



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE REPORT

Subject: Sale & Disposition of Land Policy Update
Director: Chief Administrative Officer
Manager: Manager.
Report Number: CAO General-2023-20
Meeting Date: Wednesday, July 5, 2023

Recommendation:

That Council repeal By-law 2008-141 being the Disposal of Land By-law; and

That Council approve of the updated Sale & Disposition of Land Policy, as presented; and further

That the policy be adopted by by-law.

Date to be considered by Council: Wednesday, July 5, 2023

Report Summary:

Section 270 of the Municipal Act, 2001 (the “Act”) requires that all municipalities adopt and maintain a number of specific policies which provide a basis for decision-making to support clear and consistent implementation processes. Section 270(1)(1) of the Act requires the Municipality of Kincardine to adopt and maintain a policy setting out how it will sell and dispose of land. The draft policy presented for Council’s consideration is updated to align with corporate goals and comparator municipality practices.

Origin: Staff initiated policy review project.

Existing Policy: By-law No. 2008-141 – Disposal of Land By-law

Background/Analysis:

To ensure that the Municipality of Kincardine’s policies are up-to-date and meet the needs of the corporation, Staff are reviewing existing policies and where deemed beneficial are proposing updated policies for Council’s consideration and approval. The drafted policy on the sale and disposition of land is based on reviewing recent dispositions of land within the municipality and determining

where adjustments to the existing policy would be beneficial, while also reviewing policies adopted by other municipalities.

Experiences with the existing policy demonstrated that Council routinely had to exempt the municipality from its own policy in order to sell lands that were not developable/ non-viable real property. Adding a section that incorporates how land that is non-viable will be sold provides clear direction for the public, Council and staff about the process to dispose of such lands. Part of the rationale for the draft policy is to ensure that we encompass the different situations of property disposal that the municipality has come across over the years.

It should be noted that although industrial lands are referenced within the policy, the Municipality of Kincardine does not own industrial zoned lands. This section was included for the purpose of being inclusive for possible future situations.

Outline of Key Points of Policy:

- Council approval is always required for the disposal of real property.
- In general, real property is to be disposed of at market value.
- Depending on the nature of the land, various methods may be employed for the disposal of the land:
 - o Public auction;
 - o Electronic auction;
 - o Tender process;
 - o Listing through Multiple Listing Service (MLS);
 - o Listing with a Real Estate Agent or Broker;
 - o Direct advertising;
 - o Direct negotiations with an abutting property owner; and
 - o Other direct negotiations when authorized by Council.
- Appendix A to the Policy describes the procedures for the various methods of disposal as listed above.
- Exemptions to the typical disposal processes outlined in the draft policy include:
 - o Land that is transferred to another government body or public utility in exchange for other land for road allowance or road widening purposes within the geographic limits of the Municipality of Kincardine;
 - o Land that is transferred by the Municipality to a developer through the site plan or subdivision development process in exchange for land of equal or greater value;
 - o Land acquired as a road widening or part of a road widening in connection with an approval or decision under the Planning Act, as amended, including road widening lands being conveyed, in whole or in part, back to the original owner of the land or their successor in title;
 - o Land being expropriated from the Municipality by another governmental body pursuant to the Expropriations Act or any other legislation;
 - o Closed highways or unopened road allowances, if sold to an owner(s) of land abutting the closed highway or unopened road allowance;

- All land owned by the Municipality that is zoned for industrial uses;
- All cemetery plots owned by the Municipality;
- Land that does not have direct access to a highway if sold to the owner(s) of land abutting that land;
- Land conveyed by the Municipality to fulfill the conditions of an existing agreement sanctioned by the Municipality; and
- Lands formerly used for railway lands, if sold to an abutting owner.

Integrated Strategy 2020 – 2025:

REG#4: Improve organization efficiency and be more innovative.

Financial Implications:

There are no anticipated financial implications associated with the adoption of this policy. Although, it is anticipated that there will be financial implications associated with the use of the policy for the sale and disposition of land. Possible costs may include, legal fees, revenues from sales of land, etc.

Attachments:

1. ADMIN.03 Sale & Disposition of Land Policy_DRAFT
2. Disposal of Land By-law

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