

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 2311

Being a By-law to Establish a Procedure Governing the Sale of Real Property.

WHEREAS Council deems it advisable to pass a by-law establishing procedures governing the sale of land;

NOW THEREFORE THE Council of the Corporation of the Town of Thessalon enacts as follows:

1. Council shall, at any time, by resolution, declare any of its real property to be surplus to the needs of the Town.
2. An offer to purchase the property must be submitted by way of a signed Agreement of Purchase and Sale in the form provided by the Town of Thessalon in a sealed envelope and must include a deposit equal to \$1,000.00 plus 10.00% of the purchase price (the "Deposit") to be credited towards the balance due on closing pursuant to the Agreement of Purchase and Sale. The Deposit shall be payable to the Town of Thessalon by cash, debit, credit, certified cheque or money order. In the event that the offer to purchase the property is not accepted by Council for the Town of Thessalon, the Deposit shall be returned in full to the purchaser without interest or deduction. Upon acceptance of the offer to purchase by Council for the Town of Thessalon, the Deposit shall not be refundable for any reason whatsoever and shall be forfeited entirely to the Town of Thessalon. Offers to purchase will be received by the Town of Thessalon until 3:00 p.m. on the Thursday preceding the regular Council meeting to be considered by Council at its next regular meeting.
3. The sealed tender process will not be required where:
 - (i) The real property cannot be built on as a separate parcel and after being offered to the abutting landowners, is being sold to the abutting landowner(s);
 - (ii) The real property is industrial land in an industrial park and is being sold for a uniform price per acre;
 - (iii) For economic development reasons, the Council deems it desirable to proceed by way of another method of sale;
 - (iv) An offer has been received which exceeds the appraised value and more than one qualified appraisal is obtained or where a qualified appraisal is peer reviewed by another qualified appraiser and the sale price meets or exceeds the appraised value;
 - (v) Council has approved an alternate public competitive process;
 - (vi) There is a direct exchange of lands either (a) of similar size, value and zoning, or (b) where the land to be exchanged is required for municipal purposes and is included as all or part of a bid in response to a tender call, and is accompanied by a qualified appraisal satisfactory to the Council.
4. Council may direct staff to place a "For Sale" sign on the property and/or Council may proceed in arranging to sell the surplus property either by public auction or through a real estate agent. Council has the absolute discretion to select a particular method in carrying out this process. Council has the right to impose conditions with regard to the sale of surplus property. Consideration will be given to any written offer received by Council by sealed tender.
5. Council will have absolute discretion to accept any offer for the purchase of real property, such as, but not limited to, for lands consisting a rock outcrop.
6. The purchaser will be responsible for all costs incurred or required to dispose of the real property, including legal (including but not limited to the completed Agreement of Purchase and Sale document provided by the municipality), survey, appraisal, encumbrances, advertising, improvements, administrative fees, Land Transfer Tax, HST, etc. The Town will be responsible to pay realtor's fees, if applicable.

7. By-law Number 2264 is hereby repealed.

PASSED in Open Council this 30th day of May, 2019.

Mayor

Seal

Clerk-Treasurer