

Department:	All Departments	Policy Code:	A09-COU
Approval Date:	December 21, 2022	Approved by:	Council
Next Review:	January 1, 2028	Revision Date:	Click here to enter a date.

1.0 Policy Statement

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

2.0 Purpose

- 2.1 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 Township-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
- Sustainability
- Social Responsibility
- Accountability and Transparency
- Efficient Use of Township Resources

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 Township’s current and future interests are protected;
- The Township 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 Township are minimized.

3.0 Scope

- 3.1 This policy applies to all financial and legal transactions involving the sale or other disposition of Township-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 Township is a party, including funding agreements, licences and joint-use agreements.

This policy shall apply to Disposal of all Lands by the Township, save and except:

- a) Cemetery plots owned by the Township;
- b) Land transferred to the Township for security or for temporary roads or other temporary works in connection with any agreement to which the Township is a party under the Planning Act;
- c) Land which is 0.3 metres or less in width and acquired by the Township in connection with an approval or decision under the Planning Act;
- d) Land Sold for the arrears of taxes, which shall be subject to the procedures set out in Part XI of the Municipal Act;
- e) Lands disposed of pursuant to sections 107, 108 or 110 of the Municipal Act;
- f) Land transferred to another municipality or the Crown in right of Ontario or Canada including their local boards and agencies.
- g) The sale of lands under the Expropriation Act.

4.0 Definitions

For the purposes of this policy:

- a) **“Township”** means the Corporation of the Township of Springwater;
- b) **“Council”** means the Council of the Township of Springwater;
- c) **“Disposition”** means the Sale, transfer, conveyance or exchange of the fee simple interest in Land or the granting of a lease for a term of 21 years or longer, and “Dispose” and “Disposal” shall have the same meaning;
- d) **“Land”** means real property owned by the Township;
- e) **“Market Value”** means a determination of the most probable price which Land should bring in a competitive and open market at the time of Sale or listing under all conditions requisite to a fair Sale, the buyer and seller each acting

prudently, knowledgeably and in their own best interests;

- f) **“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, C. 25, as supplemented, amended or replaced from time to time;
- g) **“Non-Viable Land”** means property that, according to Planning Policies, physical constraints or the extent of the property, cannot be developed on its own or function as a separate entity and that can therefore become functional only if used by an adjoining owner in conjunction with such owner’s property.
- h) **“Planning Act”** means the Planning Act, R.S.O. 1990, c P.13, as supplemented, amended or replaced from time to time;
- i) **“Sale”** means the Sale and other Disposition of Land;
- j) **“Valuation”** means a determination of Market Value by independent appraisal or written letter of opinion satisfactory to the Clerk, or designate;
- k) **“Viable Lands”** means property that can be developed and function as a separate entity.

5.0 General

5.1 Registry of Township-Owned Surplus Lands

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

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

- a) All highways, roads, and road allowances, whether or not opened, unopened, closed or stopped up;
- b) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act as amended.

5.2 Viable and Non-Viable Land

5.2.1 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, as per this policy. Staff will provide Council with relevant zoning and potential land use information to aid in determining the designation of a property

5.3 **Applicant-Initiated Land Disposal**

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

5.4 **Survey and Property Valuation**

- 5.4.1 Before selling any surplus land, the Township shall obtain or require a survey of the land from an independent surveyor in accordance with the laws of the Province of Ontario. Council may, by resolution, waive this requirement if an existing survey is available.
- 5.4.2 The Township shall obtain a property valuation for the parcel in question, subject to the following requirements:
- a) If the parcel is considered to be non-viable land, a letter of opinion shall be sufficient.
 - b) If the parcel is considered to be viable land, an appraisal shall be required.
- 5.4.3 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.
- 5.4.4 Notwithstanding the requirements outlined in Section 5.4.2, Council shall have the absolute authority to determine the selling price of the land.
- 5.4.5 Notwithstanding the requirements outlined in Section 5.4.2, the Township will not be required to obtain a property valuation, unless Council directs otherwise, for any class of land as follows:
- a) Land transferred to another municipality or the Crown in right of Ontario or Canada including their local boards and agencies.

5.5 Declaration of Surplus Land

- 5.5.1 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.
- 5.5.2 The passage of a resolution declaring land to be surplus does not obligate the Township to dispose of such lands and such a declaration may be rescinded by resolution at any time prior to the competition of the disposal.

5.6 Public Notice

- 5.6.1 The Township shall provide at least twenty (20) days public notice of the proposed disposal of surplus land in a newspaper having general circulation within the Township and on the Township website. Additional notice, including publication in newspapers which provide general distribution within or beyond the geographic area of The Township of Springwater, shall be at the discretion of the Clerk.
- 5.6.2 The public notice shall include the following:
- a) a brief description of the reason for the sale of the land;
 - b) the proposed date of the land sale and/or the date, time and location of the meeting where Council will consider the land sale;
 - c) legal description, municipal address and key map which in the opinion of the Clerk is sufficient to identify the lands to be sold;
 - d) when and where information pertaining to the surplus land sale will be available for public viewing;
 - e) name and contact information of the person handling the surplus land sale and/or the deadline for any written submissions to the Township; and
 - f) details of how public comments will be received by Council.
- 5.6.3 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.
- 5.6.4 If a final decision is not made at the Council meeting specified in a notice given under this policy and Council refers consideration of the matter to a future Council or Committee meeting for discussion, no further notice is required provided that a resolution is passed indicating Council's decision.

The provisions of this section shall also apply to any further referrals of the matter.

Notwithstanding the above, a land sale may not be invalidated on the basis that Council failed to pass a resolution or that a resolution failed to specify to which meeting the matter was referred provided that a public statement was made of the Township's intent to continue its deliberations on the matter.

5.7 **Recovery of Costs**

- 5.7.1 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 unless otherwise directed by Council.

5.8 **Offer Evaluation, Acceptance of Offers and Certificate of Compliance**

- 5.8.1 All bids, proposals and offers shall be presented to Council unless Council has given direction to staff to negotiate the disposition by another method.
- 5.8.2 All bids, proposals and offers may be presented to Council in Closed Session for deliberation, in accordance with Section 239 of the Municipal Act, unless Council direction has been given to staff to negotiate the sale within certain terms
- 5.8.3 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 Township Solicitor and other appropriate staff as needed.
- 5.8.4 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.
- 5.8.5 Upon completion of the disposal process and on the recommendation of the Chief Administrative Officer, the Township Clerk shall issue a certificate verifying compliance with the provisions of this Policy in the prescribed form.

5.9 Method of Disposal

5.9.1 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

5.9.2 Direct Sale/Negotiation

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

- Shall be conducted in accordance with all provisions outlined in this policy.
- The Clerk shall be authorized to negotiate a direct sale upon direction of Council.
- The Clerk shall submit all final offers to Council for review and approval.

5.9.3 Request for Tender (RFT)

Request for Tender may be selected with the following considerations:

- Shall be conducted in accordance with all provisions outlined in this policy.
- Include in all invitations the statement that “the highest or any offer may not necessarily be accepted”.

5.9.4 Listing with Real Estate Agent/Broker

Listing with a Real Estate Agent/Broker may be selected with the following considerations:

- Shall be conducted in accordance with all provisions outlined in this policy.
- Invite proposals from not less than three (3) Real Estate Firms or Brokers operating in the Township or part of the Township. Said proposals are to include recommendation to Council on the listing price based on an evaluation of the fair market value of the surplus land, the proposed term of the listing agreement, services to be provided, and the real estate commission payable by the Township.
- Ensure that the lands are listed for sale on the Multiple Listing Service (MLS).

- Ensure that all prospective purchasers are made aware that “the highest or any offer may not necessarily be accepted”.
- All final offers of purchase shall be submitted to Council for review.

5.9.5 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:

- Shall be conducted in accordance with all provisions outlined in this policy.

6.0 Severability

6.1 The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

7.0 Responsibility

7.1 This policy shall be administered by the Clerk’s Department. The Clerk, or designate, shall have authority to make amendments to the forms included in section 8.0, as required

8.0 Attachments

- 8.1 Schedule A - Certificate of Compliance Form
- 8.2 Schedule B - Proposal to Purchase Township-Owned Lands Application

Approval Authority Official Representative:	Mayor	Resolution or By-law #:2022-104
Signature:	Original signed by, Mayor Coughlin	
Date signed:	December 22, 2022	

Schedule A: Certificate of Compliance Form

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, _____, Clerk of the Corporation of the Township of Springwater certify as follows:

1. That Council of the Corporation of the Township of Springwater enacted and passed by-law No. #####-### on _____ being a by-law to establish a Policy Governing the Sale or Other Disposition of Land Owned by the Township of Springwater.
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:

_____ (Outline exemption details)

5. That public notice of intent to sell the land was given on the following dates and by the following methods:

Confirmed	Method	Date
	Posting on the municipal website	
	Circulation in the local newspaper	
	Other:	

Signature

Date

Schedule B: Proposal to Purchase Township Owned Lands Application

Contact Information:

Name:	
Mailing Address:	
Phone Number:	
Email:	

Information on Property of Interest

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

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

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 of Applicant