

CITY OF WELLAND

POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: General Manager, Infrastructure Services/City Engineer	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110	Revision Date: December 15, 2015

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site.
6. Those surplus properties which may have some commercial or higher residential value may be aggressively marketed through a tender process to be widely advertised.
7. Any Offer of Purchase and Sale shall be submitted to the General Manager, Infrastructure Services/City Engineer for review. The Offer shall be forwarded to the City Solicitor for review and approval.

(a) For lands under the authority of the Welland Development Commission, all Offers of Purchase and Sale shall first be presented to the Manager of Economic Development for review, submitted to the Planning Manager for review and subsequently forwarded to the City Solicitor for review and approval. The Offer shall be presented to the Welland Development Commission for a recommendation.

(b) For lands under the authority of the Welland Recreational Canal Corporation (W.R.C.C.) any Offer of Purchase and Sale shall be submitted to the Planning Manager for review and forwarded to the City Solicitor for review.

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8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer.

9. Upon acceptance of an Offer by Council, a By-law shall be prepared and presented to Council to accept the Offer.

10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality with the exception of the following:

- Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;

- Highways;

- Land formerly used for railway lines.

11. Appraisals are not required for:

- Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;

- Land formerly used for railway lines if sold to an Owner of land abutting the former rail line;

- Land which does not have direct access to a highway if sold to the Owner of land abutting the land;

- Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;

- Lands sold by the Welland Development Commission;

- Easements granted to public utilities or to telephone companies;

- Lands sold to a municipality;

- Lands sold to a local Board including a School Board or a Conservation Authority;

- Land sold to the Crown in right of Canada or Ontario and their Agencies.

NOTE: Lands to be used for the establishment and carrying on of industries and industrial operations and incidental uses do not have to comply with Sections A2, A3 and A5.

12. Those lands unserved by water, sewers and/or public access shall not be considered for sale until the City determines that the lands can be serviced and developed in accordance with City Policies. The only exception Council may consider is where unserved lands are being merged in Title with adjoining lands.

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13. The City may pay a commission not exceeding five percent (5%) to any licensed Real Estate Agent or representative who, on behalf of a Client, submits an Offer on a City-owned parcel which is accepted by Council and which proceeds to a final sale.
14. The proceeds of the sale of City-owned lands shall be distributed as follows:
 - For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund;
 - For the sale of lands developed and serviced using the Municipal Incentives Grant Reserve Fund (MIG);
 - For all other non-industrial land sales, the net proceeds, after sale expenses, shall be credited to the MIG Fund;
 - For industrial land sales authorized by the Welland Development Commission, all net proceeds shall be credited to the Economic Development Reserve Fund;

B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e. Utilities, Regional Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands. An appraisal is not required if the closed highway is sold to an Owner of land abutting the closed highway.
6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands

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shall be offered for sale as such, subject to necessary servicing.

10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, A8 and A9.