
Do you believe that there are other individuals / organization which may have interest in purchasing the property of interest identified above? (circle one)	Yes	No	Unsure

Pre-Consultation

Have you pre-consulted with the Town Planner concerning this application to purchase surplus land?	Yes	No
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Additional Comments

I, _____ (print name), have reviewed the Sale of Land Policy and understand all associated conditions and fees which apply to a municipal land purchase.

Signature: _____

Declared before me
at the Town of Arnprior in the County of Renfrew

this ____ day of _____, _____.

Signature of Commissioner

Commissioner's Stamp

The Corporation of the Town of Arnprior

By-law Number 7094-20

A by-law to repeal and replace By-law No. 5685-09, Sale and Disposition of Land Policy.

Whereas Section 270 of the Municipal Act, 2001, as amended, requires the municipality to adopt policies with respect to the sale and disposition of land; and

Whereas following the enactment of Bill 8 (Public Sector and MPP Accountability and Transparency Act, 2014) Council directed staff to proceed with a review of current Town by-laws, policies and programs; and

Whereas it is necessary to review all policies and procedures on a regular basis, to ensure their compliance with legislation as well as their applicability to current municipal practices; and

Whereas Council of the Corporation of the Town of Arnprior deems it desirable to replace the current Sale and Disposition of Land Policy, to comply with new legislative requirements, as well as to ensure the policy improves service delivery and better reflects the modern realities of land disposition.

Therefore the Council of the Town of Arnprior enacts as follows:

1. **That** Policy No. AS-CP-14 Sale and Disposition of Land Policy is hereby adopted, as attached hereto, and forming part of this by-law; and
2. **That** By-law No. 5685-09, and any other by-laws and/or resolutions or parts of by-laws and/or resolutions inconsistent with the provisions herein, are hereby repealed; and
3. **That** this By-law shall come into force and effect on the day of its passing.

Enacted and Passed this 28th day of September, 2020.

Original signed by
Walter Stack, Mayor

Maureen Spratt, Town Clerk