



THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES
TOWNSHIP COUNCIL POLICY

Sale and Other Disposition of Land

AUTHORITY: Township Council	APPROVED: Res. No: Date:	C-7-16/11/10 November 16, 2010	REVISED: Res. No: Date:	
---------------------------------------	---	-----------------------------------	--	--

PURPOSE: To provide a procedure for governing the sale and other disposition of land in the ownership of the Township of Muskoka Lakes.

POLICY: The Council of the Township of Muskoka Lakes will consider application for the sale and other disposition of land in the ownership of the Township of Muskoka Lakes. All sales and other disposition of land are at the discretion of the Township of Muskoka Lakes.

DEFINITIONS: "Act" means The Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

"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.

"Clerk" means the Clerk of The Corporation of the Township of Muskoka Lakes.

"Land" includes any lands owned by the Township of Muskoka Lakes or interests in lands such as easements.

"Sale" includes a lease of 21 years or longer, but does not include a quit claim for the purpose of confirming another person's title.

"Township" means The Corporation of the Township of Muskoka Lakes.

STANDARDS:

1. DECLARATION OF SURPLUS LAND

- (a) Prior to selling any land, Township Council shall pass a resolution, consistent with the form attached to this policy, declaring the land to be surplus.

- (b) The resolution under standard 1 (a) of this policy shall also specify the method of disposition of the surplus land. The method of disposition may include auctions, tendering, requests for proposals, listing with real estate agents, direct sale to an abutting landowner, or any other method available under the laws of the Province of Ontario.
- (c) Notwithstanding standard 1 (b) of this policy, where the laws of the Province of Ontario specify a particular method of disposition, the laws of the Province of Ontario shall govern.

2. APPRAISALS

- (a) Prior to selling any land, at least one appraisal of the fair market value of the land shall be obtained.
- (b) Standard 2 (a) of this policy does not apply to the sale of the following classes of land:
 - 1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
 - 2. Closed highways if sold to an owner of land abutting the closed highways.
 - 3. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
 - 4. Land that does not have direct access to a highway if sold to the owner of land abutting that land.
 - 5. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*.
 - 6. Land sold under sections 107, 108 and 109 of *Municipal Act*.
 - 7. Easements granted to public utilities or to telephone companies.
- (c) Standard 2 (a) of this policy does not apply to the sale of land to the following public bodies:
 - 1. A municipality.
 - 2. A local board, including a school board and a conservation authority.
 - 3. The Crown in right of Ontario or Canada and their agencies.
- (d) The Clerk shall be and is hereby authorized, directed and empowered to obtain all such appraisals as may be required pursuant to standard 2 (a) of this policy.
- (e) Any appraisals obtained shall be used solely as a guide and shall not be determinative of the terms or price upon which Council may sell any particular piece of land. Without limiting the generality of the foregoing, other factors including the history of the land or related lands may be determinative.

3. NOTICE

- (a) Prior to selling any land, notice shall be given to the public of the proposed sale by publishing a notice in the manner, time and form as provided by Township Council Policy C-LS-06 - Public Notice.
- (b) Standard 3 (a) of this policy does not apply to the sale of the following classes of land:
 - 1. Easements granted to public utilities or to telephone companies.

4. GENERAL

- (a) The provisions of this policy shall only apply to land owned by the Township and shall not extend to or apply to any personal property of the Township.
- (b) The manner in which the Township carries out the sale of its land, if consistent with this policy, is not open to review by any court if the Township may lawfully sell the land, the purchaser may lawfully buy the land and the Township acted in good faith.
- (c) When Township Council deems it appropriate, the direct sale of land to an abutting landowner may occur in compliance with this policy.
- (d) This policy does not apply to the sale of land under Part XI (Sale of Land for Tax Arrears) of the *Municipal Act* and any related Ontario Regulation made by the Minister.
- (e) This policy does not apply to the sale of land under section 110 (Agreements for Municipal Capital Facilities) of the *Municipal Act*.
- (f) This policy does not apply to the sale of land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

LEGAL REFERENCES: Section 270 (1) 1 of the Municipal Act, 2001, as amended

CROSS REFERENCES: Township Council Policy C-LS-06 - Public Notice, Township Policy C-LS-08 - Sale of Original Shore Road Allowances and Original Road Allowances, Township Council Policy C-LS-09 - Sale of Flooded Land, Committee of the Whole Res. # COW-3-06/10/10, Confirming By-law number 2010-142



FORM OF RESOLUTION – DECLARING THE LAND TO BE SURPLUS

Be it resolved that the Council of The Township of Muskoka Lakes declares the following Township owned land to be surplus:

That Part of Lot _____, Concession _____, (_____) and shown as Part _____ on Plan 35R-_____

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

- (1) inviting tenders
- (2) requesting proposals
- (3) public auction
- (4) listing with a real estate agent in Muskoka,
- (5) direct sale to an abutting landowner,
- (6) other





P.O. Box 129, 1 Bailey Street, Port Carling, Ontario, P0B 1J0
 Website: www.muskokalakes.ca
 Phone: 705-765-3156 Fax: 705-765-6755

SALE AND OTHER DISPOSITION OF LAND APPLICATION

DATE: _____

APPLICANT NAME(S): _____

MAILING ADDRESS: _____

POSTAL CODE: _____ PHONE: _____

TOWNSHIP PROPERTY ADDRESS: _____

E MAIL: _____

LAND APPLYING TO PURCHASE _____ ROLL: _____

FORMER MUNICIPALITY: _____

CONCESSION: _____ LOT: _____ PLAN: _____ PART: _____

I/We hereby apply to the Township of Muskoka Lakes for the purchase of the above land.

I/We confirm that I/We have read and understand the Sale and Other Disposition of Land Policy C-LS-01 and acknowledge that I/We are responsible to pay all legal, surveying and administrative costs involved in the process and will be obligated to pay to the Township the land acquisition cost as determined by Council pursuant to the current municipal policy C-LS-01.

Submitted herewith is the following:

- (1) Required application fee of \$1000.00.
- (2) A sketch or site plan which shows the land requested for purchase.

Applicant(s):

Signature

Signature

I/We hereby appoint the following agent/solicitor to act on our behalf and are aware that the Township Solicitor must be used for the conveyance of municipally owned land. Any other solicitor or agent acting on my/our behalf is at my/our expense and is in addition to any fees required by the Township Solicitor. Appointment of an agent/solicitor is optional.

Name of Agent/Solicitor: _____

Address: _____

Phone: _____

Email: _____

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 Clerk, Township of Muskoka Lakes, Box 129, Port Carling, Ontario, P0B 1J0, (Telephone 705-765-3156).

For Office Use Only		
Date received:	Received by:	Payment received:
File Number Assigned:		Receipt #: