

THE CORPORATION OF THE TOWNSHIP OF BURPEE AND MILLS

By-law No 02 - 2014

BEING A BY-LAW TO ESTABLISH PROCEDURES GOVERNING THE SALE OF SURPLUS LANDS BY THE MUNICIPALITY.

WHEREAS the Municipal act, 2001 S.O. 2001. C. 25, section 270(1) as amended requires a municipality to adopt and maintain policies regarding the sale and other disposition of surplus land:

NOW THEREFORE the Municipal Council of the Township of Burpee and Mills enacts as follows:

1. THAT where made applicable by section 193 of the Municipal Act this By-Law shall apply to the sale of real property by the Corporation including a lease of 21 years or longer.
2. THAT the Municipality may commence the proceedings to dispose of Real Property at its own initiative or upon the receipt of a written request or inquiry from an applicant.
3. THAT prior to the disposal of property the Council shall, by resolution, declare the property surplus.
4. THAT prior to the disposal of real property and where there is no exemption under the regulations, the Municipal Council shall obtain at least one appraisal of the fair market value of the real property. This appraisal may include a Municipal Property Assessment Corporation's appraisal as found in the Municipal Roll if determined adequate by Municipal Council.
5. THAT the form of appraisal shall be a written opinion as to the amount that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.
6. THAT the Municipal Council may direct by resolution that the appraisal shall be conducted by an independent qualified appraiser.
7. THAT Council may dispose of the property by either:
 - a. Sealed Public tender; or
 - b. Listing the property for sale on the open reality market; or
 - c. Direct Sale/Lease
8. THAT the Municipality shall give Notice to the public of the proposed sale by tender. The advertisement shall be placed in at least one newspaper having general circulation within the local area once a week for a period of no less than two consecutive weeks. For notice of sale by public tender, the open reality market and direct sale or lease the notice shall provide no less than fourteen days notice until the final sale is recommended to Council. The advertisement shall include a brief description of the property, a sketch if at all possible, a minimum bid amount and shall specify the dates involved with the sale.

9. Surplus Land Sale by Tender

- a. Tenders received after the original advertised date will not be accepted
 - b. Tenders must be delivered to the Township of Burpee and Mills Municipal Office Attention Clerk in a sealed envelope clearly marked "Tender for Surplus Lands" and include the address and name of the applicant.
 - c. Sealed tenders will be opened during a public meeting of Council or a Committee of Council.
 - d. The required tender document to be completed by the applicant is attached to this By-Law as Schedule "A"
 - e. The tender document attached as Schedule "A" of this By-law must be accompanied by a certified cheque, bank draft, or money order worth no less than 20% of the tender amount of the Surplus Land for sale.
 - f. By submitting a completed tender accompanied by the required monetary deposit established in Section 8.5 of this By-law, applicants are accepting the terms and conditions of this By-law.
 - g. Municipal Council may choose to make a final decision to accept or decline the Tender immediately upon opening all Tenders during a public meeting or Committee of Council or choose to defer decision until a later date.
 - h. Municipal Council reserves the right to accept or decline any tender for Surplus Land. Highest or any tender not necessarily accepted.
10. THAT in cases where it is deemed more appropriately to proceed with a direct sale/lease/purchase between the Municipality and the applicant, the Municipal Council/Staff will work with the applicant to finalize the details of the sales/lease/purchase. Furthermore, if deemed necessary the applicant will be asked to attend an In-camera Meeting with Council to identify any questions they may have prior to discussing this matter at a Council meeting. If Municipal Council supports the land sale/lease/purchase, staff will advertise the proposed real property matter as per section 8.
11. THAT the purchaser shall be responsible for all costs incurred or required to dispose of the real property, including legal, survey, appraisal, encumbrances, improvements, HST if applicable, land transfer tax, administrative fees and so on unless Municipal Council determines or the Offer to Purchase provides otherwise.
12. THAT the Municipality makes no representation regarding the title or any other matters relating to the land to be sold. Surplus Land is sold "as is".

13. THAT the following classes of property disposal are exempt from the provisions of this By-Law:

- a. Disposal of easement to a public utility;
- b. Municipal tax sales as per Part XI of the Municipal Act 2001;
- c. Sales pursuant to section 110 of the Municipal Act 2001.

AND FURTHER, by resolution Municipal Council may direct, on a case by case basis, that any exempted disposal be conducted in accordance with this policy.

14. THAT it is acknowledged that any error or omission in following the procedures, in which error or omission was not the result of bad faith on behalf of the Municipality will not necessarily render such disposal invalid or void.

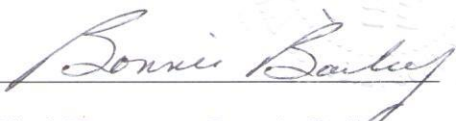
15. THAT the disclosure of information relevant to the sale of Surplus Lands shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990.c. M.56, as amended.

16. The fee for issuing a "Certificate of Compliance" pursuant to s. 268(6) of the Municipal Act shall be \$25.00. The "Certificate of Compliance" is Schedule B of this By-Law.

Read a first and second time and finally enacted this 18 day of FEBRUARY 2014.



Reeve, Ken Noland



Clerk/Treasurer; Bonnie Bailey

SCHEDULE "B"

THE CORPORATION OF THE TOWNSHIP OF BURPEE AND MILLS

**CERTIFICATE OF COMPLIANCE
PURSUANT TO SECTION 193 OF THE
MUNICIPAL ACT, R.S.O. 1990, C.M.45 AS AMENDED**

Certificate of Compliance in the matter of real property described as:

I hereby certify that:

1. The Municipality did pass By-law Number _____, being a by-law to adopt a procedure governing the sale of surplus property on the _____, day of _____, 20____, and was in force at the time of the property sale.
2. The above property has been declared surplus under By-law or Resolution Number _____ enacted or passed on the _____, day of _____, 20____.
3. Appraisal:
 - a. An appraisal of the fair market value of the property was obtained on the _____ day of _____, 20____.
 - b. The property is of a class prescribed in Ontario Regulation 815/94 as being exempt from the requirement to obtain an appraisal; or
 - c. The sale is to a public body prescribed by Ontario Regulation 815/94 as being exempt from the requirement to obtain an appraisal; or
 - d. The sale is under section 210.1 of the Municipal Act.
 - e. Public notice of intent to dispose was given on the _____ day of _____, 20____ by the following methods:

I, _____, solemnly declare that to the best of my knowledge and belief, this Certificate of Compliance is true and correct, and that I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Clerk

Date

SCHEDULE "A"

THE CORPORATION OF THE TOWNSHIP OF BURPEE AND MILLS
TENDER TO PURCHASE

Take Notice that tenders are invited for the purchase of the lands described below and will be received until _____ local time on _____, _____, 20____, at the Township of Burpee and Mills Municipal Office, 8 Bailey Line Road Evansville, ON P0P 1E0.

The tenders will then be opened in public on the same day as soon as possible after 3:00 p.m. at the Township of Burpee and Mills Municipal Office, 8 Bailey Line Road Evansville, ON P0P 1E0. Tenders must be in a sealed envelope clearly marked "Tender for Surplus Lands" and include the address and name of the applicant.

Description of Lands:

Roll No. _____

Registered Plan No. _____

Lot/Pt Lot _____, Concession _____

Civic Address: _____

Minimum Tender Amount: _____

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the lands to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender visit www.burpeemills.com or contact:

Bonnie Bailey
Clerk Treasurer
The Township of Burpee and Mills
8 Bailey Line Road
Evansville ON P0P 1E0
705 282 0624
burpeemills@xplornet.com

THE CORPORATION OF THE TOWNSHIP OF BURPEE AND MILLS

TENDER TO PURCHASE

To: Name: The Corporation of the Township of Burpee and Mills
Address: 8 Bailey Line Road, Evansville, ON P0P 1E0
Telephone: 705 282 0624
Re: Sale of (insert description of land and roll number)

A minimum bid of \$ _____, (_____ dollars)
has been set.

NAME OF BIDDER	
MAILING ADDRESS	
PHONE NUMBER	
FAX NUMBER	
EMAIL	
INTENDED USE OF PROPERTY	
TOTAL BID AMOUNT	\$
DEPOSIT AMOUNT ENCLOSED/BANK DRAFT/CERTIFIED CHEQUE/MONEY ORDER (20% of BID AMOUNT)	\$

We hereby declare that we understand the terms and conditions of the tender and after having inspected and being satisfied with the information provided regarding the property, we submit this application without suppression of any material facts and have provided true and correct information and we further understand that if any information provided by us is found to be false, our tender may be rejected.

Dated at _____ this _____ day of _____, 20____.

NAME OF TENDERER	NAME OF TENDERER
SIGNATURE OF TENDERER	SIGNATURE OF TENDERER
ADRESS OF TENDERER	ADDRESS OF TENDERER
TELEPHONE NUMBER	TELEPHONE NUMBER

(I have read the Municipal By-law PROCEDURES GOVERNING THE SALE OF SURPLUS LANDS and understand the terms and conditions set forth by this By-law and further understand and agree that I am responsible for any and all legal and/or transfer costs associated with this transaction including those of the municipality in addition to the total bid amount.)

Witness

Date