Stratford Public Library Board Sale and Disposition of Land

Legal References: Municipal Act, 2001, S.O. 2001, CHAPTER 25

Effective January 1, 2008, Section 270 of the revised *Municipal Act, 2001* requires that a municipality shall adopt and maintain a policy with respect to its sale and other disposition of land.

1.0 DEFINITIONS

In this Policy,

1.1 "**appraisal**" means a written opinion of the fair market value of real property dated within one year of the date the Library Board declared such real property to be surplus property (or within such other time as is expressed by Library Board by resolution), prepared by a qualified professional.

1.2 "**CEO**" means the Chief Executive Officer of The Stratford Public Library;

1.3 "**calendar days**" includes Saturdays, Sundays and holidays observed by the Library;

1.4 "**Library**" means The Stratford Public Library;

1.5 "**Library Board**" means the Board of The Stratford Public Library;

1.6 "**formally used by the public**" means Library-owned lands and buildings to which the public has or had authorized regular use of or access.

1.7 "**Municipal Act**" means the *Municipal Act, 2001, S.O. 2001, c.25 as amended*;

1.8 "**newspaper**" means a printed publication in sheet form, intended for general circulation, published at regular intervals of not longer than a week, consisting in great part of news of current events of general interest to the public and sold to the public and to regular subscribers;

1.9 "**published**" means published in a newspaper, that in the opinion of the CEO, has such circulation within the Library of Stratford as to provide reasonable notice to those affected by, or interested in the land sale and "publication" has a corresponding meaning;

1.10 "**sale**" does not include a lease of land;

1.11 "**surplus land**" means real property owned by the Library and declared surplus to the needs of the Library by resolution of the Library Board;

2.0 OBJECTIVES FOR THE DISPOSAL OF SURPLUS LAND

2.1 Prior to the sale of land owned by the Library, the Library Board shall, where applicable:

2.1.1 Declare the land to be surplus to the needs of the Library, by resolution passed at a meeting open to the public;

2.1.2 Determine the method of disposal at a meeting open to the public;

2.1.3 Obtain at least one appraisal of the land; and

2.1.4 Give notice to the public of the proposed sale of the surplus land.

2.2 Subject to Section 2.4, prior to land being declared surplus to the needs of the Library, Notice of Intent to Declare as Surplus shall be given:

a) by listing the Notice of Intent to Declare as Surplus on a Library Board Agenda at least 10 calendar days prior to the Library Board meeting where the declaration of surplus is to be considered by Library Board; **and**

b) by advertising Notice of Intent to Declare as Surplus in a newspaper at least 7 calendar days prior to the Library Board meeting where the declaration is to be considered by Library Board.

2.3 Prior to land that is formally used by the public is declared surplus to the needs of the Library, a public meeting shall be held by Library Board and notice of the public meeting shall be given by the CEO by newspaper at least 21 calendar days prior to the public meeting. The matter will then be referred to the Library Board, who shall consider both the minutes of the public meeting and a formal staff report in order to determine whether the land should be declared surplus to the needs of the Library and whether any conditions should be placed on the sale or other disposition of these lands.

3.0 APPRAISALS OF SURPLUS LAND

3.1 The following classes of land are exempt from the requirement for the Library to obtain an appraisal:

3.1.1 land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;

3.1.2 closed highways if sold to an owner of land abutting the closed highways;

3.1.3 land formerly used for railway lines if sold to an owner of land abutting the former railway land;

3.1.4 land that does not have direct access to a highway if sold to the owner of land abutting that land;

3.1.5 land repurchased by an owner in accordance with section 42 of the *Expropriations Act*;

3.1.6 land sold under section 107 of the *Municipal Act* where the municipality is giving a grant or aid in accordance with the *Municipal Act* for any purpose that Library Board considers to be in the interests of the municipality;

3.1.7 land sold under section 108 of the *Municipal Act* with respect to encouraging the establishment and initial growth of small businesses or any class of them in the municipality;

3.1.8 easements granted to public utilities or to data communication companies.

3.2 The Library shall not be required to obtain an appraisal for the sale of land to the following public bodies:

3.2.1 a municipality;

3.2.2 a local board, including a school board and a conservation authority;

3.2.3 the Crown in right of Ontario or Canada and their agencies.

4.0 NOTICE TO THE PUBLIC

4.1 Prior to the sale of surplus land, the Library shall give notice to the public of the meeting at which the proposed sale is to be considered. Notice shall be given in a newspaper at least seven (7) calendar days prior to the selling of the land by the Library and shall include the following:

4.1.1 a brief description of the purpose of the land sale;

4.1.2 the date, time and location of the open meeting where Library Board will consider the land sale;

4.1.3 a legal description, municipal address and/or key map which in the opinion of the CEO is sufficient to identify the lands to be sold;

4.1.4 when and where information pertaining to the land sale will be available for public viewing; and

4.1.5 name and contact information of the person handling the land sale and/or the deadline for any written submissions to the Library.

4.2 If, in the opinion of the Library Board there is an urgent or time sensitive situation, notwithstanding the notice requirements set out in this policy, the Library Board may provide for alternate notice provisions by resolution of Library Board, provided that the resolution describes an alternate method of giving notice.

4.3 If a final decision is not made at the Library Board meeting specified in a notice given under this Policy and the Library Board defers consideration of the matter to a future meeting or refers the matter to a future meeting for discussion, no further notice to the public is required provided that a resolution is passed to defer or refer to a later meeting as specified.

5.0 METHODS FOR DISPOSAL OF SURPLUS LAND

5.1 Surplus property may be sold by any of the following methods to be determined by the Library Board:

5.1.1 call for proposals/offers; or
5.1.2 public tender; or
5.1.3 direct sale by Library; or
5.1.4 sale to sole source; or
5.1.5 public auction; or
5.1.6 listing with a real estate broker; or
5.1.7 any other method of disposal determined by Library Board,

and such determination shall be expressed in a resolution which shall also set out the terms and conditions of any method sale as may be determined by Library Board.

5.2 The Library Board reserves the right to adjust the sale price and/or accept a proposal or offer less than the sale price, where in the opinion of Library Board, it is in the best interests of the Library to do so.

5.3 It is a requirement that all proposals or offers to the Library must contain a clause that acceptance of the proposal or offer by the Library is conditional upon the passage of the necessary resolution by the Library Board.

5.4 The Library Board reserves the right that the highest or any proposal or offer may not necessarily be accepted by the Library.