THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2012-126

PROPERTY: (P3.3) A by-law to re-establish procedures, including the giving of notice to the public governing the sale of surplus real property owned by the Municipality.

The Corporation of the City of Sault Ste. Marie, pursuant to Section 270 of the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **DECLARATION PROPERTY SURPLUS, APPRAISAL & NOTICE**

Before selling any real property, the Council shall:

(1) declare, either by by-law or resolution, that the said real property is surplus to the needs of the municipality;

(2) when appropriate in the circumstances obtain an appraisal or valuation of the fair market value of the real property; and

(3) give notice of the proposed sale of the surplus property as set out below.

2. **NOTICE OF PROPOSED SALE**

(1) Notice of the proposed sale or disposition of the real property shall be sufficiently given if notice of the proposed sale or disposition is published once in the local newspaper;

(2) Notice under Section 2(1) is not required where other notice provisions in the *Municipal Act, 2001* or any other Act set out other notice requirements; and

(3) Notice shall indicate that highest offer shall not necessarily be accepted.

3 **EXEMPTIONS TO APPRAISAL REQUIREMENT**

Without limiting the scope of S.1(3) above, the following specific situations do not require an appraisal or valuation:

(1) An appraisal is not required to 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 that does not have direct access to a highway if sold to the owner of land abutting that land; and
(4) easements granted to public utilities or telephone companies.

SCHEDULE "A" to By-law 2012-126

IN ADDITION to the requirements under Sections 1 and 2 of this by-law the following procedures apply:

1. **SALE OF CITY PROPERTY GENERALLY**

   (i) A person or firm who wishes to purchase property owned by the City must make its request in writing to the Legal Department.

   (ii) The Legal Department investigates all requests to ensure that the sale will be in the best interests of the City.

   (iii) The Legal Department forwards information on the property to the appropriate City departments and outside agencies that may have an interest in the matter for their comments.

   (iv) If the Legal Department feels that the property should be sold a report is prepared for City Council. In any event the applicant may request the matter be sent to Council.

   (v) If City Council agrees to dispose of the property, the Legal Department arranges for the sale of the property.

   (vi) In the case of the sale of parkland, all owners within 120 metres of the property proposed to be sold must be advised by mail of the City's intent to do so if the property being sold does not require a rezoning for its proposed use.

   (vii) The highest offer may not necessarily be accepted. Where appropriate, the City may accept lower offers if it is in the best interest of the City or for charitable or altruistic reasons (such as donations to Habitat for Humanity).

2. **SALE OF UNDERSIZED CITY PROPERTY**

   (i) If a property does not meet the minimum size and area requirements of the zoning by-law, the Legal Department may offer to sell the property to abutting owners.

   (ii) Each abutting owner may purchase a minimum of 50 percent of the property. If an owner does not wish to purchase the land, it will then be offered to the other abutting owner.

3. **CLOSING A STREET, LANE OR PUBLIC THOROUGHFARE AND ITS SALE**

   The following outlines the closing and subsequent sale of streets, lanes and public thoroughfares in the City:

   (i) A property owner who wishes to have the City close a street, lane or public thoroughfare must make a request to the Legal Department. A request must be for an entire street, lane or public thoroughfare section, from the intersection of one street, lane or public thoroughfare to another. This condition may be waived if the Legal Department feels it is in the best interest of the Municipality;

(ii) The Legal Department prepares an application and provides petitions to the applicant;

(iii) The applicant must obtain the signatures on the form provided of all property owners whose land abuts the portion of the street, lane or public thoroughfare to be closed. These owners also must indicate whether they wish to have a portion of the street, lane or public thoroughfare conveyed to them;

(iv) If the applicant meets all the requirements of the application, the Legal Department circulates the information to all City departments and outside agencies that may have an interest in the matter for their comments;

(v) If the Legal Department feels that closing the street, lane or public thoroughfare will be in the best interest of the City, a report with a recommendation as well as a by-law will be prepared for Council's consideration;

(vi) If City Council approves the proposed closing, the by-law receives first and second reading. The legal Department then puts a notice in the newspaper once a week for two (2) consecutive weeks stating the City's intention to close the lane or street;

(vii) If no objections to the lane closing are received, the applicant is requested to obtain a plan of survey of the land prepared by an Ontario Land Surveyor. The applicant must submit a draft of the survey to the Legal Department for approval prior to its registration;

(viii) Once the plan has been approved and registered the by-law is placed on Council's agenda for third and final reading;

(ix) The applicant gives two copies of the registered plan to the Legal Department. The Legal Department then prepares the appropriate deeds and has them signed by each owner, where necessary;

(x) All costs of the survey must be paid by the benefiting owners. If an owner does not pay his or her share of the survey cost within thirty (30) days, the City may offer the full width of the street or lane to the owner on the opposite side of the street or lane;

(xi) The City may retain or grant easements for present or future use by utility companies. This may restrict the improvements undertaken by property owners on the easement portion of the property;

(xii) The Legal Department notifies the Chief Building Official of all parcels of land conveyed to property owners as well as the easements retained by the City or on behalf of any utility companies; and

(xiii) Despite the provisions of this Section 3 of Schedule "A", if a commercial use proposes to expand its operation and to do so it requires the entire portion of an abutting street, lane or public thoroughfare, City Council may agree to convey the entire street, lane or public thoroughfare to the commercial establishment, without offering any portion of the property to an abutting property owner or property owners.

(2) An appraisal is not required for the sale of land to the following:

(1) a local board, including a school board and a conservation authority; and

(2) the Crown in right of Ontario or Canada and their agencies.

4. **SCHEDULE "A"**

Attached as Schedule "A" to this by-law are additional procedures respecting the sale of City property.

5. **BYLAW REPEALED**

Bylaw 2007-150, as amended, is repealed.

6. **EFFECTIVE DATE**

This by-law will take effect on the day of its final passing.

PASSED in open Council this 25th day of June, 2012.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

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