



TOWN OF INNISFIL
CORPORATE POLICY

POLICY: <i>Sale and Other Disposition of Land</i>	COUNCIL APPROVAL DATE: July 09, 2014 RES. NO.: CR-112-15.14
POLICY NO.: CP.02-14-08	REVISED DATE: RES. NO.:

1. PURPOSE:

To provide a procedure for governing the sale and other disposition of land in the ownership of The Corporation of the Town of Innisfil.

2. POLICY

- 2.01** The Council of The Corporation of the Town of Innisfil will consider the sale and other disposition of land in the ownership of The Corporation of the Town of Innisfil. All sales and other disposition of land are at the sole and absolute discretion of the Council of The Corporation of the Town of Innisfil.
- 2.02** The Council of The Corporation of the Town of Innisfil will also consider, as part of its disposition of land policy, the closure and conveyance of roads owned by the Corporation of the Town of Innisfil.

3. DEFINITIONS

3.01 In this policy:

- (a) **Act** means *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended;
- (b) **Appraisal** means an opinion as to the fair market value of the Land given by an individual with training and experience in valuing real estate acceptable to the Town;
- (c) **Clerk** means the Clerk of The Corporation of the Town of Innisfil;
- (d) **Clerk Services** means the office of the Clerk;
- (e) **Council** means the elected municipal town council for The Corporation of the Town of Innisfil;
- (f) **Reference Plan** means a deposited plan of survey of the portion of land to be declared surplus;
- (g) **Land** includes any lands owned by The Corporation of the Town of Innisfil or its interest in land;
- (h) **Road**, where used in this policy, shall have the meaning ascribed to it as more broadly defined in Schedule "D";
- (i) **Sale** includes a lease of 21 years or longer, but does not include a quit claim for the purpose of confirmation of title ownership;
- (j) **Town** means The Corporation of the Town of Innisfil;
- (k) **Town Fees & Charges By-law** means By-law No. 132-13, as amended or replaced from time to time, of The Corporation of the Town of Innisfil;
- (l) **Town Solicitor** means the Deputy CAO/Solicitor or designate which may include an external law firm; and

- (m) **Town Staff** includes the Town's Clerk, deputy clerk, CAO and their respective administrative assistants.

4. EXCLUSIONS

4.01 This policy shall not apply to:

- (i) the sale of Land under Part XI (Sale of Land for Tax Arrears) of the Act and any related Ontario Regulation made by the Minister;
- (ii) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- (iii) the sale of Land under Section 110 (Agreements for Municipal Capital Facilities) of the Act;
- (iv) Land transferred to the Town for security or for temporary roads or other works in connection with any agreement to which the Town is a party under the *Planning Act*;
- (v) Land transferred to, or vested in, the Town which neither the Town nor the true owner intended to vest or be transferred;
- (vi) the sale of Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- (vii) cemetery plots owned by the Town; or
- (viii) lake access points owned by the Town.

5. STANDARDS

- 5.01** The specific policy relating to the closure and sale of any road or portion thereof owned by the Town is more particularly described in Schedule "D" to this policy.
- 5.02** Prior to selling any Land, Council shall pass a resolution, consistent with the form attached to this policy as Schedule "A", declaring the Land to be surplus.
- 5.03** A new Reference Plan may be required, at the sole and absolute discretion of Town Staff.
- 5.04** Notwithstanding Section 5.02 of this policy, where the laws of the Province of Ontario specify a particular method of disposition, those laws shall govern.
- 5.05** All costs associated with the disposition of Land, including Land transferred at nominal consideration, shall be borne by the party or parties acquiring the Land, unless otherwise directed by Council.
- 5.06** In order to avoid potential conflict of interest issues, before Council considers the disposition of Land, any employee of the Town considering the acquisition of any parcel of Land from the Town shall have first advised the Clerk of his/her interest. The Clerk shall determine what, if any, steps are necessary to remove the employee from the decision-making and administrative processes related to the disposition of the Land and said process shall be disclosed to Council if requested.
- 5.07** The Applicant shall submit an application to the Town for consideration. The application shall be in a standard form as determined by the Clerk from time to time.

6. APPRAISALS

6.01 Subject to Section 6.02, prior to selling any Land, at least one Appraisal of the fair market value of the Land shall be obtained.

6.02 Section 6 .01 of this policy shall not apply to the sale of the following types of Land:

- (a) closed highways if sold to an owner of land abutting the closed highway;
- (b) Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- (c) Land that does not have direct access to a highway if sold to the owner of land abutting that Land;
- (d) Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*, as amended;
- (e) Land sold under Sections 107, 108 and 109 of the Act;
- (f) easements granted to public utilities, telephone companies or other like agencies; or
- (g) Land sold to a municipality, a local board, conservation authority, the Crown or other similar agencies.

6.03 The Clerk is authorized, directed and empowered to obtain all such Appraisals as may be required pursuant to Section 6.01 of this policy.

6.04 Any Appraisals obtained shall be used solely as a guide and shall not be determinative of the terms or price upon which Council may agree to sell any particular piece of Land. Without limiting the generality of the foregoing, other factors, including but not limited to, the history of the Land or related lands may be determinative.

7. NOTICE

7.01 Subject to Section 7.02, prior to selling any Land, notice shall be given to the public of the proposed sale by publishing a notice that communicates substantially the information contained in Schedule "A" by posting notice on the Town's website for two (2) consecutive weeks and advertised in a local newspaper for the same period.

7.02 Section 7.01 of this policy does not apply to the sale or granting of easements to public utilities, telephone companies or other like agencies.

8. AFFIDAVIT OF THE CLERK

The Clerk is authorized, directed and empowered to sign an Affidavit, in a form substantially similar to Schedule "B" of this policy as proof that this policy has been complied with.

9. GENERAL

9.01 The provisions of this policy shall only apply to Land owned by the Town and shall not extend to or apply to any personal property of the Town.

9.02 The manner in which the Town carries out the sale of its Land, if consistent with this policy, is not open to review by any court if the Town may lawfully sell the Land, the purchaser may lawfully buy the Land and the Town acted in good faith.

10. ADMINISTRATION

This policy shall come into force and take effect under By-law 074-14 on July 09, 2015.

11. ATTACHMENTS

Schedule "A": Resolution of Council

Schedule "B": Notice

Schedule "C": Affidavit of the Clerk

Schedule "D": Policy relating only to the closure and sale of roads

SCHEDULE "A"

SALE AND OTHER DISPOSITION OF LAND POLICY

THE CORPORATION OF THE TOWN OF INNISFIL

FORM OF RESOLUTION – DECLARING THE LAND TO BE SURPLUS

Be it resolved that the Council of The Corporation of the Town of Innisfil declares the following Town owned land to be surplus:

That Part of Lot _____, Concession _____, (_____) and shown as Part _____ on Plan _____.

And further the Clerk is hereby instructed to dispose of the said property pursuant to:

- () invitation of tenders
- () nominal consideration, plus Town expenses (survey, legal and appraisal costs)
- () disposal at the set price of _____
- () exchange of land of equivalent value
- () request for proposals (RFP)
- () public auction
- () call for expression of interest
- () listing with a real estate agent
- () direct sale to an abutting landowner
- () other _____

SCHEDULE "B"**SALE AND OTHER DISPOSITION OF LAND POLICY****THE CORPORATION OF THE TOWN OF INNISFIL****PUBLIC NOTICE****NOTICE OF INTENT TO DISPOSE OF SURPLUS REAL ESTATE**

TAKE NOTICE the Council of The Corporation of the Town of Innisfil has pursuant to Section 270(1), as applicable, of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, declared the following land as surplus:

Part Lot _____, Concession _____, Geographic Town of _____

now in the Town of Innisfil, described as Part _____ on Plan _____

and is now **offering it for sale by way of:**

- invitation of tenders
- nominal consideration, plus Town expenses (survey, legal and appraisal costs)
- disposal at the set price of _____
- exchange of land of equivalent value
- requesting proposals
- public auction
- listing with a real estate agent
- direct sale to an abutting landowner
- other _____

The proposed by-law will come before Council for consideration at its regular meeting to be held in the Council Chambers at 2101 Innisfil Beach Road, Innisfil, Ontario, on the _____ day of _____, 20__, at the hour of _____ o'clock in the evening. Written comments may be provided to the Clerk of the Town at the address below.

Clerk
The Corporation of the Town of Innisfil
2101 Innisfil Beach Road
Innisfil, Ontario
L9S 1A1
Telephone 705-436-3710

(Applicant's Name)
(Applicant's Civic Address)

SCHEDULE "D"**POLICY AND PROCEDURE RELATING TO THE CLOSURE AND CONVEYANCE OF ROADS WITHIN THE TOWN OF INNISFIL****1. DEFINITIONS SPECIFIC TO THIS SCHEDULE**

1.01 In addition to the definitions outlined above, in this Schedule:

- (a) **Applicant** means the owner of the abutting land to the Road applying to the Town for the road to be stopped up, closed and transferred;
- (b) **Draft Reference Plan** means a draft plan of survey of the portion of Road to be stopped up, closed and transferred as prepared by an Ontario Land Surveyor and submitted by the Applicant to the Town for approval;
- (c) **Letter of Authorization** means a letter from the Applicant appointing a representative to act as their agent in this process. The appointed agent shall receive all communication from the Town and the Town Solicitor throughout the process as defined herein; and
- (d) **Road** means all original road allowances, road allowances, streets, highways, laneways, access roads, colonization roads or any other road or highway as defined by the Act or other relevant legislation that is owned by the Town.

2. GENERAL PROVISIONS

- 2.01** The Town Solicitor will act on behalf of the Town in the closure and conveyance of all Roads.
- 2.02** The Applicant is responsible for paying all Town staff time, administrative, legal, surveying, appraisal, advertising and land conveyancing costs involved in the Road closing and conveyance of surplus land by the Town. In the event that an Applicant fails to pay the costs incurred within one (1) year of Council passing the applicable by-law, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 398 of the Act.
- 2.03** The required by-law to approve the closure and conveyance of the Road will not be passed until the current realty taxes on the Applicant's property are paid and the account is up to date.
- 2.04** The land disposition costs are calculated on the square footage of the Road to be closed and conveyed as determined by the Reference Plan and subject to the fees set out in the Town User Fee By-law if applicable, through an appraisal, or at Council's discretion.
- 2.05** Applications will be considered **terminated** if inactive for a period of **one (1) year**.
- 2.06** Applicant **must** own the property directly abutting the Road.
- 2.08** Applications will not be approved if the closure of the road would deprive other land owners of their sole access to their properties.
- 2.10** Generally, the portion of Road to be closed and conveyed will be determined by straight lot line projections. However, in some instances deviations from straight extension of existing lot lines may be considered and may be required by the Town in determining the description of the portion of the Road to be closed and conveyed.

3. PROCEDURE

3.01 The Applicant shall submit an application to the Town for consideration. The application shall be in a standard form as determined by the Clerk from time to time.

The initial application fee shall include:

- (a) Review of the application and creation of new file;
- (b) Circulations to various departments;
- (c) Correspondence with Applicant regarding pre-approval;
- (d) Site visit to the subject land(s);
- (e) Written notice to abutting neighbour(s) regarding the potential Road closure;
- (f) Preparation of preliminary approval report to Council, if required;
- (g) Review of Draft Reference Plan;
- (h) Preparation of final surplus report and resolutions;
- (i) Presentation of by-law to Council and public meeting;
- (j) Passing of by-law by Council; and
- (k) Registration of By-law on title.

3.02 APPLICATION

The application shall be submitted to the Town accompanied by:

- (a) Application fee, as per the Town User Fee By-law;
- (b) Seasonal (summer) pictures of the Road;
- (c) A detailed sketch or site plan “to scale” which clearly shows the following:
 - (i) the location and measurements of **all** existing buildings/structures (including accessory buildings and septics) on the **Applicant’s property**;
 - (ii) the location and measurements of **all** existing structures on the **Town’s property**;
 - (iii) the distance from the structures to the abutting lot lines;
 - (iv) vegetation, driveways and paths; and
- (d) Letter of Authorization, if the Applicant has engaged the services of an agent to act on their behalf.

3.03 Applications shall be circulated to the Planning, Roads, Water, Waste Water and Building Departments for their comment and consideration. Applications may be granted subject to conditions of such departments (e.g. deeming by-law, site plan agreement or development permit, etc.) in the sole and absolute discretion of Town Staff and Council.

3.04 Council approval, accompanied by a recommendation from Town Staff in the form of a staff report, will **only** be required for the following reasons:

- (a) Adjoining landowner is the Ministry of Natural Resources, the Town of Innisfil or any other public authority;
- (b) The Applicant disagrees with the conditions set forth in the granting of preliminary approval;
- (c) Objections to the closure and conveyance have been received; and
- (d) At the sole discretion of Town Staff.

3.05 Once preliminary approval is granted, the Town will provide a letter notifying the Applicant or their named agent or solicitor that preliminary approval has been granted.

3.06 The Applicant will engage the services of an Ontario Land Surveyor familiar with Road closings to prepare a Draft Reference Plan of the subject Road that must include:

- (a) Town Staff or Council pre-approved property lot line extensions; and
- (b) **All** structures on the Applicant's property; and
- (c) All structures on the Road.

NOTE: the structures may be removed from the Draft Reference Plan once the Town has reviewed and approved the plan. The Draft Reference Plan **MUST NOT** be deposited in the local registry office until final approval is received from the Town.

3.07 TOWN SOLICITOR RESPONSIBILITIES

- (a) Contact the Applicant or their named agent or solicitor in writing, requesting the name of their surveyor, establish costs relating to the legal fees and advertising and advise of the purchase price for the Road;
- (b) Upon receipt of the Draft Reference Plan and following its approval by the Town, advise surveyor to proceed to deposit the Draft Reference Plan. Advise surveyor to provide Town with two (2) copies of the Reference Plan (including an electronic version);
- (c) Perform sub-search of title to confirm the Applicant is the owner of the property abutting the subject Road;
- (d) Provide notice of the application to the following agencies:
 - (i) Innisfil Hydro ;
 - (ii) Bell Canada;
 - (iii) Rogers Communication;
 - (iv) Enbridge Gas;
 - (v) Public Works Canada;
 - (vi) Lake Simcoe Region Conservation Authority or Nottawasaga Valley Conservation Authority; and
 - (vii) County of Simcoe;inquiring if such agencies have an interest in the Road;
- (e) If agencies listed above have an interest in the Road, the Town Solicitor shall facilitate the registration of such interest against title to the Road after the closing thereof and prior to the transfer of the land to the Applicant;
- (f) Request a public meeting date from the Clerk;

- (g) Prepare the public notice which shall include the property description of the portion of Road to be stopped up and closed and the Council date when the matter will come before Council for consideration;
 - (h) Submit the public notice to the Clerk via email to be posted on the Town's website for two (2) consecutive weeks and to be advertised in a local newspaper for the same period; and
 - (i) Prepare the by-law, together with all required affidavits and exhibits and submit same to the Clerk Services for the Council meeting.
- 3.08** At the scheduled public meeting, Council is required to give consideration to written comments that may be provided to the Clerk of the Town.
- 3.09** If Council is in agreement, the resolution declaring the land surplus and the by-law are then passed consecutively in that order by Council at the scheduled public meeting.
- 3.10** The Clerk will forward the resolution and executed by-law(s) to the Town Solicitor for preparation of the necessary documents for registration.
- 3.11** The Town Solicitor shall then:
- (a) Prepare:
 - (i) If necessary, the application for the Town to be entered as owner; and
 - (ii) The application to register the road closing by-law;
 - (b) Register a certified copy of the road closing by-law in accordance Section 34(1) of the Act;
 - (c) Prepare the affidavit of the Clerk, acknowledgements and directions, transfer/deed and land transfer tax affidavit. The name of the transferee and manner in which title is to be taken shall be identical to the registered ownership of the Applicant's abutting lands;
 - (d) Prepare interim reports to the Applicant, or their named agent or solicitor. The interim reports shall include copies of the registered applications, the acknowledgement and direction to which is attached a draft transfer/deed for execution and the request for the land acquisition fees from the Applicant;
 - (e) Upon receipt of executed documents from Clerk and the Applicant together with all applicable fees and funds payable relating to the file, confirm that all municipal taxes relating to the Applicant's land are current;
 - (f) Register the required easements (if any);
 - (g) Register transfer/deed;
 - (h) Consolidate the PIN Parcel Registers of the Land and existing Applicant land(s);
 - (i) Prepare and forward a final report to the Applicant, or their named agent or solicitor attaching the registered documents.
- 4. ADMINISTRATION**
- 4.01** Town Solicitor is responsible for processing applications for the closing and conveying of the Road and shall follow this policy.

LAND DISPOSITION APPLICATION

Applicant/Registered Owners:			
Mailing Address:			
Phone Number:			
Email Address:			
Property of Interest Roll No.:-			
Plan/Concession No.:		Lot Number	
Parts (on R-Plan?):			
Municipal Address or Description/Location of Road	(i.e. to the east/south of ___)		

Submitted with this application is the following:

- (a) Non-refundable application fee in the amount of \$500.00 for review and staff level response;
 - (b) Seasonal (summer) pictures of the Town's property;
 - (c) A detailed sketch or site plan, "to scale", which clearly shows the following:
 - (i) Dimensions of the **Town's property** to be sold;
 - (ii) The location and measurements of **all** existing buildings/structures (including accessory buildings and septic) on the **Applicant's property**;
 - (ii) The location and measurements of **all** existing structures on the **Town's property**;
 - (iii) The distance from the structures to the abutting lot lines;
 - (iv) Vegetation, driveways and paths; and
 - (d) Letter of Authorization, if the Applicant has engaged the services of an agent to act on their behalf.
1. I/We confirm that I/We have read and understand the Land Disposition Policy and agree to abide by this policy.
 2. I/We acknowledge that I/We will be responsible for paying **all** legal, surveying, Town staff, advertising, and administrative costs involved in the road closing and will be obliged to pay to the Municipality the land acquisition rate as per the current User Fee By-law for the property.
 3. I/We confirm that there is no foot or vehicular traffic that passes through the road or property to be closed and that access to no other property will be denied by virtue of the road closing. (If there is traffic passing through, Applicant to attach a schedule setting out the use of the **Town's property**.)
 4. I/We confirm that we are not aware of any easements, encroachments or rights-of-ways, verbal or unregistered, that apply to the road to be closed.
 5. I/We acknowledge that any approval that may be given to this application by the Town of Innisfil is subject to all other approvals being obtained for all other statutory bodies, failing which this application cannot be approved.

- 6. I/We authorize Town Staff to enter onto the **Applicant's property** to conduct a site visit in accordance with the processing of this application.
- 7. I/We consent to receipt of all communication from the Town and/or its solicitor by email: Yes/No

Dated this _____ day of _____, in the year _____.

Signature

Signature

Name of Solicitor/Agent: _____

Mailing Address: _____

Email Address: _____

Phone Number: _____

The personal information on this form is being collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the *Municipal Act*, for the principle purpose of processing this application. Questions about this collection should be directed to the Freedom of Information Officer at 705-436-3710

**SALE AND OTHER DISPOSITION OF LAND POLICY -
THE CORPORATION OF THE TOWN OF INNISFIL****CIRCULATION LIST**

To Government Offices and Agencies reporting on the closing of the Road

Land Information Officer (include copy of survey)
Public Works Government Services Canada
Real Property
Geomatics Services Canada
4900 Yonge Street, 11th Floor
Toronto, ON M2N 6A6
(416) 512-5869 Fax: (416) 512-5830
Contact: Bill Eadie: bill.eadie@pwgsc.gc.ca

Innisfil Hydro
2073 Commerce Park Drive
Innisfil, ON L9S 4A2
705-431-6870, ext. 235
Contact: Wade Morris: wadem@innisfilhydro.com

Bell Canada, Right of Way (include copy of survey)
140 Bayfield St., Flr 2
Barrie, ON L4M 3B1
705-722-2506
866-484-6744
Contact: Connie Leigh: connie.leigh@bell.ca

Enbridge Gas
Distribution Asset Management
500 Consumers Road
North York, ON M2J 1P8
Contact: mark-ups@enbridge.com

Rogers Communication
Corporate Real Estate Account
One Mount Pleasant Road
Toronto, ON M4Y 2Y5
Contact: Jeff Sullivan, Sr. Manager, Lease Administration,
Brookfield Johnson Controls Inc.: jeff.sullivan@rci.rogers.com

Lake Simcoe Region Conservation Authority
120 Bayview Parkway, Box 282
Newmarket, ON L3Y 4X1
905-895-1281
Contact: Frank Pinto: f.pinto@lsrca.on.ca

Nottawasaga Valley Conservation Authority
8195 8th Line
Essa, ON L0M 1T0
705-424-1479

County of Simcoe
1110 Highway 26
Midhurst, ON L0L 1X0
705-735-6901
Contact: Ian Watson, Manager of Real Estate: Ian.Watson@simcoe.ca