

LAND SALE PROCEDURES

ADOPTED BY THE TOWN SOLICITOR AND TOWN CLERK PURSUANT TO SECTION 24 OF BY-LAW NO BL-2017-81

1. Interpretation

- 1.1. Capitalized terms used but not specifically defined in these Procedures shall have the meanings attributed to them in the Land Sale By-law.

2. Complete Application

- 2.1. For the purpose of these Procedures, a complete application (“Application”) means the Applicant has submitted all of the following to the Town:

- 2.1.1. an executed application form with all sections filled in with the required information;
and
- 2.1.2. non-refundable application fee.

- 2.2. Non-refundable application fee covers the costs of processing the Application, including:

- 2.2.1. review of the Application and creation of a new file;
- 2.2.2. title search;
- 2.2.3. circulations to various departments;
- 2.2.4. correspondence with the Applicant; and
- 2.2.5. any notices required under this By-law;

all in accordance with the Town’s Fees By-law.

- 2.3. Upon receipt of an incomplete submission, the Town will return the submission along with the application fee and the application file will be immediately closed.

3. Circulation

- 3.1. Upon receipt of the Application and prior to any Disposition, the Town Solicitor will circulate the details of the Application to the appropriate Town departments (including the legal department), government offices, and agencies for review and comment. The circulation is conducted at the sole discretion of the Town Solicitor and may include applicable utility agencies and conservation authorities.

- 3.2. Where the circulation discloses comments with respect to the Application and such comments cannot be addressed to the satisfaction of the circulated departments and agencies prior to the Disposition, the Application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.

- 3.3. Applications reviewed as part of circulation may be rejected for any reason at the sole and unlimited discretion of the Town. Applications may require conditions imposed by the Town to be satisfied within specific timeframes and in advance of any Application being approved for Disposition.

4. Abutting or Adjacent Landowners

- 4.1. Conditions may be imposed that requires abutting or adjacent landowners (“Related Owners”) to cooperate to in order to affect the orderly Disposition of the Land. Such conditions may include, but are not limited to: that Related Owners acknowledge in writing that they have no interest in the Land; or, that Related Owners purchase portions of the Land or abutting Land by submitting related applications to purchase Town Land (“Related Applications”).

- 4.1.1. Where such conditions are imposed, the Applicant shall be granted thirty (30) days to approach the Related Owners to satisfy the condition. If the Applicant is not successful in contacting the Related Owners or in securing their written commitment to cooperate within the thirty (30) days, the Application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.

- 4.2. If an Application is rejected for any reason the Applicant will be prohibited from submitting a new application for the same Land within twelve (12) months from the date of the rejection.

5. Notice

- 5.1. Where circulation results in no comments or all comments can be satisfactorily addressed prior to the Disposition of the Land, the Town Solicitor will give a notice of the Application to the public in accordance with the Land Sale By-law ("Public Notice"). The Public Notice will be via posting on the Town's website unless at the sole discretion of the Town Solicitor there is reason to use alternative Public Notice methods, including the nature or value of the Land, or whether the Disposition requires a Council report.
- 5.2. The Town Solicitor will give notice of the Application to owners of abutting lands via registered mail.

6. Related Offers/Applications to Purchase Town Land

- 6.1. The following procedure will apply to resolve competing offers/applications to purchase Town Land:
 - 6.1.1. Where related, cooperating, or competing offers to acquire Town Land are received, each third-party offeror shall submit a complete application with application fee and provide a deposit to cover the costs set out in this procedure document ("Deposit") by the end of the notice period specified in the Land Sale By-law ("Notice Period").
 - 6.1.2. Where a related, cooperating, or competing offeror fails to submit a complete application and a Deposit within the Notice Period, the offer shall be deemed to abandoned and the application file will be closed.
 - 6.1.3. Where a related, cooperating or competing offeror submits a complete application and pays the required fees and provides the Deposit, the parties will have thirty (30) days to reach a consensus ("Negotiation Period"). Notwithstanding the foregoing, the Town Solicitor shall have sole discretion to extend, in writing, the Negotiation Period up to a maximum of six (6) months.
 - 6.1.4. In the event of related, or cooperating offers, all Related Owners shall be required to provide written confirmation of their intention to purchase their respective part of the Land prior to an Appraisal being ordered.
 - 6.1.5. Where the parties reach a consensus:
 - 6.1.5.1. the Disposition of Land shall proceed in accordance with the Land Sale By-law, and the parties shall be responsible for their proportionate share of all fees and costs associated with the transaction; and
 - 6.1.5.2. the agreement of purchase and sale shall be conditional on all third parties executing the agreement and returning the same to the Town by the irrevocable date outlined therein.
 - 6.1.6. Where the parties fail to reach a consensus, the Town Solicitor has sole discretion to decline the Disposition of Land to both parties and proceed to close the Application file(s). The Town Solicitor will notify the Applicant that the Application is rejected.

7. Reference Plan

- 7.1. If a Reference Plan is required to legally describe the desired Land, the Applicant will be required to obtain and pay for a draft Reference Plan within six (6) months from the date the Application was submitted. If the Applicant fails to obtain the required Reference Plan within the time limit the application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.

8. Deposit

- 8.1. Upon the receipt of positive comments from all circulated departments and agencies, the Applicant will be required to submit a Deposit in the amount of Five Thousand Dollars (\$5,000.00), in addition to the non-refundable application fee, to apply towards the following costs (if applicable):

- 8.1.1. cost of a Reference Plan;
- 8.1.2. cost of a Letter of Opinion and/or an Appraisal report;
- 8.1.3. a Council report fee (where the proposed Disposition requires a report to Council);
- 8.1.4. a By-law fee (where the Land subject to the proposed Disposition is a Road);
- 8.1.5. an agreement of purchase and sale fee;
- 8.1.6. a Teraview document fee; and
- 8.1.7. search and registration costs;

all in accordance with the Fees By-law.

- 8.2. If additional costs are incurred by the Town in excess of the Five Thousand Dollars (\$5,000.00) Deposit, the Applicant will be invoiced for the amount of the excess by adding the respective amounts to the statement of adjustments at closing. The balance will be applied to the purchase price or refunded if there is no purchase.
- 8.3. The Disposition will be at no cost to the Town. All costs incurred by the Town must be paid by the Applicant either in advance of the Disposition or as part of the statement of adjustments at closing, in addition to the purchase price. If the Deposit or additional costs are not paid within 30 days of the Town notifying the Applicant of the requirement to pay, the Application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.

9. Valuation

- 9.1. Upon receipt of the \$5,000.00 Deposit, the Town Solicitor will obtain a Letter of Opinion or Appraisal from the Town's list of approved service providers in respect to the Land to be Disposed (the "Valuation").
- 9.2. The Valuation will be used to determine the purchase price. The Town Solicitor will advise the Applicant of the Valuation and provide a copy to the Applicant. The Applicant has 30 days to advise the Town that the purchase price is acceptable. If the Applicant does not advise the Town that it wishes to proceed with the Disposition within 30 days of the Town providing the Applicant the Valuation, the Application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.

10. Closing

- 10.1. Where the Applicant has advised that the Valuation is acceptable, the Town will prepare an agreement of purchase in accordance with the Town's standard form and with the terms and conditions acceptable to the Town Solicitor (the "Agreement").
- 10.2. If the Agreement is not executed by the Applicant and the closing completed within six (6) months from the date the Agreement is provided to the Applicant the Application file will be closed. The Town Solicitor will notify the Applicant that the Application is rejected.