



Hastings Highlands

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**Municipality of Hastings Highlands
Bylaw 2020-060 Sale of Surplus Municipal Land
(Consolidation)**

Office Consolidation: October 2024

(contains amendments up to the end of October 2024)

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How to Read this Consolidated Document:

Amendments to Bylaw 2020-060 will be ***bold and italicized*** with “*” at both the end and beginning of the amended wording and will include the Bylaw No. that amended that wording.

Official versions of all By-laws can be obtained from the Clerk’s Office by calling 613-338-2811.

The Municipality of Hastings Highlands
SALE OF SURPLUS MUNICIPAL LAND POLICY
Schedule 'A' to Bylaw 2020-060

Amending Bylaw	Date of Passing
Bylaw 2024-048	June 26, 2024
Bylaw 2024-072	October 16, 2024



Schedule 'A' to Bylaw 2020-060

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Planning			POLICY #:
POLICY: Sale of Surplus Municipal Land			
DATE: Jun/20	REV. DATE: Oct.16/2024	COVERAGE: Municipality of Hastings Highlands	PAGE #: 7

PURPOSE:

The *Municipal Act, 2001* requires that the Municipality 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.

POLICY STATEMENT:

The Municipality of Hastings Highlands will dispose of surplus land in an open and transparent process to ensure that the consideration for such disposal is fair, reasonable and in the best interest of the Municipality.

SCOPE:

The procedures established in this bylaw are intended to provide guidance to Council and staff. These procedures will govern the sale and disposal of surplus land owned by The Corporation of the Municipality of Hastings Highlands. Land disposal procedures may be initiated in response to inquiries from the public, unsolicited offers or as the result of internal municipal actions and decisions of Council.

TITLE:

This bylaw shall be called the Sale of Surplus Municipal Land Bylaw.

DEFINITIONS:

Appraisal shall mean a formal written opinion of the fair market value of the land. An appraisal is valid for a maximum of one (1) year after being received by Council. This may be provided by any one or all of the following methods:

- a) By the Clerk's office, having reference to assessed values in the surrounding area, or,
- b) By an opinion of an independent Real Estate Agent, having knowledge of land values in the area, or,
- c) By a formal valuation by a qualified Real Estate Appraiser.

Lands shall mean any real property owned by the Municipality including any structures and buildings located thereon.

Municipality shall mean The Corporation of the Municipality of Hastings Highlands.

Other Disposition shall mean the granting of the use of land by:

- a) Lease for a period of twenty-one (21) years or more, or
- b) A lease with options to renew for a period greater than twenty-one (21) years, but this does not include a licence given by the Municipality which is revocable by the Municipality within the twenty-one (21) year period.

Sale shall mean a transfer of legal title in land and shall include a lease of 21 years or longer.

POLICY COMMUNICATION:

This policy will be communicated by posting on the Municipality of Hastings Highlands website.

POLICY:

1.0 SALE OF LAND OTHER THAN PUBLIC HIGHWAYS

1.1 Commencement of Disposal

The Municipality may commence the proceedings to dispose of land at its own initiative or upon the receipt of a written request or inquiry from an applicant.

1.2 Declaration of Surplus Land

Prior to the sale of land council shall determine by Bylaw that the subject lands are surplus to the requirements of the Municipality.

1.3 Sale Requirements

Method of Sale- Council shall have the absolute discretion to select the particular method of disposing of a parcel of land to the public for sale. Such method shall include:

- a) Sale by Public Tender;
- b) Listing with Real Estate firm(s) or Broker(s);
- c) Direct sale (no Real Estate Agent);
- d) Other method as determined by Council.

1.4 Unsolicited Offers

- a) Unsolicited offers are only considered when provided in writing to the CAO's office with a clear reference and description of the parcel of land to which the unsolicited offer is being made.
- b) Where one (1) or more persons have expressed an interest in purchasing land, or whether Council believes it to be in the best interest of the Municipality, Council may by resolution direct that the land be sold by public tender. Council's preferred method of sale is by public tender upon receipt of unsolicited offers.
- c) If and when Council directs that the land is to be sold by public tender, the municipality will follow Schedule 'B', attached to this bylaw.

1.5 Appraisal

The Municipality shall, prior to the sale of any land, obtain at least one (1) appraisal of the land in the manner as deemed appropriate by Council.

1.6 Sale Price of Land

Council at its discretion shall determine the sale price of any land or minimum tender bid. The sale price or minimum tender bid shall include the sale price of land plus the anticipated costs being incurred by the Municipality with respect to the sale including, but not limited to, legal fees, surveys, appraisal fees, if applicable, and the publication of the Public Notice.

The purchaser shall be responsible for all costs incurred or required to dispose of the land, including, but not limited to, legal, survey, appraisal fees, encumbrances, advertising, improvements, environmental testing/remediation, demolition, due diligence research, administrative fees, land transfer and registration fees.

Where the land is not to be disposed of by public tender all costs, as stated above in this section, 1.6, as calculated by the Municipality, shall be paid prior to the transfer of ownership of the land from the Municipality to the purchaser.

1.7 Sale Price Funds Allocation

Council shall allocate the sale price of surplus land funds to the Reserve for Proceeds from Sale of Land and shall allocate the sale price of surplus land with any municipal building, outdoor rink, or fire station funds to the Reserve for Building Capital Expenses to offset costs associated with future municipal land acquisition and/or development costs.

1.8 Public Notice

Unless otherwise directed by Council, Public Notice shall be given by:

- a) Publishing – The Municipality shall give Notice to the public of a proposed sale or other disposition of land by publishing a Notice, for a period of at least two (2) consecutive weeks prior to the Council meeting in a minimum of two (2) local publications;
- b) Posting – The Municipality shall post the Public Notice in a minimum of ***one (1) (amended by Bylaw 2024-048)*** locations within the Municipality for at least two (2) consecutive weeks prior to the Council Meeting; and
- c) Website – The Municipality shall post the Public Notice on the municipal website for a period of at least two (2) consecutive weeks prior to the Council Meeting.

1.9 Form of Notice

Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a bylaw or Notice of a Public Meeting is required to be given, the form of the notice shall include the following information;

- a) A description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
- b) The date, time and location of the meeting;
- c) Where the purpose of the meeting or proposed bylaw is related to specific lands within the Municipality (where applicable), a Key Map showing the affected lands must accompany the Notice ***or directions on obtaining any applicable Key Map is provided (added by Bylaw 2024-076)***; and
- d) The name and address ***and email address (amended by Bylaw 2024-048)*** of the ***Municipal Clerk (amended by Bylaw 2024-048)*** who will receive written comments on the issue, which is the subject of the meeting and the deadline for

receiving such comments.

1.10 Public Comment

The Notice shall specify that anyone wishing to comment on the proposed sale or other disposition may do so by:

- a) Appearing at the Council Meeting, if possible, and advising the Chair when the public is asked for verbal or written representation on the matter; or
- b) Delivering such comment in writing to the Clerk of the Municipality before the date the subject matter is to be considered by Council.

2.0 GENERAL PROVISIONS

2.1 General

- a) Council reserves the right to undertake activities to increase the value of the lands prior to appraisal(s) and sale.
- b) 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, where is".
- c) ****Council may delegate authority to staff to execute and authorize documentation for the transfer of surplus land. Council may include limitations on the authority delegated to staff, including the minimum sale price of land. (amended by Bylaw 2024-048)****

Exemptions:

1. The following classes of land disposal are exempt from the provisions of this Bylaw:
 - i) Municipal tax sales as per Part XI of the *Municipal Act*, 2001;
 - ii) Sales pursuant to Section 100 of the *Municipal Act*, 2001;
 - iii) Land .03 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
 - iv) Closed highways if sold to an owner of land abutting the closed highway;

- v) Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- vi) Land that does not have a direct access to a highway if sold to the owner of land abutting the land;
- vii) Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- viii) Land sold under Section 107 (economic development services), Section 108 (small business counselling service programs), or Section 109 (community development corporations) of the *Municipal Act*;
- ix) Easements granted to public utilities or telephone companies;
- x) Land where the sale is governed by another municipal policy, e.g. Sale of Original Shoreline Road Allowance/Original Road Allowance.

2. This Policy does not apply to the sale of land to the following public bodies:

- i) A municipality;
- ii) A local board, including a school board and a conservation authority;
- iii) The Crown in Right of Ontario or Canada or their agencies.
- iv) By resolution, Council may direct, on a case-by-case basis, that any exempted disposal be conducted in accordance with this policy.

2.2 Sequence of Events

For clarity purposes, the following is the ***general (added by Bylaw 2024-048)*** step-by-step process for the sale of Municipal lands broken down into two methods being a) Unsolicited Offer or Inquiry or b) Municipality's Own Initiative.

a) Unsolicited Offer or Inquiry:

- 1. Receipt of unsolicited offer to purchase Municipal land;
- 2. Council declares land to be surplus;
- 3. Council determines method of sale;
- 4. Appraisal;

5. Sale price of land or minimum tender amount is established;
6. Notice of Public Meeting for Sale of Surplus Land is published;
7. Public Meeting to pass Bylaw to sell Surplus Land; and
8. Finalization of sale of Surplus Land by solicitors.

b) *Municipality's Own Initiative:

- 1. Council directs staff to notify public of intent to declare land to be surplus;**
- 2. Notice of Public Meeting for Sale of Surplus Land is published in accordance with this Bylaw;**
- 3. Public Meeting held to pass Bylaw to declare Surplus Land;**
- 4. Council declares land to be surplus by Bylaw;**
- 5. Council determines method of sale;**
- 6. Appraisal obtained by staff and provided to Council;**
- 7. Council establishes the sale price of land or minimum tender amount;**
- 8. The process for the determined method of sale is followed; and**
- 9. Finalization of sale of Surplus Land by delegated authorities and solicitors. (amended by Bylaw 2024-048)***

2.3 Errors and Omissions

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.

2.4 Privacy

The disclosure of information relevant to the sale of Surplus Land shall be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56, as amended.

2.5 Effective Date

This policy shall come into force and take effect under Bylaw 2020-060 on the 17th day of June, 2020.