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**STAFF REPORT: ADMINISTRATION**



**REPORT TO:** Finance and Administration Committee  
**MEETING DATE:** December 18, 2007  
**REPORT NO.:** A.07.31 (Revised)  
**SUBJECT:** Sale and Other Disposition of Land  
**PREPARED BY:** Stephen Keast, Clerk

**A. Recommendations**

THAT Council receive Staff Report A.07.31 (Revised), "Sale and Other Disposition of Land" and enact a By-law to adopt Town Policy POL.COR.07.02, Sale and Other Disposition of Land, and further does give direction to Town management and staff to implement the Policy.

**B. Background**

Revisions to the *Municipal Act, 2001* as proclaimed on January 1, 2007, include a requirement for a municipality to adopt Policies in six fields, being:

- Sale and other disposition of land
- Hiring of employees
- Procurement of goods and services
- Provision of notice to the public
- Accountability and transparency of actions to the public
- Delegation of powers and duties

The subject Report and Policy represent the second in these six fields for consideration by Council. It is noted the Policies all relate to accountability and transparency of municipal actions and its decision-making process.

Policy POL.COR.07.02 essentially contains the provisions found in By-law 2003-10, being a By-law to govern the procedures for the sale of land, with some revision and addition. Additional information and clarification of the process is included in the proposed Policy to increase accountability and transparency.

The requirement for an appraisal of the fair market value of land is generally standard with regard to the sale of property that has such value, however, a municipality occasionally considers the sale of land that forms a 0.3 metre reserve, is part of a closed road allowance or is part of a class of property a natural person would not normally consider for sale or purchase.

In these cases, land may be transferred for lot enlargement in exchange for a road widening, a service easement, or some other public benefit. The Policy would permit Council the discretion to determine the requirement for appraisal in such instances.

There is no Policy requirement for the development of a Purchase and Acquisition of Land by the Town, however, this topic has been previously mentioned and some research has been done. The writer has not been able to locate a municipal purchase of land policy to date but consideration of this topic can continue and be a part of the annual Policy review process.

### **C. The Blue Mountains' Strategic Plan**

Goal Providing a strong, well managed municipal government.

Actions Practice open and proactive communications.  
Involve the community, business sector, developers, public partners and others in the ongoing work of the municipality.

### **D. Budget Impact**

None. Cost associated with the giving of notice of sale or other disposition is designated by the Policy as recoverable through the sale or disposal process.

### **E. Attached**

Policy POL.COR.07.02, Sale and Other Disposition of Land.

Respectfully submitted,



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Stephen Keast, Clerk

# TOWN OF THE BLUE MOUNTAINS

## POLICY & PROCEDURES

Subject Title: Sale and Other Disposition of Land

|   |                                     |                  |                   |
|---|-------------------------------------|------------------|-------------------|
| Corporate Policy (Approved by Council)  | <input checked="" type="checkbox"/> | Policy Ref. No.: | POL.COR.07.02     |
| Administrative Policy (Approved by CAO) | <input type="checkbox"/>            | By-law No.:      | 2007-             |
| Department Policy: (Approved by Mgr.)   | <input type="checkbox"/>            | Name of Dept.:   | Administration    |
| Date Approved:                          |                                     | Staff Report:    | A.07.31 (Revised) |

### Policy Statement

Policy direction for Council procedure in considering the sale and other disposition of public land by the municipality.

### Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

### Application

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with respect to the sale and other disposition of public land by the municipality..

### Definitions

Appraisal: shall mean an appraisal of the fair market value of the land to be sold or otherwise disposed of and may include consideration of a public benefit in the case of any land transfer or exchange.

## Procedures

1. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the sale of land Council shall:
  - a) at a regularly scheduled Council meeting deem that any land to be sold or conveyed is surplus to the needs of the Corporation;
  - b) obtain at least one appraisal of the fair market value of the land to be sold or conveyed and this appraisal may include consideration of a public benefit in the case of any land transfer or exchange;
  - c) give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.
2. Council may, at their sole discretion and acting in good faith, upon compliance with clause 1. of this Policy, advertise to request sealed tenders or bids for the sale of land or to engage a real estate firm or broker for the sale of land or utilize an alternative method of sale or disposal of land to be determined by Council.
3. Council may, at their sole discretion, add or delete any costs incurred by the municipality with regard to the sale of land to or from the sale price of the land.
4. The Town and any affected Local Board shall establish and maintain a public register listing and describing the land owned or leased by the Town or Local Board.

## Exclusions

5. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does 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 an owner of land abutting the former railway land.
  - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - f) Lands sold under Sections 107, 108 and 109 of the *Municipal Act, 2001* (Economic Development Services).
  - g) Easements granted to public utilities or to telephone companies.

6. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of land to the following public bodies:
  - a) A municipality
  - b) A local Board, including a School Board and a Conservation Authority.
  - c) The Crown in right of Ontario or Canada and their Agencies.
7. Council may, at their sole discretion, determine that Clause 1. of this Policy does not apply to the sale of the following classes of land:
  - a) Land sold under Section 110 of the *Municipal Act, 2001* (Municipal Capital Facilities).
  - b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
8. This Policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001*, Sale of Land for Tax Arrears.

#### **References and Related Policies**

Town Policy POL.COR.07.01 and Town Policies POL.COR.07.03 through POL.COR.07.07 inclusive, as approved, together with this Policy.

#### **Consequences of Non-Compliance**

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

#### **Review Cycle**

This policy will be reviewed annually by the Senior Management Team for report to Council in open session.