

<b>THE TOWN OF FORT FRANCES</b>	<b>SECTION PLANNING AND DEVELOPMENT</b>
<b><u>SALE OF TOWN LANDS</u></b>	<b>REVISED November 2011</b>
Resolution No. 12/12 (Consent)	Resolution No.
Policy Number: 6.2	PAGE 1 of 8

## 1. POLICY STATEMENT

The Town will dispose of surplus *Land* in an open and transparent process to ensure that the consideration for such disposal is fair, reasonable and in the best interest of the Town.

## 2. AUTHORITY

Section 270(1) of The Municipal Act, 2001, requires that a municipality adopt and maintain policies with respect to the sale and other disposition of land.

By- Law #23/95 was enacted by Council for the Town of Fort Frances on March 13, 1995 to establish procedures, including the giving of notice governing the sale of real property.

## 3. APPLICATION

This policy applies to the sale or other disposal of land by The Corporation of the Town of Fort Frances and is intended to augment and be read in consultation with By- Law #23/95, as may be amended from time to time.

It is the intent of this policy to focus on the management and dispersal of industrial, commercial and residential land in order to make property readily available for long term economic development, land revitalization and residential development.

This policy and the sale of real property shall be administered through the office of the Municipal Planner.

## 4. DEFINITIONS

In this policy, the following terms shall have the meaning ascribed to them:

- 4.1. **Abutting** means *Land* adjoining another parcel having one (1) or more lot lines in common;
- 4.2. **Applicant** means a person who has enquired or requested to purchase Town *Land*;
- 4.3. **As is** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise, on the *Land* or *Abutting* properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks;
- 4.4. **Disposition** shall mean the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease for a term of twenty- one (21) years or longer, and does not include the granting of an easement or right of way, and “disposal” shall have a similar meaning;
- 4.5. **Industrial Park** means *Land* located in the municipality bounded on the south by the CNR Railway line, on the west by McIrvine Road, on the north by Eighth Street West and on the east by Webster Avenue and zoned Industrial in the Town of Fort Frances

Zoning By- Law.

- 4.6. **Land** means real property and any improvements thereon owned by the Town, including highways which have been or may be stopped up and closed, but does not include any land which Council has otherwise determined by resolution or by- law is not available for sale.
- 4.7. **Limited Marketability** means *Land* that because of it's size, shape, location, etc. is considered to be of limited interest to potential purchasers.
- 4.8. **Non- Serviceable Land** means *Land* where major extensions to services will be required to accommodate development.
- 4.9. **Person** means a legal entity, whether a corporation or individual, capable of purchasing property or otherwise entering into an agreement.
- 4.10. **Sale** and **Sell** shall not include:
  - 4.10.1. a lease of less than twenty- one (21) years;
  - 4.10.2. transfers of easement or rights- of- way by the Town;
  - 4.10.3. releases of restrictive covenants by the Town; or
  - 4.10.4. releases of rights of first refusal by the Town.
- 4.11. **Services** means municipally piped water and sanitary sewer infrastructure.
- 4.12. **Serviceable Land** means *Land* with immediate development potential because services are either located within the adjacent road allowance or major extensions are not required.
- 4.13. **Surplus** means property that the Town no longer requires to meet its current or future needs;
- 4.14. **Zoning By- Law** means a by- law enacted by the Corporation of the Town of Fort Frances in accordance with section 34 of *The Planning Act*.

## 5. ADMINISTRATION

The procedure set out on Schedule "A" has been developed to ensure all departments have the opportunity to conduct an evaluation to identify and/or address any issues relative to the property prior to it being declared surplus as well as to ensure efficient and consistent administration is maintained throughout the process.

## 6. MARKETING

For marketing purposes, *Land* being disposed of will be categorized as either Commercial/Industrial or Residential and will be further classified based on whether it is *serviceable*, *non- serviceable* or considered to have *limited marketability*. Specific policies will be developed for each property class to govern marketing and other components of a property as follows:

Schedule "A" – Initiation Process

Schedule "B" – Industrial/Commercial

Schedule "C" – Residential

**SCHEDULE "A"**  
**Land Sale - Initiation Process**

The following is the administrative process to be followed for *Land* that is owned by the Town and that has not yet been declared as surplus:

1. Identification of Property – Property is identified either as a result of an enquiry made to staff of the Town of Fort Frances or of the Rainy River Futures Development Corporation or by Council initiative or by other means.
2. Refer to Process – The Municipal Planner will prepare a memo to the Planning & Development Executive Committee (PDEC) setting out the proposal for the property and why it is being considered.
3. Support in Principal – PDEC will consider the proposal, and if
  - a. Supported in principal - process will continue; or
  - b. Not supported in principal – will forward report to Council to advise of enquiry and recommendation for no further action.
4. Circulation – Property information checklist is circulated to Division Managers/Supervisors for all departments and to Fort Frances Power Corporation for an evaluation.
5. Consolidation of Comments – Report by Municipal Planner to PDEC, identifying
  - a. No issues - the process continues; or
  - b. Issues identified –
    - i. Process continue with conditions, or
    - ii. Process ceases.
6. PDEC - report to Council
  - a. Recommendation to Proceed - to declare surplus and dispose of property including conditions, if any; or
  - b. Advising of enquiry and issues resulting in recommendation for no further action.
7. Council - Referral to declare surplus pursuant to By- Law #23/95
  - a. If Road allowance – to Clerk
  - b. If Other – to Municipal Planner or otherwise

**SCHEDULE “B”**  
**Industrial/Commercial**

**A.1 Application**

The policies contained in this Schedule pertain to *Land* within the municipality that has been declared surplus to the needs of the municipality and is zoned either Commercial or Industrial.

**A2 Classification**

*Land* within the Commercial/Industrial category will be further defined as being either Commercial or Industrial. Properties will further be classified as follows:

- Class 1 – Serviceable, or
- Class 2 – Non- Serviceable
- Class 3 – Limited Marketability

**A3 – Disposition**

*Land* being disposed of will be governed by specific pricing strategies as set out below:

- Appendix “A” – properties zoned Industrial and located in the Industrial Park
- Appendix “B” – properties zoned Industrial but not located in the Industrial Park
- Appendix “C” – properties zoned Commercial

**Sale of Town Lands - Schedule "B"**  
**"Appendix "A" - Industrial**  
**Industrial Park**  
**Class 1 – Serviceable**

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**A. Disposition Guidelines:**

Properties within this Class are subject to disposition on the following basis:

1. The basis of land sales is to generate economic development.
2. *Land* will be priced by the acre.
3. Prices established are for the *Land* only. The cost of services connections to the property from the main and culverts, etc. will be priced separately.
4. Land is sold "as is".
5. Prices for municipal services, culverts, etc. will be reviewed and/or established annually based on a recommendation from the Rainy River Future Development Corporation (RRFDC) in consultation with the Economic Advisory Committee (EDAC) and based on information provided by the Operations & Facilities Division.
6. Notwithstanding costing established in #5 above, servicing costs will be calculated at the time services are requisitioned by the purchaser and/or installed.
7. The purchaser will be responsible for payment of legal fees and disbursements associated with the transaction on behalf of the Town to an upset limit, which has been predetermined by administration based on recent transactions of a similar nature. Every effort will be made to mitigate the costs incurred on behalf of the Town.
8. Conditions may be imposed to ensure development of the property. Conditions, if any are identified in section B below.

**B. Pricing & Development**

9. The price of land is established at \$3,500 per acre.
10. A Development Guarantee in the sum of \$10,000 per acre shall be added to the purchase price as a mechanism to ensure the land being sold is developed.
11. With exception of land purchased for non-taxable purposes, the Development Guarantee will be refunded to the purchaser provided the following conditions have been satisfied within two years of the date of sale:
  - a. The construction, and completion, of a building having a minimum value of \$40,000, based on value calculated building permit purposes; and
  - b. Installation of services to the property.

**C. Properties:**

The following are considered Class 1 properties:

- Sixth Street – Plan 48M- 353 lots 26, 27, 28, 29
- Webster Avenue/Wright Avenue – Plan 48M- 353 Lots 41, 42, 43 and 44
- Fifth Street lots – Plan 48R- 3880, Parts 1, 2, 3, 4, 5 and 10
- Keating Avenue – Plan 48M- 357, Lots 22 and 23

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**Sale of Town Lands - Schedule "B"**  
**"Appendix "A" - Industrial**  
**Industrial Park**  
**Class 2 – Non- Serviceable**

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**Sale of Town Lands - Schedule "B"**  
**"Appendix "A" – Industrial**  
**Industrial Park**  
**Class 3 – Limited Marketability**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "B" - Industrial**  
**Class 1 – Serviceable**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "B" - Industrial**  
**Class 2 – Non- Serviceable**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "B" - Industrial**  
**Class 3 – Limited Marketability**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "C" - Commercial**  
**Class 1 – Serviceable**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "C" - Commercial**  
**Class 2 – Non- Serviceable**

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**Sale of Town Lands - Schedule "B"**  
**Appendix "C" - Commercial**  
**Class 3 – Limited Marketability**

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Not Yet Developed

## SCHEDULE "C"

### **Residential**

#### **A.1 Application**

The policies contained in this Schedule pertain to land within the municipality that has been declared surplus to the needs of the municipality and is zoned Residential.

#### **A2 Classification**

Lands within the Residential category will be further classified as follows:

Class 1 – Serviceable, or

Class 2 – Non- Serviceable

Class 3 – Limited Marketability

#### **A3 – Disposition**

Land being disposed of will be governed by specific pricing strategies as set out in Appendix "A" attached hereto.

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**Sale of Town Lands - Schedule "C"**  
**"Appendix "A" – Residential**  
**Class 1 – Serviceable**

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**Sale of Town Lands - Schedule "C"**  
**"Appendix "A" – Residential**  
**Class 2 – Non- Serviceable**

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**Sale of Town Lands - Schedule "C"**  
**"Appendix "A" – Residential**  
**Class 3 – Limited Marketability**

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Not Yet Developed