



# TOWNSHIP OF WELLINGTON NORTH

## SALE AND DISPOSITION OF LAND POLICY

<b>DEPARTMENT</b>	CLERK	<b>POLICY NUMBER</b>	21.15
<b>EFFECTIVE DATE</b>	January 28, 2008	<b>LEGISLATIVE AUTHORITY</b>	<i>Municipal Act, 2001 Section 270</i>
<b>APPROVED BY:</b>	Blanket Resolution 2015-345, August 10, 2015 (Original By-law 9-2008) Amended By-law 023-17)		

### **POLICY**

A policy to set out the principles and procedures governing the sale or disposition of land owned by the Corporation of the Township of Wellington North and to determine the

### **PURPOSE**

The *Municipal Act, 2001* provides that every municipality adopt and maintain a policy to govern the sale and other disposition of land. The purpose of the policy is to set out the principles governing these transactions to establish accountability and transparency to members of the public.

### **PROCEDURES AND PRACTICES:**

As set out in Schedule attached being By-law 9-08 being a by-law to adopt policies with respect to the sale and other disposition of land.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER 9-08**

**BEING A BY-LAW TO ADOPT POLICIES WITH RESPECT TO THE SALE AND OTHER  
DISPOSITION OF LAND.**

**WHEREAS** Section 270 of the Municipal Act, 2001, as amended requires every Council to adopt and maintain policies governing the sale or other disposition of its land, determine the appropriate manner of giving notice, and determine appropriate measures to establish accountability and transparency to members of the public.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH ENACTS AS FOLLOWS:**

**1. TITLE AND DEFINITIONS**

In this By-law, unless the context otherwise requires:

- (a) "Clerk" means the Clerk of the Township of Wellington North
- (b) "Council" means the Council of the Township of Wellington North;
- (c) "Industries and Industrial (c) Operations" shall be defined by reference to the definitions for "Industrial Use", "Industrial Mall" and "Industry, Dry" in Sections 5.123, 5.122 and 5.121 of the Township's Zoning By-Law Number 66-01 as amended or replaced from time to time;
- (d) "Land" includes buildings;
- (e) "Local Board" means a municipal service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;
- (f) "Meeting" means any regular, special Committee or other Meeting of Council or one of the Committees of Council;
- (g) "Sale" includes a lease of 21 years or longer and a transfer for nil or nominal consideration and "Sell", "Selling", and "Sold" shall have a similar meaning;
- (h) "Township" means The Corporation of the Township of Wellington North.

**2. SALE OF LAND**

(1) Before Selling any land or entering into a binding agreement to sell any land, Council shall:

- (a) by by-law or resolution passed at a Meeting open to the public, declare the land to be surplus;
- (b) obtain at least one appraisal of the fair market value of the land; and
- (c) give notice to the public in accordance with Subsection 2 (5) below, of the proposed Sale.

(2) The appraisal required by Subsection 1 (b) above shall not be required for 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 Section 42 of the Expropriations Act;
- (f) land Sold under Subsections 107 (Power to Make Grants) and 108 (Small Business Programs) of the Municipal Act, 2001;
- (g) easements granted to public utilities or to telephone companies.

(3) The appraisal required by Subsection 1 (b) above shall not be required for a Sale to:

- (a) any municipality;
- (b) a "Local Board" including a school board and a conservation authority;
- (c) the Crown in right of Ontario or of Canada and their agencies.

(4) Subsection (1) above does not apply to the following:

- (a) Land sold under Section 110 (Municipal Capital Facilities) of the Municipal Act, 2001; and
- (b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

(5) Before Selling any land, the Clerk shall give notice to the public of the proposed Sale by a single publication in a newspaper that is, in the Clerk's opinion, of sufficiently general circulation in the area of the land to give the public reasonable notice of Council's intention. This publication shall occur at least two weeks prior to the proposed Sale.

(6) The Clerk shall establish and maintain, on a regular basis, a public register listing and describing the land owned or leased by the Township, except for 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) all highways, roads and road allowances, whether or not opened, unopened, closed or stopped up; and
- (c) land formerly used for railway lines.

(7) If any agreement was entered into for the Sale or other disposition of land by the Township prior to January 1, 2008, and not closed or completed, the Sale or other disposition may be continued and dealt with in the same manner as would have occurred had it been closed or completed prior to that date.

(8) This by-law does not apply to the Sale of land under Part XI (Sale of Land for Tax Arrears) of the Municipal Act, 2001.

(9) That unopened road allowances the municipality wishes to close and sell shall be offered to all adjacent landowners for purchase. The adjacent landowners shall have 30 days to respond to the offer. Should there be no mutual interest shown by adjacent landowners regarding the purchase of the land, any adjacent landowner or combination thereof may be given the opportunity to purchase the property. The entire tract of land must be conveyed and must merge with the adjoining property. All costs related to the purchase of land, including legal and surveying cost shall be at the expense of the purchaser.