

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #28-2010

Being a by-law to adopt a Policy for the Sale or Other Disposition of Municipal Land and to rescind by-law #22-2002.

WHEREAS the Municipal Corporation of the Township of Armour is desirous of establishing a Policy for the Sale or Other Disposition of Municipal Lands;

NOW THEREFORE the Council of the Corporation of the Township of Armour enacts as follows:

1. That the Policy for the Sale or Other Disposition of Municipal Lands attached hereto as Schedule "A" form part of this by-law;
2. That is the provisions of this by-law conflict with any other by-law of the Corporation heretofore passed the provisions of this by-law shall prevail;
3. That this By-law come into force and take effect immediately after the final reading thereof.

Read a first, second and third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 13th day of July, 2010.

REEVE

CLERK-ADMINISTRATOR

Schedule "A"

To By-Law # - 28-2010

Policy for the Sale or other Disposition of Municipal Land

DEFINITIONS

1. For the purpose of this Policy:
 - (a) "appraisal" shall mean a written opinion of the fair market value of land.
 - (b) "other disposition" means granting the use of or right in land directly or by entitlement to renewal for a period of 21 years or more but does not include such granting of the use or right which is revocable by the Municipality for reasons other than default within the 21 year period.
 - (c) "sale" means the transfer of the fee simple interest in land.

SURPLUS LANDS

2. Prior to the sale of any land, the Municipality shall by by-law or resolution declare the land to be surplus. This provision shall not apply to an "other disposition".

APPRAISALS

3. Prior to the sale of any land, the Municipality shall obtain at least one appraisal of the land. This provision shall not apply to "other disposition".

METHOD OF SALE OR OTHER DISPOSITION

4. The Council of the Municipality shall by by-law determine the method to be used for the sale or other disposition of any land and the clerk of the Municipality shall carry out the sale or other disposition in accordance with the method authorized.

PUBLIC NOTICE

5. The Municipality shall give notice to the public of a proposed sale or other disposition of land by publishing a Notice at least once in a newspaper having local circulation in the Municipality at least 3 weeks prior to any final consideration of the proposed sale or other disposition by Council. The Notice shall specify that anyone wishing to comment on the proposed sale or other disposition may do so by delivering such a comment in writing to the clerk of the Municipality on or before a date specified in the Notice. Any comments received shall be considered by Council which, in its sole discretion, shall decide what action, if any, should be taken.

EXCLUSIONS, APPRAISAL

6. Paragraph 3 of this Policy shall not apply to the sale of the following classes of land:
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - (b) closed highways if sold to an owner of land abutting the closed highways;
 - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land;
 - (d) land that does not have direct access to a highway if sold to the owner of land abutting that land;
 - (e) land repurchased by an owner in accordance with s.42 of the Expropriations Act;
 - (f) land sold under s.s. 107 and 108 of the Municipal Act, 2001;
 - (g) land sold to a Municipality, a local board including a school board and conservation authority, or the Crown in Right of Ontario or Canada and their agencies.

EXCLUSIONS, GENERAL

7. This policy shall not apply to the sale of the following classes of land:
 - (a) land sold under s.110 of the Municipal Act, 2001;

- (b) land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- (c) Land sold under Part XI of the Municipal Act, 2001.

SPECIAL POLICIES RELATING TO THE SALE OF A HIGHWAY, PERMANENTLY CLOSED

8. In addition to the foregoing, the following shall apply to the sale of highways permanently closed:
- (a) Council will consider applications to stop up, close, and sell road allowances and shore road allowances on a case-by-case basis. Pre-consultation with municipal staff is strongly recommended prior to making application.
 - (b) Council will not sell land adjacent to a Type 1 Fish Habitat, as identified on Provincial Fish Habitat Classification Maps.
 - (c) All associated legal, survey, and administrative costs shall be borne by the applicant.
 - (d) A successful sale will require the applicant to pay the applicable purchase price for the land.
 - (e) As part of the application process, Council shall consider any comments received respecting the proposed sale prior to rendering a decision to sell or retain the lands.
 - (f) Should council in its discretion, decide to retain the lands, any expenses incurred to that date remain the responsibility of the applicant.