

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. BL-2022-43

Being a By-Law to establish Policies and Procedures to Govern the Closure, Sale, and Disposition of Surplus Land & Road Allowances in The Corporation of the Township of Cramahe.

WHEREAS Section 270 (1) of the Municipal Act, 2001, c. 25, as amended, requires Municipalities to adopt and maintain policies with respect to the sale other disposition of land; and

WHEREAS The Corporation of the Township of Cramahe deems it advisable and in the public interest to pass such a by-law pertaining to the sale of land owned by or deemed to be surplus to the needs of the Municipality; and

WHEREAS Section 28(2) of the Municipal Act, 2001, gives full jurisdiction over all road allowances to a Municipality; and

WHEREAS the Township of Cramahe deems it necessary to set forth its policies and administration procedures in the closing and disposition of Road Allowances; and

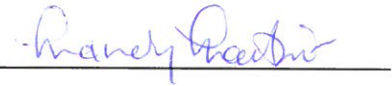
WHEREAS the purpose of this by-law is to update the current Municipal policies on the sale and other disposition of land and road allowances.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Cramahe hereby enacts as follows:

1. **THAT** in this By-Law, the term Council shall mean the Council of the Corporation of the Township of Cramahe.
2. **THAT** the Sale of Surplus Municipal Land Policy will provide guidance to both Council and Staff and provide a basis for decision-making relating to the sale of lands surplus and road allowances to the needs of the Municipality.
3. **THAT** the Policies and Procedures set out in Schedule 'A' Sale of Surplus Lands and Schedule 'B' Closure and Disposition of Road Allowances attached hereto are the policies and procedures including the giving of notice to the public governing the sale of lands surplus to the needs of the Municipality. Schedule 'A' and Schedule 'B' are hereby incorporated into, and form part of this By-Law.
4. **THAT** this Bylaw shall not include the procedures for closure and conveyance of Original Shore Road Allowances (OSRA) within the Municipality of Cramahe Township.
5. **THAT** all former by-laws to establish policies and procedures for the Sale of Surplus Municipal Land and the Closure and Disposition of Road Allowances of are hereby rescinded, including By-Laws 09-71 and 07-95.

6. **THAT** if any term or provision of this By-Law or the application thereof shall to any extent be declared invalid or unenforceable, the remainder of this By-Law or the application of this Bylaw shall not be affected thereby, it being the intention of the Council that each term and provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.
7. **THAT** this By-Law shall be deemed to be in force and effect as of December 20th, 2022.

Read a first, second and third time and finally passed this 20th day of December 2022.



Mandy Martin, Mayor



Holly Grant, Clerk

Schedule 'A' to Bylaw Number 2022-43
Sale of Surplus Municipal Land

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 Corporation of the Township of Cramahe 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 by-law are intended to provide guidance to Council and staff. These procedures will govern the sale and disposal of surplus land and road allowances owned by The Corporation of the Township of Cramahe. 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.

1. DEFINITIONS:

- 1.1. "APPRAISAL" shall mean a written opinion as to the amount that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.
- 1.2. "BUILDABLE LOT" shall mean lands of sufficient size (including frontage and area) to permit the lands to be utilized as an individual parcel of land.
- 1.3. "COUNCIL" shall mean the elected and sworn members of the Council of the Corporation of the Township of Cramahe.
- 1.4. "DISPOSAL" shall mean the sale of real property or the lease of real property for a period exceeding twenty-one (21) years.
- 1.5. "MUNICIPALITY" shall mean the Corporation of the Township of Cramahe.

2. GENERAL DISPOSAL PROCEEDINGS:

- 2.1. The Municipality may dispose of property at its own initiative or upon receipt of a written request or enquiry from an applicant.
- 2.2. Prior to the disposal of property, the Council shall, by resolution, declare the land to be surplus to the needs of the Municipality.
- 2.3. Prior to the disposal of property, the Council may, by resolution, establish a desired use for the parcel of land.
- 2.4. Property disposal shall proceed as set out in Section 3 and 4, as applicable, and in accordance with the general provisions of Section 2.
- 2.5. As per Section 34(7) of the Municipal Act, 2001, c. 25, as amended, the Municipality shall not dispose of property which would have the effect of depriving a landowner from the sole means of motor vehicle access unless such lands benefit from a right of way to a municipally maintained road allowance or unopened road allowance.
- 2.6. This policy does not apply to the sale of land under Part XI of the *Municipal Act* – Sale of Land for Tax Arrears.

3. DISPOSAL OF BUILDABLE LOTS:

- 3.1. When it has been established that a buildable lot is property that is surplus to the Municipality's requirements, Council shall establish the purchase price of the buildable lot after reviewing an appraisal prepared for the property to be disposed of. Appraisals may be conducted by either an accredited land appraiser or a licensed real estate agent.
- 3.2. Notwithstanding Section 3.1, Council may establish the purchase price of a buildable lot.
- 3.3. The sale may, in Council's sole discretion, be conducted by way of:
 - a) direct negotiation with abutting landowners;
 - b) invitation of tenders;
 - c) placement with a real estate broker;
 - d) advertising on Municipality's website; and/or
 - e) advertising on the buildable lot.
- 3.4. Prior to accepting offers of purchase, notice for the disposal of a buildable lot shall be by publication once a week for two (2) consecutive weeks in a newspaper having general circulation in the local area and/or on the Township's social media sites and/or website. The notice shall advise of the proposed sale and provide information as to where and when comments may be submitted.

4. PUBLIC NOTICE:

- 4.1. The Municipality shall provide at least ten (10) business days public notice of the proposed disposal of surplus land.
- 4.2. Should any submissions or concerns be received from the public, such comments shall be considered by the Council during a regularly scheduled meeting and prior to the by-law authorizing the sale being passed.

5. RECOVERY OF COSTS:

- 5.1. All costs incurred or anticipated to be incurred to dispose of the land, including but not limited to, legal fees, surveying costs, appraisal fees, encumbrances, advertising, and improvements, shall be borne by the purchaser.

6. OFFER EVALUATION, ACCEPTANCE OF OFFERS, & CERTIFICATE OF COMPLIANCE:

- 6.1. All bids, proposals and offers shall be presented to Council unless Council has given direction to staff to negotiate the disposition by another method.
- 6.2. The Council shall have the authority to determine the successful offer. The Council shall pass a by-law authorizing the disposition and directing the Mayor and Clerk to draw up an Agreement of Purchase and Sale, in consultation with the Municipality's Solicitor and other appropriate staff as needed.
- 6.3. The Purchaser shall be responsible for paying an administrative fee for the completion of the Purchase and Sale process in accordance with the Municipality's User Fees and Charges By-Law as may be amended from time to time.
- 6.4. Council reserves the right to accept an offer less than the appraised value including costs where, in the opinion of Council, it is in the best interests of the Municipality to do so.
- 6.5. Upon completion of the disposal process, the Municipal Clerk shall issue a certificate verifying compliance with the provisions of this Policy in the prescribed form as outlined in "Schedule C".

7. EXEMPTIONS:

7.1 This policy shall not apply to the following classes of property disposal:

- a) Disposal to the County or the Crown in the Right of Ontario or Canada or the Kawartha Lakes Haliburton Housing Corporation or any agency thereof;
- b) Not-for-Profit that at the sole discretion of Council satisfies a specific community objective;
- c) A Local Board including a school board and/or conservation authority;
- d) Disposal of an easement to a public utility;
- e) Municipal Tax Sales;
- f) Sales pursuant to Section 106 or Section 110 of the *Municipal Act, 2001*;
- g) Compensations pursuant to Section 65 of the *Municipal Act, 2001*;
- h) Disposals conducted in connection with an application or approval pursuant to the *Planning Act*, which disposal may be addressed and dealt with in a consent agreement, a subdivision agreement or site plan agreement.

7.2 Notwithstanding Section 7.1, Council may, by resolution, on a case-by-case basis, direct that any disposal exempted under Section 7.1 be conducted in accordance with all or some of the provisions of this policy.

8. FURTHER EXEMPTIONS:

- 8.1 Lands within the Colborne Creek registered reference plans are exempt from this by-law.

Schedule 'B' to Bylaw Number 2022-43
Closure and Disposition of Road Allowances

1. DEFINITIONS:

- 1.1. "ROAD ALLOWANCE" all road allowances located in the Municipality that were made by the Crown Surveyors and includes a Shoreline Road Allowance unless otherwise stated.
- 1.2. "ABUTTING OWNER" shall mean the owner of lands abutting the road allowance.
- 1.3. "COUNCIL" shall mean the Corporation of the Township of Cramahe.

2. POLICIES:

- 2.1 Council shall have the final determination on any applications to purchase road allowances.
- 2.2 Road allowances or portions of an allowance on or leading to water should be reserved, except where it has no value as public access and can be traded for other land "In Lieu".
- 2.3 The Municipality has the right to reserve any portion of a road allowance where the Council considers it appropriate and in the public interest.
- 2.4 Cheques in the amounts listed in Schedule 'B', to cover the administration fee, legal fees and advertising costs shall accompany the application.
- 2.5 The applicant shall be responsible for engaging his/her own land surveyor and shall be responsible for having the road allowance surveyed by a qualified Ontario Land Surveyor.
- 2.6 The Municipality, upon conveying to the abutting landowner the road allowance, in no way represents to the applicant the use that can be made of the road allowance i.e., building permits, etc.
- 2.7 All applicants for road allowance closure must conform to the requirements of the appropriate approval authorities.
- 2.8 Road allowances or portions of an allowance that has been conveyed shall acquire the zoning of the adjacent lands that it is being transferred to.

3. GENERAL PROCEEDINGS FOR CLOSURE:

- 3.1. When it has been established that an original road allowance or road allowance on a Plan is property that is surplus to the Municipality's requirements, the disposal of the property shall be in accordance with the Municipality's procedures substantially in the form of Schedule "B" attached hereto.
- 3.2. Applicants shall complete and submit the application (with site plan) Schedule "D" for road allowance closing.
- 3.3. A cheque made payable to the Township of Cramahe shall be made, in accordance with the Townships current Fees By-Law, to cover the Non-Refundable Administrative Fee.
- 3.4. The applicant shall provide a Reference Plan for the road allowance that is proposed to be closed from the Township of Cramahe. It shall contain a sketch with all particulars of the road allowance closing, including all other roads in the area and other road allowance closings and clearly show the location of all buildings on the adjacent properties. The sketch must indicate with reasonable accuracy the lot lines and dimensions, dimensions, and present access to each property.
- 3.5. The road allowance subject to the application for closure shall be inspected by Township staff and a report brought to Council with a staff recommendation.

- 3.6. The application is presented to Council for preliminary consideration and the application is approved and/or rejected by Council.
- 3.7. Upon receipt of the Reference Plan, the Municipality may prepare a by-law and required notices, for closure of the road allowance. The Municipality shall provide notice of the proposed road allowance closure to the Ministry of Transportation, Bell Canada, Hydro One, Ministry of Natural Resources and Forestry, Public Works, Conservation Authority, County of Northumberland, and abutting municipalities as required.
- 3.8. The Municipality shall publish for two (2) consecutive weeks in a newspaper having general circulation in the local area and/or on the Township's social media sites and/or website. The notice shall advise of the proposed closure and provide information as to where and when comments may be submitted. In addition, notices of the proposed closure shall be sent to the applicant and to the property owners abutting the road allowance.
- 3.9. After the two-week notice period has expired, the Council shall hold a Public Meeting, at which time Council will hear any person who claims that their land will be prejudicially affected by the road closure and who has applied to be heard.
- 3.10. A by-law shall be prepared and taken to a regular council meeting for consideration of passage to allow for the closure.

4. GENERAL PROCEEDINGS FOR PURCHASE:

- 4.1 When it has been established that an original road allowance or road allowance on a Plan is property that is surplus to the Municipality's requirements and it is determined that the lands should be incorporated with abutting lands, the disposal of the property shall be in accordance with the Municipality's procedures substantially in the form of Schedule "B" attached hereto.
- 4.2 Applicants shall complete and submit the application (with site plan) Schedule "E" for the offer to purchase a road allowance. This can be submitted at the same time as Schedule "D" under Section 3 of this by-law or for a road allowance that has been already closed.
- 4.2 The applicant shall provide a Reference Plan of the property he/she wishes to purchase from the Township of Cramahe. It shall contain a sketch with all particulars of the road allowance closing, including all other roads in the area and other road allowance closings and clearly show the location of all buildings on the property. The sketch must indicate with reasonable accuracy the lot lines, dimensions, and present access to the property.
- 4.3 A copy of the registered deed for the property currently owned by the applicant, who abuts the road allowance he/she wishes to purchase, shall accompany the application.
- 4.4 If applicable, any other property owner whose land abutting the road allowance will be given the opportunity to purchase half the road allowance where it abuts his/her lands. Half the costs outlined in this by-law would then be payable by this property owner (if not involved in the initial application). The abutting landowner will need to advise the Municipality if he/she wishes to exercise his/her option to purchase the abutting half of the road allowance. If this owner decides not to purchase his/her half of the road allowance, the road allowance in its entirety may be offered to the original applicant. This does not apply in the case of a shoreline road allowance as the Crown is the second abutting landowner.
- 4.5 Cheques for the following fees, as per the Townships current Fees By-Law, made payable to the Township of Cramahe shall accompany the application:
- Non-Refundable Administrative Fee,
 - Non-Refundable Advertising Costs,
 - One deposit for Legal Fees (surplus will be refunded)

- 4.6 The road allowance subject to the application for closure and/or purchase shall be inspected by Township staff and report brought to Council with a staff recommendation.
- 4.7 The application is presented to Council for preliminary consideration and the application is approved and/or rejected by Council.
- 4.8 Upon receipt of the Reference Plan, the Municipality may prepare a by-law and required notices, for closure/disposition of the road allowance. The Municipality shall provide notice of the proposed road allowance closure/disposition to the Ministry of Transportation, Bell Canada, Hydro One, Ministry of Natural Resources and Forestry, Public Works, Conservation Authority, County of Northumberland, and abutting municipalities as required.
- 4.9 The Municipality shall publish for two (2) consecutive weeks in a newspaper having general circulation in the local area and/or on the Township's social media sites and/or website. The notice shall advise of the proposed closure/disposition and provide information as to where and when comments may be submitted. In addition, notices of the proposed closure shall be sent to the applicant and to the property owners abutting the applicants' property.
- 4.10 After the two-week notice period has expired, the Council shall hold a Public Meeting, at which time Council will hear any person who claims that their land will be prejudicially affected by the by-law and who has applied to be heard.
- 4.11 Prior to the disposal of land by the municipality, Council shall, by resolution, declare the property to be surplus to the needs of the municipality.
- 4.12 A by-law shall be prepared and taken to a regular council meeting for consideration of passage to allow for the purchase.
- 4.13 Once the by-law has been passed, the Municipality's Solicitor will be asked to prepare the deed for the conveyance of the road allowance from the Municipality to the applicant, in the name or names as they appear on the deed to the abutting property, and to register same. The Applicant(s) shall pay the cost of the land prior to the issuance of a deed.

5. RECOVERY OF COSTS:

- 5.1 All costs incurred or anticipated to be incurred to dispose of the land, including but not limited to, legal fees, surveying costs, appraisal fees, encumbrances, advertising and improvements, and administration fees shall be the responsibility of the purchaser(s).
- 5.2 The purchase price of an original road allowance or a road allowance on a Plan shall be determined by Council after reviewing an appraisal prepared for the property to be disposed of.
- 5.3 The purchase price of a road allowance shall be determined based on the appraisal of the subject lands or at the discretion of Council. Appraisals may be conducted by either an accredited land appraiser or a licensed real estate agent.
- 5.4 This does not apply to a shoreline road allowance. The purchase price of the shoreline road allowance is determined by Council from time to time pursuant to the By-Law governing the tariff of fees for planning matters.
- 5.5 As outlined in Section 4 of Schedule "B", the applicant(s) shall pay the cost of the land prior to the issuance of a deed.

6. Registry

- 6.1 The Municipality shall maintain a public register listing and describing the land owned or leased by the municipality.
 - 6.1.1 Exemptions: The following classes of lands are exempt from the Registry:

- a) Land 0.3 meters or less in width acquired in connection with an approval or decision under the Planning Act.
- b) Highways, roads, and road allowances.
- c) Land formerly used for railway lines.



CERTIFICATE OF COMPLIANCE

Section 270 (l) (l) of the Municipal Act, 2001 as amended

The sale of the real property located at

Has been lawfully completed with respect to the following:

- A by-law outlining the Notice to be given to the public and other procedures to be followed with respect to the disposal of real property was in force in the municipality when the resolution declaring the property surplus was passed.
- Notice provisions required have been complied with and the required appraisal has been obtained.

**THIS WILL CERTIFY THAT THE ABOVE
TRANSACTION HAS BEEN COMPLETED IN
COMPLIANCE WITH THE CONDITIONS.**

Dated at ~~the~~ Township of Cramahe

**The Corporation of the Township of Cramahe in the
County of Northumberland**

This _____ day of _____, 20____.

Clerk

Schedule 'D' to By-Law 2022-43



Application for Closure of Road Allowance

Township of Cramahe

1. Name of Property Owner(s) (Applicant):

Telephone Number: Home _____ Work _____

Mailing Address: _____

911 Address of property presently owned by Applicant(s):

1. Description of land presently owned by Applicant(s):

Lot(s) No. _____ Concession No. (Plan) _____

Frontage: _____ Depth: _____ Area: _____

Please attach a copy of deed.

2. Is the road allowance to be closed serving as access for other properties?

Yes No

If yes, please attach the one of the following:

- Letter of release from affected owners agreeing to an alternate access, such as to be provided by the applicant(s).
- A description of the alternate access.

Schedule 'E' to By-Law 2022-43



Offer of Purchase of Road Allowance

Township of Cramahe

I hereby offer to purchase from the Municipality of the Township of Cramahe the road allowance described in my application hereto attached.

The purchase price of an original road allowance or a road allowance on a Plan shall be determined by Council after reviewing an appraisal prepared for the property to be disposed of.

I/We acknowledge that the transfer of these lands is conditional upon the closure of the road allowance.

I/We acknowledge and understand that the boundaries shown on the sketch hereto attached and forming part of this application, are tentative boundaries, and I understand that a qualified Ontario Land Surveyor shall determine the final boundaries.

I/We hereby agree to pay all legal, administrative, advertising and survey costs associated with the closure and disposition of the road allowance herein applied for.

Cheques for the following amounts are enclosed herewith:

\$312.50 Non-Refundable Administrative Fee,
\$1,600.00 Non-Refundable Advertising Costs,
\$700.00 On deposit for Legal Fees. Surplus will be refunded

I/We, _____ of the _____
(applicant(s)) (city, town, township)

of _____ in the County/District/Regional Municipality of

_____, solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made oath and by virtue of the Canada Evidence Act.

DECLARED before me on this _____ day of _____
20____.

Applicant

Applicant

Clerk/ Designated Signing Officer