

SCHEDULE I TO BY-LAW #1714 (1995)

TOWN OF PELHAM WORK STEP PROCEDURE

Dept: CAO's Department

No: CA0/10

Effective Date:

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Procedure Name: Procedure for the Disposal of Real Estate

Job Title	Work Steps
1. Clerk	Shall establish and maintain a public registry listing and describing any real property owned or leased by the municipality or local board.
2.	Shall, in conjunction with the Director of Financial Services, review in May of each year, the inventory of lands and buildings under the jurisdiction of the Municipality and will present to the Corporate Services Committee, a list of those properties which are deemed to be surplus.
3. Corporate Services Committee	Will review the list and recommend to Council any surplus lands which can be sold.
4. Council	Shall review recommendation of Corporate Services Committee and declare, by by-law or resolution, any surplus lands which can be sold.
5. Clerk	Shall obtain at least one appraisal of the fair market value of the real property except in those cases where the Minister, by regulations, prescribed classes of real property and certain public bodies for which an appraisal is not required.
6.	(a) If the method of notice is by real estate, shall have the subject real property listed with a local real estate office according to the MLS Rules and Regulations following the acceptance and establishment of a fair market price by Council. (b) If the method of notice is by newspaper, shall have the subject real property advertised in a local newspaper. The advertisement shall include a brief description of the property and shall specify the dates involved with the sale. (c) If the method of notice is by posting, shall post a notice on the subject property or at a nearby location.

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	<p>Shall advertise the property with a date established for the receipt of offers to purchase. All offers to purchase will be submitted directly to the listing agent on behalf of the Clerk. A minimum deposit of \$1,000 will accompany any offers to purchase. (All deposits for unaccepted offers to purchase will be returned within 7 days of the date of the decision of Council to sell the property.)</p>
7. Clerk	<p>On the date established for the review of the offers, the Clerk will open in the presence of the bidders and/or their agents, if any, and will forthwith prepare a report and recommendation to Council for its consideration.</p> <p>The Town will be under no obligation to accept any offer and may, if it is deemed to be in the best interest of the Town, accept a lower cash offer, if a higher offer is subject to any conditions. The Town reserves the right to establish a minimum bid level in order to reject all bids which come short of the minimum.</p> <p>If more than one offer is received from an interested party, highest offer only will be accepted for consideration.</p>
8. Council	<p>Shall review the report and decide on the sale of the lands.</p>
9. Clerk	<p>(a) If the recommendation is to reject all offers, the Clerk will notify those parties who submitted Offers to Purchase of Council's decision and of the decision to extend the time for receiving additional offers.</p> <p>(b) If the recommendation is for acceptance of one of the offers, the Clerk shall issue a certificate with respect to the sale by the municipality or local board verifying that to the best of his/her knowledge and belief:</p> <p>(a) a procedural by-law was in force allowing for the sale of land;</p>

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	(b) proper public notice was given; and, (c) the appraisal required was obtained (or appraisal was not required due to one of the exceptions found under regulation 815/94) the certificate shall be in the form as shown as Appendix "A" to this procedure.
10. Clerk	Shall prepare (in conjunction with Municipal Solicitor, if necessary) the necessary by-law to authorize the sale of the surplus property. Shall present draft by-law to Corporate Services Committee for recommendation to Council.
11. Clerk	Shall provide final draft of by-law to Council for approval. Shall notify the appropriate utilities, municipal tax department and regional assessment office. Shall establish and maintain a public registry listing and describing the real property owned or leased by the municipality or local board.

CERTIFICATE OF COMPLIANCE

FORM FOR USE WITH SECTION 193 OF THE MUNICIPAL ACT

Certificate of Compliance with section 193 of the Municipal Act in the sale or disposition of the real property described as:

(Description may be attached)

I hereby certify that:

1. The Municipality passed By-law _____
on _____ (# if applicable)
(date)

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

Delete if
not
applicable

2. The property was declared surplus under By-law or Resolution _____ enacted or
(# if applicable)
passed on _____
(date)

Delete if
not
applicable

3. An appraisal of the fair market value of the property was obtained on _____
(date)

Delete if
not
applicable

4. The property sale or disposition is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

Delete if
not
applicable

5. Public notice of intent to sell or dispose of the property was given by the following method(s)

[describe method(s)]

on the following date(s) _____

(Signature of clerk or administrative head)

(Date)

Certificate of Compliance

as per

Section 193 (9) of the Municipal Act

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 the 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;
- * the notice provisions required by the above noted by-law have been compiled with;
- * the required appraisal was obtained or,
 - i) the property is of a prescribed class that does not require an appraisal,
 - ii) the sale is to a prescribed public body, or,
 - iii) the sale is under Section 210.1 of the Municipal Act.

This will certify that the above transaction has been completed in compliance with the conditions.

Dated this _____ day of _____, 19____
(DAY) (MONTH) (YEAR)

at the _____ of _____
(MUNICIPALITY TYPE) (MUNICIPALITY NAME)

in the _____ of _____
(COUNTY/REGION/DISTRICT) (NAME)

Signed:

Clerk