

**TOWN OF GEORGINA – CLERK’S DEPARTMENT  
POLICY No. DAS-CL-029 AS AMENDED**

<b>Subject:</b> <b>PROCEDURES GOVERNING THE SALE AND DISPOSITION OF LAND, INCLUDING GIVING OF NOTICE TO THE PUBLIC</b>	<b>Authority, Ref. &amp; Sec.</b> <b>The Municipal Statute Law Amendment Act, 2006; The Municipal Act, 2001</b>													
<b>Policy Classification:</b>	<b>Pages:</b>  <b>5</b>	<table border="1"> <thead> <tr> <th>Year</th> <th>Month</th> <th>Day</th> </tr> </thead> <tbody> <tr> <td>2007</td> <td>12</td> <td>17</td> </tr> <tr> <td colspan="3">Amended on</td> </tr> <tr> <td>2008</td> <td>12</td> <td>15</td> </tr> </tbody> </table>	Year	Month	Day	2007	12	17	Amended on			2008	12	15
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<b>Recommended/Approved by:</b> <b>Town Clerk</b>	<b>Contact Position for Inf.</b> <b>Town Clerk</b>													

**1. POLICY STATEMENT:**

A policy to set out the principles and procedures governing the sale or disposition of land owned by the Corporation of the Town of Georgina.

**2. APPLICATION:**

This policy applies to all transactions involving the sale or disposition of land by the Town.

**3. PURPOSE:**

The Municipal Act, 2001, (the “Act”) requires that the Town adopt and maintain a policy to govern the sale and other disposition of land. The purpose of this policy is to set out the principles governing these transactions and the procedures to be followed.

**4. DEFINITIONS:**

**Appraisal;** Written opinion, provided by an independent qualified appraiser as to the fair market value of real property.

**Fair Market Value;** The purchase price that a property might be expected to realize if offered for sale on the open market by a willing seller to a willing buyer.

**Land;** Buildings and any rights or interests in land including easements.

**Sale;** The transfer or conveyance of land including a disposal by way of a lease of 21 years or longer.

**Surplus;** Land which the Town intends to sell or otherwise dispose of.

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**5. DESCRIPTION:**

The procedures set out in this policy will ensure that the disposal of any surplus property is conducted in a consistent and transparent manner and the policy will achieve this objective.

**6. PROCESS FOR IDENTIFYING SURPLUS LAND:**

6.1 Where a Director identifies land which is no longer required by his or her department, he or she shall notify the Clerk or his designate in writing, setting out:

- a) a description of the land including a legal description and location map, if available
- b) date land was acquired, authority for the acquisition and purchase price, if available
- c) the use to which the land has been put since date of acquisition; and
- d) the reason for the land becoming surplus and the effective date

6.2 All lands identified by the Directors or requests by third parties and received by the Director will be forwarded to the Clerk or his designate showing:

- a) the location, dimensions and character of lands
- b) the existing and permitted uses of the land; and
- c) any special characteristics of the land

**Classification of Surplus Land:**

6.3 Fee Simple Interest:

These are properties that may be of general commercial interest to potential purchasers and may include lands and buildings no longer required for Town purposes or properties that may be of interest to a limited number of potential purchasers because of its nature and/or location and may include surplus road widenings or other properties that have been identified as desirable to facilitate land exchange for other properties required by the Town.

6.4 Easements:

Easements are generally only granted at the request of a third party to accommodate utilities and access rights and have been regarded as a disposal of surplus property as the Town no longer enjoys full use of its property interests.

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Other easements acquired for construction and maintenance of infrastructure or temporary easements may be abandoned due to either relocation of the infrastructure or because the Town no longer required the easement.

**6.5**     Exceptions:

There are circumstances under which the Town disposes of interest in land but which are not subject to the formal procedure set out in this policy and have been authorized by Council:

- Closed highways, if sold to an owner of land abutting the closed highway based on a square footage rate as provided on Schedule 1 attached hereto.
- The conveyance of road widenings and reserves to the entity having jurisdiction over the abutting highway
- The granting of approval for encroachments onto the Town road system
- The conveyance of easements over .3 metre reserves to utility companies and local municipalities
- The granting of municipal consents and permissions to enter on Town property
- Land which is not sufficient in size to accommodate a new main use sold based on a square footage rate as provided on Schedule 1 attached hereto.

6.6     The Clerk or his designate will prepare a report for Council’s consideration identifying the most appropriate use of the land, determining if any special legislation or policy provisions apply to the land and recommending that the land be declared surplus by resolution.

**7.     APPRAISAL**

The Clerk or his designate shall request an appraisal of the land to establish its value.

**8.     PROCEDURES**

The procedure to be followed in each case shall be governed by the land classification.

**8.1     Fee Simple Interest**

a)     The Clerk or his designate shall prepare a report which shall describe the property and indicate that the property is to be disposed of by the Town and the report, once approved by Council, shall be sent to the following:

- i)     Regional Municipality of York
- ii)    York Region District School Board
- iii)   York Catholic Separate School Board
- iv)    Lake Simcoe Region Conservation Authority

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- v) Ministry of Government Services
- vi) Public Works Canada

requesting if the above entities have an interest in acquiring the property. Any expressions of interest must be received by the Clerk or his designate within 60 days.

b) If an expression of interest is received from any entity then a report shall be submitted to Council to consider whether or not the offer should be accepted or the property should be retained.

c) If no agreement is concluded with any of the stated entities, then the property shall be offered for sale to the public.

d) The Clerk or his designate shall determine whether the property is to be marketed through an RFP or through the services of a pre-qualified accredited Real Estate Broker.

e) If the surplus land is marketed through public tender, the Clerk or his designate shall receive offers until the deadline specified in the advertisement, all offers shall be opened in public and a written record of all offers received shall be prepared.

f) If the surplus land is marketed through the services of a pre-qualified, accredited Real Estate Broker, the Clerk or his designate shall receive the offers.

g) The Clerk or his designate shall evaluate all the offers submitted and make recommendation to Council

- in the event that no offers are accepted by Council, the land shall be retained for disposition at a later date
- in the event that Council accepts the offer, the transaction shall be completed in accordance with documentation approved by the Chief Administrative Officer (CAO)
- sale to a public agency shall be subject to a restrictive covenant regarding the land to be used for public purposes for at least two years following the transfer date, failing which the Town shall have the right to purchase the property for the original price

## 8.2 Easements

The general principles applicable to fee simple interests apply to the sale of easement rights. The Town shall attempt to secure full market value for its interests. Because easements are of limited market value, the requirements to circulate to other agencies shall not apply. The Director of Public Works and Engineering shall give his consent to the granting of the easement.

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Requests for the abandonment of easements by the Director of Public Works and Engineering has also been regarded as disposal of surplus land and the abandonment of the easement should be at no cost to the Town.

8.3 Notice Requirements:

All lands to be disposed of under this policy shall be advertised in the newspaper for two weeks and on the Town’s website except lands exempted under this policy.

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**SCHEDULE 1 TO POLICY DAS-CL-029 AS AMENDED**

**PRICE OF LAND**

**\$2.00 PER SQUARE FOOT ( \$21.53 PER SQUARE METRE)**