

TOWN OF PELHAM WORK STEP PROCEDURE

Dept: CAO's Department

No: CAO/10

Effective Date: October 20, 1997

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Procedure Name: Procedure for the Disposal of Real Estate

Job Title	Work Steps
1. CAO/Clerk	Obtain approval from any other agencies involved, if necessary.
2.	Obtain a survey of the real property proposed to be disposed of from an Ontario Land Surveyor, if deemed necessary.
3.	Obtain at least one appraisal of the fair market value of the real property proposed to be disposed of, except in those cases where an appraisal is not required.
4.	Establish the costs incurred or required to dispose of the real property including, but not limited to, legal fees, survey, appraisal, encumbrances, advertising, and improvements.
5.	<p>Should the method be to sell the property by tender the following various procedures shall be carried out:</p> <p>(I) a minimum bid amount shall be established which shall be the total of the appraised value (as determined by the appraisal obtained pursuant to paragraph 3) plus those costs referred to in paragraph 4 above;</p> <p>(II) notice of the proposed sale shall be given in accordance with the requirements as set out in paragraph 10 below and shall set out the minimum bid amount, the final date and time for the receipt of tenders, a requirement that all tenders be submitted with a minimum deposit of \$1,000.00, the date and time on which the tenders will be opened and a statement that the highest or any offer may not necessarily be accepted;</p> <p>(III) on the date and time set for opening the tenders the Clerk, or any other representative authorized by the Clerk, shall open the tenders and the Clerk shall then prepare a report for Council with the Clerk's recommendations as to which tender, if any, should be accepted;</p>

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	(IV) Council shall review the report and make its decision as to the final sale of the subject property;
	(V) any sale of the subject property shall be authorized by by-law; and,
	(VI) all deposits accompanying any unaccepted tenders shall be returned in full.
6.	Should the method be to engage a real estate firm the following various procedures shall be carried out: (I) a local real estate office shall be retained pursuant to such terms and conditions as the committee responsible shall decide; (II) notice of the proposed sale shall be given in accordance with the requirements as set out in paragraph 10 below indicating that the subject property will be listed with a local real estate office and setting out any other relevant requirements; (III) all offers to purchase received by the real estate office shall be submitted to the Clerk and the Clerk shall then prepare a report for Council with the Clerk's recommendations as to which offer, if any, should be accepted; (IV) Council shall review the report and make its decision as to the final sale of the subject property; and, (V) any sale of the subject property shall be authorized by by-law.

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7.	<p>Should an alternative method for the sale of property be chosen the following various procedures shall be carried out:</p> <p>(I) the regulations and requirements for the sale of property shall be established; and,</p> <p>(II) proper notice shall be given in accordance with the requirements as set out in paragraph 10 below setting out the alternative method.</p>
8.	<p>Should the Clerk receive an unsolicited offer (or offer made not in response to one of the methods as set out in paragraphs 5-7) for the purchase of real property which the Clerk is prepared to recommend to Council to accept, the following various procedures shall be carried out:</p> <p>(I) the provisions of paragraphs 1-4 above shall, where applicable, be satisfied in full;</p> <p>(II) the Clerk shall prepare a report to Council with the Clerk's recommendations to accept such offer;</p> <p>(III) notice shall be given in accordance with the requirements as set out in paragraph 10 below of the proposed date for the passing of the by-law authorizing the sale of the subject property;</p> <p>(IV) Council shall review the report of the Clerk and shall make its decision as to whether such offer should be accepted;</p> <p>(V) if it decides to accept such offer Council shall, by resolution or by-law, declare such real property be surplus to the needs of The Corporation of the Town of Pelham;</p> <p>(VI) any acceptance of such offer and the resulting sale shall be authorized by by-law.</p>

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9.	<p>It shall be a requirement of all tenders or offers to purchase any real property pursuant to this by-law that the purchaser pay to The Corporation of the Town of Pelham those costs as set out in paragraph 4 above.</p>
10.	<p>Unless the manner of giving notice of any proposed sale of real property is otherwise specified by statute then notice shall be by one of the following methods:</p> <p>(I) by posting notice on the subject property or at a nearby location;</p> <p>(II) by advertising in a local newspaper;</p> <p>(III) in such other manner as determined by Council.</p> <p>All such notices shall contain a brief description of the subject property.</p>
11.	<p>The Committee responsible for taking action pursuant to this by-law shall, subject to Council's approval, have the authority to make regulations regarding forms, opening of offers in public, review of offers, choice of newspapers involved, the manner and order for carrying out the various procedures set out above, and any other matter required to give effect to this by-law.</p>