

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

**BY-LAW NO. 2015-44**

**"TO ESTABLISH PROCEDURES  
FOR THE SALE OF REAL PROPERTY OWNED BY THE  
MUNICIPALITY AND DEEMED TO BE SURPLUS"**

**WHEREAS** Section 270 (1) of the *Municipal Act*, 2001, S.O. 2001 25, as amended, requires all municipalities to adopt and maintain policies governing the sale of surplus and;

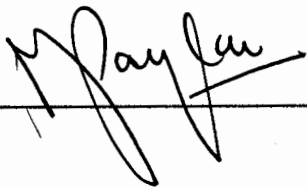
**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. That the Sale of Surplus Land policy as attached hereto as Schedule 'A' is hereby adopted.
2. That this by-law will come into effect on passing.
3. That by-law 2014-32 is hereby repealed.

Read a first and second time in open Council this 27<sup>th</sup> day of July, 2015.

Read a third and final time, passed, signed and sealed in open Council this 27<sup>th</sup> day of July, 2015.

**Mayor**



**Clerk**



# **Sale of Surplus Land Policy**

## **1. Policy Statement**

The Corporation of the Township of Edwardsburgh/Cardinal recognizes the following principles for the sale of surplus land, the declaration of land as surplus and for giving notice of any such proposed sale. This policy does not apply to Industrial Park Lands.

## **2. Procedures for the Sale of Surplus Land**

### **1. Declaration of Surplus Land**

Prior to selling any land, Council shall, by resolution, declare the property to be surplus to the needs of the Township.

### **2. Prerequisites for Sale of Surplus Land:**

- a) Prior to the disposal of real property and where there is no exemption under the regulations, the Council shall obtain or require an Appraisal or Letter of Opinion of the fair market value of the land from:
  - I. an independent qualified appraiser who may be a registered member in good standing of the Appraisal Institute of Canada; or
  - II. a real estate brokerage firm or an independent real estate agent;
- b) Prior to selling any surplus land, the Township shall require a survey of the land from an independent surveyor in accordance with the laws of the Province of Ontario if an appropriate existing survey is not available.
- c) Prior to selling any surplus land, the Township shall obtain approval from any other agencies involved, if necessary.
- d) Notice to the public of the proposed sale shall be given at least 30 days prior to the disposal of real property by placing an advertisement in at least two (2) local newspapers, on the municipal website and municipal social media accounts. Additional notice, including publication in newspapers which provide general distribution within or beyond the geographic area of the Township shall be at the discretion of the Clerk.

## **3. Method of Sale**

Council shall determine the appropriate method of sale for each parcel of land declared surplus. Based on the method chosen, the following procedures may be followed:

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- a) Where the method of sale is by **Tender** or **Quotation**, the Procurement policy and procedures in effect at the time shall apply. A minimum tender price considering the appraised value plus all costs incurred or required to dispose of the real property may be determined.
- b) Where the method of sale is by way of a **Real Estate Firm** or **Broker**, the Township will issue from time to time, an RFP seeking the supply of real estate services for surplus lands. These services will include the requirement that all Offers to Purchase be submitted to the Clerk for presentation to Council prior to the sale being completed.

**4. Review Process**

All tenders, quotations or offers shall be opened in public.

Deliberations and negotiations, in accordance with Section 239 of the *Municipal Act*, may be held in Closed Session unless Council direction has been given to staff to negotiate the sale within certain terms.

**5. Purchaser Duties**

The purchaser shall be responsible for payment of HST on purchase, if applicable.

Further, the purchaser may be responsible for some or all costs incurred or required to dispose of the real property including but not limited to legal, survey, appraisal, encumbrances, advertising, improvements and administration fees.

**6. Classes of Property Exempt from this Policy**

The provisions set out in sections 2 to 5 may apply to all classes of land owned by the Township, save and except:

- a) The Sale of Lands for Tax Arrears which shall be subject to the procedures set out in Part XI of the *Municipal Act*; and
- b) The sale of lands under the *Expropriation Act*; and
- c) The sale of lands in the Townships Industrial Park.

**7. Certificate of Compliance**

- a) The Clerk may issue a certificate with respect to the sale of land by the municipality verifying that, to the best of his or her knowledge, the requirements of the *Municipal Act* and this policy have been complied with at a fee of \$75.00.

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- b) The Clerk's signature may be included in a deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, may be deemed to be sufficient proof that this section had been complied with.