

## BY-LAW 06-2012

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO ESTABLISH PROCEDURES FOR THE AUTHORITY TO PURCHASE OR SELL OR OTHERWISE DISPOSE OF REAL PROPERTY.

**WHEREAS** Section 270(1) of the Municipal Act, S.O. 2001 authorizes a municipal council to establish by policies, procedures for the sale or disposal of real property;

**AND WHEREAS** the Council of the Corporation of the Town of Carleton Place, from time to time, may wish to sell or otherwise dispose of surplus real property,

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts the following policy procedures:

#### SECTION 1 DEFINITIONS

##### **Local Board**

means a local board as defined in *The Municipal Affairs Act* but does not include a school board as defined in Section 306 of *The Municipal Act*:

##### **Sale**

includes a lease of twenty-one years or longer:

##### **Surplus Property (Class 1)**

real property designated for industrial development and marketed by the Town;

##### **Surplus Property (Class 2)**

real property that is an individual parcel;

##### **Surplus Property (Class 3)**

large parcels of land that are appropriate for the registration of a Plan of Subdivision and/or severance and subject to development:

##### **Surplus Property (Class 4)**

real property that has no frontage on a public road or is surplus portions of a road allowance provided it is being conveyed to an adjacent property owner;

#### SECTION II PROCEDURES OF THE SELLING OR OTHER DISPOSAL OF CLASS 1 SURPLUS PROPERTY

- a) Council shall formally declare, by resolution of Council, that the subject property is surplus to the needs of the municipality;

- b) A Standing Committee of Council will determine the fair market value of a subject industrial real property. Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses may be sold by Council without an appraisal of the subject property;
- c) A Standing Committee of Council shall negotiate the sale of the subject property or properties and present the proposed Agreements of Purchase and Sale to Council for consideration and approval;
- d) Council shall give notice of the proposed sale of the subject property to the public. The notice to the public shall be given by a resolution of Council: and
- e) Council shall confirm the sale of the subject real property with the adoption of an appropriate by-law. Upon completion of the sale, if appropriate, the successful realtor shall be paid the applicable commission for the sale of the subject property. The commission shall be clearly shown in the Agreement of Purchase and Sale.

### **SECTION III                    PROCEDURES FOR DISPOSAL OF CLASS 2 SURPLUS PROPERTY**

- a) Council shall formally declare the subject real property surplus to municipal requirements by the adoption of a resolution of Council;
- b) At least one appraisal of the fair market value of the real property shall be obtained. After considering the appraisal, a Standing Committee of Council shall establish a selling price for the property;
- c) The property shall then be advertised for sale by publication, that is, in the opinion of the Clerk, of sufficient general circulation in the municipality to give the public reasonable notice of the sale of the land;
- d) Local Realtors, with a business address within the Town of Carleton Place, shall be advised also that the subject real property is for sale;
- e) A Standing Committee of Council, on behalf of Council, shall review the Agreement of Purchase and Sale documents as recommended by staff. The recommended Agreement of Purchase and Sale shall then be forwarded to Council for approval;
- f) The Council shall then give notice to the public of the proposed sale of property. Notice to the public shall be given by resolution of Council; and
- g) Council shall confirm the sale of the subject real property with the adoption of the appropriate by-law. Upon completion of the sale, if appropriate, the successful realtor shall be paid the applicable commission for the sale of the

subject property. The commission shall be clearly shown in the Agreement of Purchase and Sale.

#### **SECTION IV                    PROCEDURES FOR DISPOSAL OF CLASS 3 SURPLUS PROPERTY**

- a) Council shall formally declare the subject real property surplus for municipal requirements by resolution of Council;
- b) The property shall then be advertised for sale by publication that is, in the opinion of the Clerk, of sufficient general circulation in the municipality to give the public reasonable notice of the sale of the land;
- c) Local Realtors, with a business address within the Town of Carleton Place. shall be advised also that the subject real property is for sale;
- d) A Standing Committee of Council, on behalf of Council, shall obtain at least one appraisal of the fair market value of the real property taking into consideration the proposed use of the property;
- e) A Standing Committee of Council, on behalf of the Council shall review the Agreement of Purchase and Sale documents as recommended by staff. The recommended Agreement of Purchase and Sale shall then be forwarded to Council for approval;
- f) The Council shall then give notice to the public of the proposed sale of property. Notice to the public shall be given by resolution of Council; and
- g) Council shall confirm the sale of the subject real property with the adoption of the appropriate by-law. Upon completion of the sale, if appropriate, the successful realtor shall be paid the applicable commission for the sale of the subject property. The commission shall be clearly shown in the Agreement of Purchase and Sale.

#### **SECTION V                    PROCEDURES FOR DISPOSAL OF CLASS 4 SURPLUS PROPERTY**

- a) Council shall formally declare the subject real property surplus for municipal requirements by resolution of Council; and
- b) A Standing Committee Will determine the fair market value of the subject property. Compensation could be cash, nearby property or some other compensation acceptable to Council.
- c) A Standing Committee of Council shall negotiate the sale of the subject property

or properties and present the proposed Agreements of Purchase and Sale to Council for consideration and approval;

- d) Council shall give notice of the proposed sale of the subject property to the public. The notice to the public shall be given by a resolution of Council: and
- e) Council shall confirm the sale of the subject real property with the adoption of an appropriate by-law. Upon completion of the sale, if appropriate, the successful realtor shall be paid the applicable commission for the sale of the subject property. The commission shall be clearly shown in the Agreement of Purchase and Sale.

## **SECTION VI            PROCEDURES FOR PURCHASING PROPERTY**

- a) A Standing Committee of Council shall determine which properties are to be purchased and the reasons for purchasing the property;
- b) A Standing Committee of Council shall appoint a representative to negotiate for the purchase of properties. If the representative is to be compensated, the details of the compensation are to be clearly defined prior to the representative beginning the negotiation;
- c) At least one appraisal of the fair market value of the real property shall be obtained and presented to a Standing Committee of Council unless the Committee deems an appraisal not to be required. A Standing Committee of Council shall establish negotiating parameters for its representative after reviewing the appraisal;
- d) A Standing Committee of Council shall review Agreement of Purchase and Sale documents recommended by the representative. If the Agreement is acceptable, the seller will be asked to execute the documents;
- e) Steps (a) to (d) shall normally be conducted in closed meetings. After an Agreement of Purchase and Sale, which is acceptable to a Standing Committee of Council, is executed by the seller, it shall be presented to Council for approval; and
- f) The Agreement of Purchase and Sale will include any conditions deemed appropriate by a Standing Committee of Council and may require an environmental assessment of the property.

## **SECTION VII            NOTICE ON CLOSING AND SALE OF A PUBLIC HIGHWAY**

Provided that the provisions for the giving of Notice of the closing and sale of a public highway, (which is surplus real property to the requirements of the Municipality,) shall

be governed by the specific Provincial legislation applicable thereto, such Notice shall be deemed Notice under this By-law.

## **SECTION VII REPEAL OF BY-LAWS**

THAT By-law 30-2005 and any amendments thereto are hereby repealed in their entirety;

**READ A FIRST, SECOND AND A THIRD TIME AND FINALLY PASSED THIS 31<sup>ST</sup> DAY OF JANUARY 2012.**