



TITLE: Sale of Surplus Land	PAGES: 3
ADOPTED BY: Resolution No. 369/15	DATE: November 4, 2015

Purpose:

The purpose of this policy is to establish practices and procedures to be followed in the sale of municipally owned Real Property.

DEFINITIONS:

Chief Administrative Officer (“CAO”) means the Chief Administrative Officer of the municipality, and includes his or her designate.

Days mean calendar days.

Employee means any person employed by the municipality, and includes the Chief Administrative Officer, designated officers, full time, part time, contract, or casual employees, including volunteers.

Landlocked means land that has no access to a public road.

Surplus Land means land identified by Council through a resolution as no longer required for use by the Municipality.

Municipality means the Rural Municipality of Whitemouth.

PROCEDURES:

- 1) That all expressions of interest or offers to purchase municipally owned real property shall be forwarded to the next regularly scheduled meeting of Council, at which time Council shall consider whether or not the real property is surplus to the Municipality’s requirements and available for sale.

- 2) That in the event it is determined by a resolution of Council that the real property is available for consideration for sale. The Council shall use the current years' assessed valued provided by the Provincial Assessment Services as the reserve bid for any property being considered for sale.
- 3) That notwithstanding the provisions of this Policy, Council may by Resolution from time to time excuse compliance with this policy, sales of land with a minimum assessed value of \$500.00 or less as determined by Council.
- 4) If Council remains interested in offering the property for sale, shall direct that the Chief Administrative Officer provide the information to a realtor to advertise or the Chief Administrative Officer must advertise the property for sale in the following manner:
 - a) By advertising the sale in two editions of a newspaper having general circulation in the Municipality at least 6 days apart,
 - b) By posting the subject property, where feasible,
 - c) By posting a notice of the sale in the offices of the Municipality,
 - d) By posting a notice on the RM website,
 - e) By including in all such advertising the following:
 - i) The legal description of the property.
 - ii) The civic address for the property (if available) and/or a description identifying the location of the property in a manner other than legal or civic description.
 - iii) The dimensions and/or acreage of the property.
 - iv) The date by which sealed offers to purchase must be in the hands of the Chief Administrative Officer, which date shall not be sooner than fourteen days following the last day of advertisement within the newspaper.
 - v) The present use and current zoning for the property.
 - vi) The asking price for the subject property.
 - vii) The name, address, and telephone number of the appropriate contact person at the Municipality's Administrative Offices, for additional terms and information.
 - viii) That the highest or any offer may not necessarily be accepted.
 - ix) That possession and closing date shall be ten days following acceptance by Council of an offer.
 - x) Set out that all sales are "as is" and that the "Municipality gives no warranty or representation concerning the presence or absence of contaminants, ground water, soil or subsurface type or condition, or as to the fitness of the land for any particular use or purpose."

- 5) The administration shall make available for all interested persons the following additional terms in accordance with this policy:
- i) Set out that only "Unconditional offers" will be considered.
 - ii) Set out that offers to purchase must be in a form acceptable to the Municipality (a standard form of Offer to Purchase is recommended) and placed in a sealed envelope, and shall in addition include the following.
 - (1) That purchaser is responsible for payment of GST if applicable, which amount shall be calculated upon the amount of the offer to purchase.
 - (2) That current years property taxes shall be the responsibility of the property owner effective the date of the sale.
 - (3) That the purchaser is responsible for all legal costs associated with the transfer of the land.
 - iii) Direct all Zoning and Building Inquiries to the Rural Municipality of Whitemouth Building Inspector or The Municipal office.
 - iv) Set out that the Municipality will consider acceptance of the highest offer which either meets or exceeds the asking price.
 - v) That if there is no offer which meets the established asking price, Council may re-determine the asking price and re-advertise the property in accordance with this policy.
 - vi) That if the same highest offer is made by more than one person, then the Municipality shall send by registered mail an invitation to each person who submitted the highest offer to again submit an offer:
 - (1) in a sealed envelope
 - (2) and in the proper form
 - (3) and according to the same terms
 - (4) and within ten days of the letter of invitation.
 - (5) And the Council shall again consider the offers in the same manner as directed within this policy.
 - vii) Set out that upon an acceptance by Council of an offer to purchase, the Council shall
 - (1) Cause the matter to be forwarded to the Municipal Solicitor for completion of all necessary documentation to affect the sale.

Procedural Exception – land that is deemed to be landlocked does not have to follow the procedures set out in this policy. Land that is deemed landlocked can be offered for sale to the owner(s) of the land that surrounds the landlocked property.