

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

BY-LAW No. 40-2014

A by-law to establish a procedure governing the sale of real property.

WHEREAS section 5(3) of the Municipal Act, 2001 S.O. 2001, c. 25 as amended, provides that municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

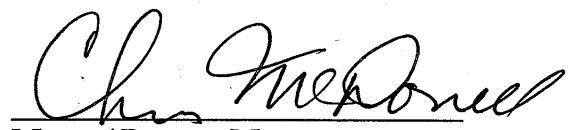
AND WHEREAS section 270 of the Municipal Act, 2001 requires that every municipality shall adopt and maintain policies with respect to the sale and other disposition of land;

NOW THEREFORE the Municipal Council of The Corporation of the Township of North Glengarry (the "**Township**") enacts as follows:

1. The attached Schedule "A" Sale of Land Policy is hereby implemented;
2. By-law No. 47-2001 being a by-law to provide for procedures governing the sale of real property by The Corporation of the Township of North Glengarry, and all its amendments, are hereby repealed;
3. Municipal Council policy Procedure – Sale of Real Property as scheduled to By-law No. 47-2001 is hereby repealed;
4. That this by-law shall come into force and take effect upon the final passing thereof.

READ a first, second and third time and enacted in open Council this 17th day of June 2014.


CAO/Clerk / Deputy Clerk


Mayor/ Deputy Mayor

I hereby certify this to be a true copy of By-law No. 40-2014 and that such by-law is in full force and effect.

Date Certified

CAO/Clerk / Deputy Clerk

SCHEDULE "A"

SALE OF LAND POLICY

To By-law No. 40-2014

1. The Corporation of the Township of North Glengarry recognizes the following principles for the declaration of real property as surplus and the sale of surplus real property. The provisions of this policy may apply to all classes of land owned by The Corporation of the Township of North Glengarry, save and except for:
 - (a) the sale of lands for tax arrears which shall be subject to the procedures prescribed pursuant to Part XI of the Municipal Act, 2001; and
 - (b) the sale of lands pursuant to the Expropriation Act, R.S.O 1990;
2. Municipal Council for The Corporation of the Township of North Glengarry shall by resolution or by by-law declare real property to be surplus to the needs of the Township prior to selling any real property.
3. That the CAO/Clerk or his originate shall publish a notice of the intended sale of the real property at least once in (1) newspaper having local circulation in the Township. The notice shall specify that anyone wishing to comment on the proposed sale may do so by delivering such comment in writing to the Clerk. The final date for submitting such comments will be specified in the notice. Any comments received shall be considered by Council, which in its sole discretion shall decide if any further action shall be taken on same.
4. Municipal Council may in its discretion obtain an appraisal of the real property proposed to be disposed. An appraisal may be the written opinion of the market value of the real property provided by a registered member in good standing of the Appraisal Institute of Canada or from a real estate professional familiar with the local area who certifies his or her independence and its brokerage or real estate firm's independence in respect of the transaction for the disposal of the real property upon provision of the opinion.
5. Municipal Council shall determine the appropriate method of sale for each parcel of real property declared surplus. Municipal Council may proceed using one or more of the following procedures:
 - (a) Municipal Council may elect to sell the real property by sealed tender:
 - i) costs incurred or anticipated to dispose of the real property such as legal fees, survey, appraisal, encumbrances, advertising and improvements, shall be established by Municipal Council.
 - ii) an estimated bid amount shall be established which shall be not less than the appraised value plus the amounts of the costs referred to in clause 5. (a) i) above. Notwithstanding the foregoing, Municipal Council may accept an amount less than the estimated bid amount in its sole discretion.
 - iii) an advertisement shall be placed on the municipal website and at least one (1) newspaper having general circulation in the Township and which in combination are intended to provide coverage throughout the entire geographic area of the Township.
 - iv) the tender documents shall be delivered as specified by the Clerk by the date specified therein.
 - (b) Municipal Council may elect to sell the real property using a real estate firm or broker:
 - i) costs incurred or anticipated to dispose of the real estate property such as legal fees, survey, appraisal, encumbrance, advertising and improvements, shall be established by Municipal Council.

- ii) a listing amount shall be established which shall be not less than the appraised value plus the amounts of the costs referred to in clause 5. b) i) above.
Notwithstanding the foregoing, Municipal Council may accept an amount less than the listing amount in its sole and unique discretion.
- iii) an advertisement shall be placed on the municipal website and at least one (1) newspaper having general circulation in the Township inviting real estate brokers to submit a listing agreement to Municipal Council for consideration.
- iv) the accepted listing agreement, including commission percentage, must be approved by resolution of Municipal Council and the approval shall include authorization for the Mayor and Clerk to sign.
- v) subsequent offers shall be submitted to the Clerk on the standard Ontario Real Estate Offer to Purchase forms or as directed by the Clerk.

(c) Municipal Council may elect to sell the real property by a method other than by sealed tender or by real estate firm or broker and may provide for:

- i) a determination of the sale price;
- ii) the method of public notice;
- iii) the timing, location and method for the receipt of offers;
- iv) the terms and conditions of the sale and the basis for direct negotiation as the case may be with the purchaser;
- v) unsolicited offers can be accepted in Council's sole and unique discretion;
- vi) unsolicited offers will be considered on a first come first served basis;
- vii) Municipal Council may in its discretion in the event that more than one interested party expresses an interest in a subject property change or amend the process for the disposal of the real property on such terms as Municipal Council deems appropriate in the best interests of the Township.

6. Municipal Council reserves the right to consider tenders, quotation or offers in closed session in accordance with section 239 of the Municipal Act, 2001.