

CITY OF ST. THOMAS

BY-LAW NO. 18 - 2012

A by-law to provide for procedures for the disposal of real property owned by the Corporation of the City of St. Thomas.

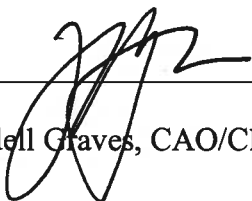
WHEREAS Section 270 of The Municipal Act, 2001, S.O., as amended, requires local municipalities to adopt and maintain a policy with respect to its sale and disposition of land;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas enacts as follows:

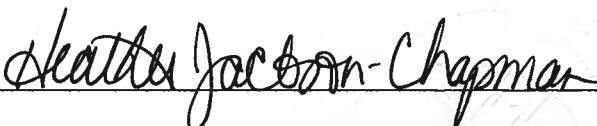
1. That the Policy outlined in Schedule "A" attached to this by-law is hereby adopted.
2. That By-Law 62-95 is hereby repealed.
3. That this by-law shall come into force on the day it is passed.

READ a First and Second time this 13th day of February, 2012.

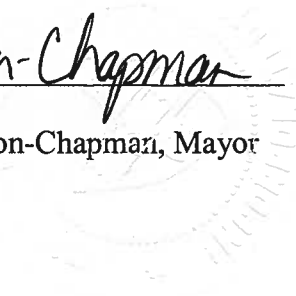
READ a Third time and Finally passed this 13th day of February, 2012.



Wendell Graves, CAO/Clerk



Heather Jackson-Chapman, Mayor



SCHEDULE "A"

**THE CORPORATION OF THE CITY OF ST. THOMAS
POLICY FOR THE DISPOSAL OF SURPLUS LAND**

This policy is for the guidance and direction of City Council and employees of the City of St. Thomas. Occasionally, the City receives unsolicited requests from the public to purchase City-owned lands, or the City has identified land that is surplus to its needs. Section 270 of the Municipal Act, 2001, S.O. 2001, c. 25. (*revised*) requires the municipality to adopt and maintain a policy with respect to its sale and disposition of land. This policy replaces By-law 62-95 relating to the disposal of real property.

SECTION 1 - DEFINITIONS:

1.1 In this policy:

“Appraisal” shall mean a reasonable form of valuation to establish an estimated fair market value of the Land in question;

“City Council” shall mean the municipal council of the Corporation;

“Clerk” shall mean the person who has been appointed to the position of City Clerk by the City Council;

“Corporation” shall mean The Corporation of the City of St. Thomas;

“Land” shall mean all real property owned by the Corporation, or in which the Corporation has a proprietary interest, but shall not include:

- i) vacant lands which were acquired by the Corporation for industrial development,
- ii) easements or rights of way in land, and
- iii) 0.3 metre reserves acquired in connection with an approval or decision under the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

“Disposition”, “Disposal” and “Dispose” shall mean the transfer or other conveyance of an interest in Land, but does not include

- i) the lease of Land within the Corporation owned airport for any length of time or the lease of any other Land for a period of less than 21 years,
- ii) the granting of a licence or permission for use of Land,
- iii) the release or granting of an easement or right of way,
- iv) the release or quit claim of an interest in Land in which another person or organization also holds an interest, and
- v) the sale of Land under authority of the *Municipal Act*, 2001, S.O. 2001, c.25 for tax arrears;

“Surplus” shall mean deemed to be no longer required for the Corporation’s current or future needs, in the discretion of City Council;

SECTION 2 - REGISTER OF LAND:

2.0 Save and except for those classes of Land that are exempted under section 3.0 of Schedule “A” of this policy, the Clerk shall establish and maintain a register listing and describing all Surplus Land of the Corporation, and upon request, such register shall be made available to the public for inspection during regular office hours.

2.1 The register of Surplus Land required under section 2.0 shall include:

- i) the legal description and, where available, the municipal address of the Land;
- ii) the approximate area and/or dimensions of the Land;
- iii) the current or previous municipal use of the Land, if applicable;

SECTION 3 - DECLARATION OF SURPLUS LAND:

- 3.0 In every instance where it has been determined by the Clerk that:
- i) it is desirable to Dispose of Corporation owned Land, or
 - ii) Corporation owned Land is not likely to be required for the Corporation's current needs or foreseeable future needs,

a report shall be submitted to City Council recommending that the Land in question be declared Surplus to the needs of the Corporation.

3.1 Where City Council deems it advisable to adopt any recommendation from a report under section 3.0, City Council will, in open session without the need for specific notice, pass a resolution declaring any such Land to be Surplus to the needs of the Corporation.

SECTION 4 - APPRAISAL

4.0 Save and except for those classes of Land that are exempted under section 1.0 and 2.0 of Schedule "A" of this policy, the Corporation will, before Disposing of any other Land that it owns, obtain at least one Appraisal of the fair market value of said Land.

4.1 The Appraisal required under section 4.0 shall be obtained from:

- a) a qualified appraiser accredited by the Appraisal Institute of Canada;
- b) a real estate broker or agent accredited by the Ontario Real Estate Association; or
- c) any other person who, in the opinion of the Clerk, is qualified to give such an Appraisal of the particular Land in question.

4.2 Council may in its discretion require that a further Appraisal be obtained pursuant to sections 4.0 and 4.1.

SECTION 5 - PUBLIC NOTICE

5.0 Upon City Council having formed the intention to Dispose of any Land that has been, or is to be, declared Surplus, and not less than 7 days prior to a final authorization by Council for Disposition of such Land by the Corporation, the Clerk shall publish an advertisement in a newspaper having general circulation within the City of St. Thomas, giving notice to the public of the intention of the Corporation to Dispose of the Land in question.

SECTION 6 - METHODS FOR DISPOSAL OF SURPLUS LAND

6.0 Surplus Land may be sold by any of the following methods to be determined by City Council:

- 6.0.1 Call for proposals/offers,
- 6.0.2 Public tender,
- 6.0.3 Disposition to sole source,
- 6.0.4 Public auction,
- 6.0.5 Listing with a real estate broker,
- 6.0.6 Disposition through St. Thomas Economic Development Corporation,
- 6.0.7 Any other method of Disposal as determined by City Council.

6.1 City Council may decide in its discretion to accept an offer or proposal other than the highest offer or proposal, or to choose not to accept any of the offers or proposals received.

6.2 Despite the contents and recommendations of any Appraisal obtained pursuant to section 4.1, City Council has the right and discretion to set a sale price which is above or below the appraised value of the Land, adjust the sale price and/or accept a proposal or offer above or

below such appraisal price, where in the opinion of City Council it is in the best interests of the City to do so.

6.3 For any tender or other offering process, City Council has the right to set a reserve bid, being a disclosed or undisclosed price at and below which the land will not be sold at that time.

SECTION 7- PROCEEDS FROM DISPOSITION OF SURPLUS LAND

7.0 The net proceeds from the Disposal of Surplus Land will be transferred through a budget account as recommended by administration and approved by City Council.

SECTION 8- CLERK'S CERTIFICATE

8.0 The Clerk is authorized to sign a certificate, if so requested, certifying that, to the best of his/her knowledge, the provisions of this policy have been complied with.

SECTION 9- CLOSED SESSION

9.0 Any offers, tenders or proposals regarding the Disposition of Surplus Land shall be considered during a closed session of City Council in accordance with section 239(2)(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25.

SECTION 10- ADMINISTRATION

10.0 This policy shall be administered by the Clerk.

SCHEDULE "A"

1.0 The Corporation may Dispose of the following classes of Land without obtaining an Appraisal:

- 1.1 Highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
- 1.2 Land formerly used for railway branch lines if sold to an owner of real property abutting the former railway branch line.
- 1.3 Land that does not have direct access to a highway if sold to the owner of real property abutting that Land.
- 1.4 Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*, R.S.O. 1990, c. E.26.
- 1.5 Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
- 1.6 Land sold under Sections 107 and 108 of the *Municipal Act*.
- 1.7 Land which has a surface area of less than 200 square metres, and which has no reasonable prospect for development.

2.0 The Corporation may Dispose of Land to the following classes of public bodies without obtaining an Appraisal:

- 2.1 Any municipality.
- 2.2 A local board as defined in the *Municipal Act*.
- 2.3 An authority under the *Conservation Authorities Act*, R.S.O. 1990, c.C27.
- 2.4 The Crown in Right of Ontario or of Canada and their agencies.

3.0 The Corporation is not required to list the following classes of Land in the public register:

- 3.1 All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
- 3.2 Land formerly used for railway branch lines.