

	THE CORPORATION OF THE COUNTY OF LAMBTON POLICY MANUAL			
	Subject:	Sale / Disposition of Surplus Lands	Section L07	Policy #01
	Effective Date:	June 05, 2019	Approved By: County Council	
	Revision Date:	June 05, 2019		

PURPOSE

This document sets out The Corporation of the County of Lambton's policy regarding the sale of surplus lands for purposes of clause 1 of section 270(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25.

DEFINITIONS

In this Policy, the following terms have the following meaning:

- (a) "**Assessor**" means a third party property value assessor who is a member of, and has a designation with, the Appraisal Institute of Canada - Ontario.
- (b) "**Consideration**" means, together, the purchase price, intended future use, and any other terms and conditions of/for the Lands including, for greater certainty, any terms and conditions adverse and/or beneficial to the County's interests.
- (c) "**Lands**" means any real property owned by the County including any structures and buildings located thereon.
- (d) "**Public Organization**" means:
 - a. a municipality,
 - b. the Province of Ontario,
 - c. the Federal Government of Canada,
 - d. a school board,
 - e. college and/or university; and/or
 - f. a not-for-profit entity providing service(s) like the kind provided by the County or that are complementary to the service(s) provided by the County.

- (e) "**Sale**" means any transfer, disposition, conveyance or exchange of the fee simple interest or the granting of a lease for a period of twenty-one (21) years or greater, but does not include a license, encroachment, pipe crossing agreement, easement or right of way and/or any quit claim for purposes of confirming title.
- (f) "**Surplus Lands**" has the meaning ascribed to it in paragraph 1.

POLICY

Policy Statement

As a publicly funded corporation with land holdings, The Corporation of the County of Lambton's ("County") shall be transparent in its Sale/Disposition of Lands. To that end, the County shall follow a fair, transparent process for the Sale of Surplus Lands so that, in addition to taking into account the financial and other consideration for Surplus Lands, the County secures a reasonable and justifiable return for its Surplus Lands, taking into account all factors applicable to any Sale including purchase price.

Declaration of Surplus to Needs

- 1. Save and except as otherwise expressly noted in this Policy, prior to offering for purchase and/or advertising the Sale of any Lands, County Council shall first, by way of written resolution, declare the Lands surplus to the County's needs (hereinafter, those lands are referred to as the "**Surplus Lands**").

Public Advertisement of Sale of Surplus Lands

- 2. Unless otherwise expressly noted herein, prior to any sale of Surplus Lands the following shall be adhered to:
 - a. the County shall advertise publicly, for a period not less than twenty-one (21) consecutive calendar days ("**Land Sale Notice Period**"), the availability of the Surplus Lands for sale.

For the purposes of this paragraph, "advertise publicly" includes notifying the public on the Internet (on the County's website and/or social media sites) of the availability of the Surplus Lands for sale and in addition to such Internet notifications, placing an advertisement in at least one (1) local Lambton County newspaper of general circulation, in its print and/or online edition, at least once per week during the Land Sale Notice Period;

- b. the County shall obtain a written fair market value assessment of the Surplus Lands from an Assessor; and

- c. the County may proceed with the Sale by various methods including by way of a direct advertising, tender process, listing with a real estate agent direct Sale and/or direct purchaser-to-vendor sale.

Consideration of Offers

3. If, after the process set out in paragraph 2 above has been adhered to, the County has received a written offer(s) for the purchase of Surplus Lands, all such offers, together with the fair market value assessment of the Surplus Lands, shall be presented to County Council, *in camera*, for its consideration.
4. Despite offering the same for Sale, County Council shall not be required to accept any offer for its Lands. It may choose not to sell the Lands at any time.
5. Conversely, if County Council wishes to proceed with a potential Sale:
 - a. where only one (1) offer has been presented, it may, at its option:
 - i. accept the offer,
 - ii. counter-offer to the offeror, or
 - iii. abandon the Sale of the Surplus Lands; or
 - b. in the case where two (2) or more offers have been presented, it may, at its option:
 - i. accept:
 1. the highest offer; or
 2. any other offer; or
 - ii. reject all offers and counter-offer to any or all offeror(s); or
 - iii. abandon the sale of the Surplus Lands.
6. In considering the written offers presented to it, in addition to taking into account the assessed fair market value of the Lands and the purchase price offered, County Council shall also have consideration for the following:
 - a. any other proposed terms and conditions made by the offeror,
 - b. the intended use of the Surplus Lands by the offeror, and
 - c. the identity of the offeror.

For the purposes of this paragraph, "identity of the offeror" means only the status of the offeror as either: (1) a Public Organization, (2) a not-for-profit entity, or (3) a for-profit entity.

7. As a general rule, the County shall have regard to the needs of any other Public Organization in its Lands when evaluating any offers for such land, with the object that its Lands should, generally, but not necessarily, remain under the control of a Public Organization for public purposes.
8. Nonetheless, subject to the consideration set out in paragraph 7 above, in assessing any offer for its Lands, the County shall attempt to obtain the best possible Consideration for them provided, however, that nothing in this Policy shall be interpreted to require the County to accept any offer for the purchase of its Lands solely on account of the purchase price offered being greater than that in any other offer.

Exemptions

9. The considerations set out in paragraphs 1 - 8 above (inclusively) apply to the sale of Surplus Lands where the County, on its own initiative, declares Lands surplus and sets out to sell any of its Surplus Lands and, consequently, generally advertises its Surplus Lands for Sale.
10. It is acknowledged, however, that at times, the County may wish to transfer - or may be directly solicited by a third party to transfer - Lands for a specific purposes identified by the County and/or third party without first going through the process stipulated in paragraphs 1 - 8 above. Such purposes may include, by way of example only, the Lands being conveyed to a third party as part of an assistance package from the County for the delivery of social services; and/or for that third party to expand its abutting land holdings.
11. Unsolicited written offers for Lands received by the County shall be presented to County Council for its consideration.
12. Nothing herein precludes County Council from considering a transfer contemplated in paragraph 10 above and, by way of resolution, authorizing the sale of Lands under such circumstances, or from rejecting any unsolicited offers for its Lands.
13. However, any unsolicited offer for the purchase of Lands as described in paragraph 10 above must be considered by County Council on a case-by-case basis taking into account, amongst any other relevant factor, the third party's intended future use of the Lands, the Consideration flowing back to the County for the Lands, and other benefit to be derived by the County from such sale. Such Lands may be sold and/or otherwise conveyed only with the express

consent of County Council, which consent shall be recorded in a written resolution of County Council. For greater certainty, County Council may choose to reject any unsolicited offer for its Lands for any reason, or counter-offer.

Exemptions

14. This Policy does not apply to the sale of Lands:

- a. for tax arrears that are subject to the process and procedures prescribed in Part XI of the *Municipal Act, 2001*;
- b. under the *Expropriations Act*;
- c. in connection with an approval or decision under the *Planning Act*, and/or
- d. acquired in connection with an approval or decision under the *Planning Act* and that are being transferred to the adjoining land owner and/or Public Organization.

15. Section 2 b. of this Policy does not apply to the sale of Lands:

- a. being a closed County highway, if those lands are sold to the owner of the abutting closed County highway;
- b. that were formerly used for railway lines, if sold to the owner of lands abutting the former railway line;
- c. that do not have access to a highway, if sold to the owner of lands abutting those lands; and
- d. repurchased by an owner in accordance with s.42(1) the *Expropriations Act*;

Lands to be Preserved

16. Despite anything herein, it is the policy of County Council that the Lands identified in Appendix "A" attached hereto be preserved on an indefinite basis for their natural, cultural, heritage and environmental value and therefore shall not be subject to sale unless and until expressly stated otherwise by written resolution of County Council.

Interpretation

17. This Policy shall be interpreted in a manner consistent with the objectives of the Policy set out in the subject-heading "Policy Statement" above and, specifically, any sale of Lands shall be conducted in a fair, transparent manner.

EFFECTIVE DATE

This Policy takes shall come into force on June 05, 2019.

POLICY REVIEW

County Council shall review this Policy once per Term.

POLICY HISTORY

REVISION	DATE	PREPARED BY
Created	June 05, 2019	Legal Services/Clerk's

LANDS TO BE PRESERVED

Appendix A

1. Bowens Creek Lands

Located in two separate parcels on the east and west of the St. Clair Parkway between Oil Springs Line and Bickford Line in St. Clair Township.

Lots 4, 5 & 6, Front Concession in the geographic township of Moore (71.9 hectares)
Lots 10 & 11, Front Concession in the geographic township of Moore (73.6 hectares)

2. Lambton County Heritage Forest

Located in two separate parcels, including Sandrin Woods lands, between Highway 21 (Lakeshore Road) and the community of Port Franks and between Outer Drive and Northville Crescent in the Municipality of Lambton Shores.

Parts of Lots 37 to 41, Concession Lake Road West in the geographic township of Bosanquet. (237.3 hectares)
Parts of Lots 36 & 37, Concession Lake Road East in the geographic township of Bosanquet. (9.7 hectares)

3. Lambton Meadowview Villa

Located north and south of the Lambton Meadowview Villa long-term care facility at 3958 and 3960 Petrolia Line in Enniskillen Township.

Part 2 of Lot 10, Concession 11 in the Township of Enniskillen (8.3 hectares)

4. Marthaville Habitat Management Area

Located at 4749 Marthaville Road in Enniskillen Township.

West Part of Lot 9, Concession 13 in the Township of Enniskillen. (20.2 hectares)

5. Moore Landfill Buffer Lands

Located on the property east of the former Moore Landfill at 3198 Ladysmith Road in St. Clair Township.

Part of Lot 20, Concession 5 in the geographic township of Moore. (40.5 hectares)

6. Perch Creek Habitat Management Area

Located east of the former Sarnia landfill, on the properties at 1892 and 1900 Churchill Line in the City of Sarnia.

Parts of Lots 11 & 12, Concession 3 in the City of Sarnia. (80.9 hectares)

7. Peter Szabo Memorial Forest

Located on the property at 787 and 789 Broadway Street in the Town of Plympton-Wyoming, east of the County of Lambton Administration Building and Library Headquarters.

Parts of Lot 16, Concession 3 in the Town of Plympton-Wyoming. (2.8 hectares)

8. Branton Cundick Park and Campground

North sections of park property located at 65 West Wilkesport Line, on both the east and west sides of St. Clair Parkway.

North Part of Lot B, Concession 12, geographic township of Sombra. (10.2 hectares)