

**Municipality of Oakland-Wawanesa
Policy & Procedure Manual**

Policy # COUN006

Reference: Council	Classification: Policy
Subject: Procedure to Consider Offers to Purchase Municipal Land	Pages: 2
Authority: Resolution of Council	Effective Date: February 18, 2016
Approved: February 18, 2016	

TITLE:

LAND SALE POLICY

PURPOSE:

The purpose of this policy to establish practices and procedures to be followed in the sale of Municipal owned Real Property.

POLICY:

- 1) That all expressions of interest or offers to purchase municipal owned real property shall be forwarded to the next regularly scheduled meeting of Council, at which time Council shall consider whether or not the real property is surplus to the Municipality's requirements and available for sale.
- 2) That in the event it is determined by the Council that the real property is available for consideration for sale, Council shall direct that the Chief Administrative Officer to advertise the property for sale in the following manner:
 - a) By advertising the sale for two days in a newspaper that has general circulation in the Municipality;
 - b) By posting a notice of the sale in the offices of the Municipality;
 - c) By including in all such advertising the following:
 - i. The legal description of the property;
 - ii. The civic address for the property (if available) and/or a description identifying the location of the property in a manner other than legal or civic description;
 - iii. The dimensions and/or acreage of the property;
 - iv. The date by which sealed offers to purchase must be in the hands of the Chief Administrative Officer, which date shall not be sooner than twenty days following the last day of advertisement within the newspaper;
 - v. The present use and current zoning for the property;
 - vi. The asking price for the subject property;
 - vii. The name, address, and telephone number of the appropriate contact person at the Municipality's Administrative Offices, for additional terms and information;

- viii. That the highest or any offer may not necessarily be accepted;
 - ix. That possession and closing date shall be ten days following acceptance by Council of an offer;
 - x. Set out that all sales are “as is” and that the “Municipality gives no warranty or representation concerning the presence or absence of contaminants, ground water, soil or subsurface type or condition, or as to the fitness of the land for any particular use or purpose.”
- 3) The administration shall make available for all interested persons the following additional terms in accordance with this policy:
- a) Set out that only “Unconditional Offers” will be considered.
 - b) Set out that offers to purchase must be in a form acceptable to the Municipality (a standard form of Offer to Purchase is recommended) and placed in a sealed envelope, and shall in addition include the following.
 - (1) That purchaser is responsible for payment of GST, which amount shall be calculated upon the amount of the offer to purchase.
 - (2) That current years property taxes shall be the responsibility of the property owner effective the date of the sale.
 - c) Direct all Zoning and Building Inquiries to the Municipality of Oakland-Wawanesa Development Officer.
 - d) That if there is no offer which meets the Council’s approval/acceptance the property will be re-advertised in accordance with this policy.
 - e) That if the same highest offer is made by more than one person, then the Municipality shall send by registered mail an invitation to each person who submitted the highest offer to again submit an offer:
 - (1) in a sealed envelope
 - (2) and in the proper form
 - (3) and according to the same terms
 - (4) and within ten business days of the letter of invitation.
 - (5) and the Council shall again consider the offers in the same manner as directed within this policy.
 - b) Set out that upon an acceptance by Council of an offer to purchase, the Council shall
 - (1) cause the matter to be forwarded to the Municipal Solicitor for completion of all necessary documentation to effect the sale.

	<i>Head of Council</i>
<i>Resolution No.</i>	<i>Chief Administrative Officer</i>