



# Town of Georgina

## SALE OF SURPLUS LAND APPLICATION

Personal information is being collected under the authority of the *Municipal Act, 2001*, as amended, for the purposes of reviewing this application for the purchase of surplus land from the Town of Georgina. Questions regarding the collection of personal information should be directed to the Town of Georgina, Municipal Clerk, 26557 Civic Centre Rd., Keswick, Ontario, L4P 3G1, telephone 905-476-4301 ext. 2223 telephone 905-476-4301.

**Date Submitted:**

### APPLICANT INFORMATION

<b>Full Name</b>	<i>Last</i>	<i>First</i>	<i>M.I.</i>
<b>Address</b>	<i>Street Name and Number</i>		<i>PO Box</i>
<i>Apartment/Unit #</i>	<i>City/Town</i>	<i>Province</i>	<i>Postal Code</i>
<b>Home Phone:</b>	<b>Business/Mobile Phone:</b>		
<b>E-Mail Address:</b>	<b>Fax Number:</b>		

### PROPERTY INFORMATION

<b>Municipal Address</b>	<i>Street No.</i>	<i>Street Name</i>	
<b>Registered Plan No.:</b>		<i>Lot/Block No(s)</i>	
<b>Reference Plan No.</b>		<i>Part(s):</i>	
<b>Roll No.</b>		<i>Lot &amp; Concession No.:</i>	

**Reason For Purchase Request:**

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## AGENT CONTACT INFORMATION

<b>Name(s)</b>	<i>Last</i>	<i>First</i>	<i>Middle Initial</i>
<b>Company</b>			
<b>Address</b>	<i>Street Name and Number</i>		<i>PO Box</i>
<i>City/Town</i>	<i>Province</i>	<i>Postal Code</i>	
<b>Home Phone:</b>		<b>Business Phone:</b>	
<b>E-Mail Address:</b>		<b>Fax Number:</b>	

## APPLICANT AUTHORIZATION

**If an agent is used, the prospective purchaser must complete this section. If there is more than one prospective purchaser, a separate authorization from each individual or corporation is required. Attach an additional page(s) in the same format as this authorization if necessary.**

I/We \_\_\_\_\_  
 being the registered owner(s) of lands located at \_\_\_\_\_  
 and adjacent to the property located at \_\_\_\_\_

Hereby authorize (print name of agent)

to submit the above application to the Town of Georgina and appear on my behalf at any hearing(s) of the application and to provide any information or material required by the Town relevant to the application.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Signatory: \_\_\_\_\_ Title: \_\_\_\_\_

### OWNER'S/AGENT SIGNATURE

I, \_\_\_\_\_ of the Town/City of \_\_\_\_\_ in the Region/County of \_\_\_\_\_  
 \_\_\_\_\_ solemnly declare that:

All of the statements contained in all of the exhibits submitted herewith, are true and I make this solemn declaration conscientiously believing it to be true and know that it is the same force and effect as if made under oath and by virtue of the "Canada Evidence Act". As of the date of the application, I am (circle one of the following) the registered owner or Agent for the owner of the lands described in this application, I have examined the contents of this application, I certify the correctness of the information submitted with the application insofar as I have the knowledge of these facts, and I concur with the submission of this application to the Town of Georgina.

I agree to pay fees established by the Town of Georgina at the time of filing this application and any costs related to it.

I understand that all the information, documents, drawings and plans provided with this application will be made available to the public, as required by the provisions of the *Municipal Act, 2001*, as amended.

Declared before me at the Town/City of \_\_\_\_\_  
 \_\_\_\_\_

## APPLICANT AUTHORIZATION

1. I/We confirm that I/We have read and understand the Town of Georgina's Procedures Governing the Sale and Disposition of Land, including Giving of Notice to the Public Policy DAS-CL-029 and agree to abide by this policy.
2. I/We acknowledge that I/We will be responsible for paying all legal, surveying, advertising, and administrative costs involved in the sale of land and will be obliged to pay to the Town of Georgina the land acquisition rate as per the current Sale and Disposition of Land, including Giving of Notice to the Public Policy for the property.
3. I/We confirm that there is no foot or vehicular traffic that passes through the property proposed to be sold and that access to no other property will be denied by virtue of the said purchase.
4. I will provide one (1) copy of a survey for land proposed to be purchased.
5. I/We confirm that there are no easements, verbal or written, registered or unregistered, that apply to the said property to be sold.
6. I/We acknowledge that any approval that may be given to this application by the Town of Georgina is subject to all other approvals being obtained for all other statutory bodies, failing which this application cannot be approved.
7. I understand that all the information, documents and drawings and plans provided with this application will be made available to the public, as required by the provisions of the Planning act, R.S.O. 199, c P.13, as amended.
8. I/We authorize and agree to allow the Town of Georgina, it's employees and agents to enter onto the subject property for the purposes of conducting a site visit, survey and inspection and test that may be necessary in accordance with the processing of this application.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Co-Owner

## Signature of Applicant

I, \_\_\_\_\_ of the Town/City of \_\_\_\_\_

In the County/Region of \_\_\_\_\_ solemnly declare that:

**All of the above statements and the statements contained in all of the exhibits submitted herewith are true and I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.**

### Signature of Applicant

As of the date of this application, I am (circle one of the following) the *Applicant* or the *Agent*, I have examined the contents of this application, I certify as to the correctness of the information submitted with the application insofar as I have knowledge of these facts, and I concur with the submission of this application to the Municipality.

I understand that all the information, documents and drawings and plans provided with this application will be made available to the public, as required but the provisions of the *Municipal Act, 2001*, as amended.

Declared before me at the Town/City

of \_\_\_\_\_ in the County/Region

of \_\_\_\_\_ This \_\_\_\_\_ day \_\_\_\_\_

of \_\_\_\_\_ 20 \_\_\_\_\_

Signature of Owner/Agent

\_\_\_\_\_  
Signature of Commissioner, Notary Public, etc.

**TOWN OF GEORGINA – CLERK’S DEPARTMENT  
POLICY No. DAS-CL-029 AS AMENDED**

<b>Subject:</b> <b>PROCEDURES GOVERNING THE SALE AND DISPOSITION OF LAND, INCLUDING GIVING OF NOTICE TO THE PUBLIC</b>	<b>Authority, Ref. &amp; Sec.</b> <b>The Municipal Statute Law Amendment Act, 2006; The Municipal Act, 2001</b>												
<b>Policy Classification:</b>	<b>Pages:</b>  <b>5</b>	<b>Year</b>	<table border="1"> <tr> <td><b>Month</b></td> <td><b>Day</b></td> </tr> <tr> <td><b>2007 12 17</b></td> <td></td> </tr> <tr> <td><b>Amended on</b></td> <td></td> </tr> <tr> <td><b>2008 12 15</b></td> <td></td> </tr> <tr> <td><b>2017 04 26</b></td> <td></td> </tr> </table>	<b>Month</b>	<b>Day</b>	<b>2007 12 17</b>		<b>Amended on</b>		<b>2008 12 15</b>		<b>2017 04 26</b>	
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<b>Recommended/Approved by:</b> <b>Town Clerk</b>	<b>Contact Position for Inf.</b> <b>Town Clerk</b>												

**1. POLICY STATEMENT:**

A policy to set out the principles and procedures governing the sale or disposition of land owned by the Corporation of the Town of Georgina.

**2. APPLICATION:**

This policy applies to all transactions involving the sale or disposition of land by the Town.

**3. PURPOSE:**

The Municipal Act, 2001, S.O. 2001 c. 25 (the “Act”) requires that the Town adopt and maintain a policy to govern the sale and other disposition of land. The purpose of this policy is to set out the principles governing these transactions and the procedures to be followed.

**4. DEFINITIONS:**

**Appraisal:** Written opinion, provided by an independent qualified appraiser as to the fair market value of real property.

**Fair Market Value:** The purchase price that a property might be expected to realize if offered for sale on the open market by a willing seller to a willing buyer.

**Land:** Buildings and any rights or interests in land including easements.

**Sale:** The transfer or conveyance of land including a disposal by way of a lease of 21 years or longer.

**Surplus:** Land which the Town intends to sell or otherwise dispose of.

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**5. DESCRIPTION:**

The procedures set out in this policy will ensure that the disposal of any surplus property is conducted in a consistent and transparent manner and the policy will achieve this objective.

**6. PROCESS FOR IDENTIFYING SURPLUS LAND:**

6.1 Where a Director identifies land which is no longer required by his or her department, he or she shall notify the Clerk or his or her designate in writing, setting out:

- a) a description of the land including a legal description and location map, if available
- b) date land was acquired, authority for the acquisition and purchase price, if available
- c) the use to which the land has been put since date of acquisition; and
- d) the reason for the land becoming surplus and the effective date

6.2 All lands identified by the Directors or requests by third parties and received by the Director will be forwarded to the Clerk or his designate showing:

- a) the location, dimensions and character of lands
- b) the existing and permitted uses of the land; and
- c) any special characteristics of the land

**Classification of Surplus Land:**

6.3 Fee Simple Interest:

These are properties that may be of general commercial interest to potential purchasers and may include lands and buildings no longer required for Town purposes or properties that may be of interest to a limited number of potential purchasers because of its nature and/or location and may include surplus road

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widenings or other properties that have been identified as desirable to facilitate land exchange for other properties required by the Town.

**6.4 Easements:**

Easements are generally only granted at the request of a third party to accommodate utilities and access rights and have been regarded as a disposal of surplus property as the Town no longer enjoys full use of its property interests.

Other easements acquired for construction and maintenance of infrastructure or temporary easements may be abandoned due to either relocation of the infrastructure or because the Town no longer required the easement.

**6.5 Exceptions:**

There are circumstances under which the Town disposes of interest in land but which are not subject to the formal procedure set out in this policy and have been authorized by Council:

- Closed highways, if sold to an owner of land abutting the closed highway based on a square footage rate of the average price for a single family home in Georgina as reported by the Toronto Real Estate Board in the month in which the application for purchase is received by the Town.
- The conveyance of road widenings and reserves to the entity having jurisdiction over the abutting highway
- The granting of approval for encroachments onto the Town road system
- The conveyance of easements over .3 metre reserves to utility companies and local municipalities
- The granting of municipal consents and permissions to enter on Town property
- Former tax sale properties which are governed by an existing policy
- Land which is not sufficient in size to accommodate a new main use sold based on a square footage of the average price for a single family home in Georgina as reported by the Toronto Real Estate Board in the month in which the application for purchase is received by the Town.

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6.6 The Clerk or his or her designate will prepare a report for Council’s consideration identifying the most appropriate use of the land, determining if any special legislation or policy provisions apply to the land and recommending that the land be declared surplus by resolution.

## **7. APPRAISAL**

The Clerk or his or her designate shall request an appraisal of the land to establish its value.

## **8. PROCEDURES**

The procedure to be followed in each case shall be governed by the land classification.

### **8.1 Fee Simple Interest**

- a) The Clerk or his or her designate shall prepare a report which shall describe the property and indicate that the property is to be disposed of by the Town and the report, once approved by Council, shall be sent to the following:
  - i) Regional Municipality of York
  - ii) York Region District School Board
  - iii) York Catholic Separate School Board
  - iv) Lake Simcoe Region Conservation Authority
  - v) Ministry of Government Services
  - vi) Public Works Canada

requesting if the above entities have an interest in acquiring the property. Any expressions of interest must be received by the Clerk or his or her designate within 60 days.

- b) If an expression of interest is received from any entity then a report shall be submitted to Council to consider whether or not the offer should be accepted or the property should be retained.
- c) If no agreement is concluded with any of the stated entities, then the property shall be offered for sale to the public.
- d) The Clerk or his designate shall determine whether the property is to be marketed through an RFP or through the services of a pre-qualified accredited Real Estate Broker.



**TOWN OF GEORGINA – CLERK’S DEPARTMENT  
POLICY No. DAS-CL-029 AS AMENDED**

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- e) If the surplus land is marketed through public tender, the Clerk or his or her designate shall receive offers until the deadline specified in the advertisement, all offers shall be opened in public and a written record of all offers received shall be prepared.
- f) If the surplus land is marketed through the services of a pre-qualified, accredited Real Estate Broker, the Clerk or his or her designate shall receive the offers.
- g) The Clerk or his or her designate shall evaluate all the offers submitted and make recommendation to Council
  - in the event that no offers are accepted by Council, the land shall be retained for disposition at a later date
  - in the event that Council accepts the offer, the transaction shall be completed in accordance with documentation approved by the Chief Administrative Officer (CAO)
  - sale to a public agency shall be subject to a restrictive covenant regarding the land to be used for public purposes for at least two years following the transfer date, failing which the Town shall have the right to purchase the property for the original price

**8.2 Easements**

The general principles applicable to fee simple interests apply to the sale of easement rights. The Town shall attempt to secure full market value for its interests. Because easements are of limited market value, the requirements to circulate to other agencies shall not apply. The Director of Operations and Infrastructure shall give his consent to the granting of the easement.

Requests for the abandonment of easements by the Director of Operations and Infrastructure has also been regarded as disposal of surplus land and the abandonment of the easement should be at no cost to the Town.

**8.3 Notice Requirements:**

Lands to be disposed of under this policy shall be advertised in a newspaper of general circulation in or around the Town of Georgina and on the Town’s website for two weeks. Lands exempted under this policy shall be advertised in a newspaper of general circulation in or around the Town of Georgina for a total of one week and advertised on the Town’s website for two weeks.