

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2018-148

PROPERTY: (PR1) A by-law to set out procedures governing the sale of City owned surplus property, closing/sale of a lane/street or public thoroughfare.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to Section 270 of the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **SALE OF SURPLUS PROPERTY**

The following outlines the procedure for the sale of City owned surplus property:

- (1) a written request to purchase property owned by the City shall be made to the Legal Department;
- (2) the Legal Department shall circulate the request received for the property to the appropriate City Departments and any outside agencies that may have an interest in the matter for comments;
- (3) upon receiving comments from all aforementioned parties, the City Solicitor or her/his designate shall determine if the proposed sale is in the best interests of the City. If the City Solicitor's recommendation is to proceed, a report and/or by-law will go to Council with her/his recommendation;
- (4) if City Council agrees to dispose of the property, by Council Report and/or by-law the Legal Department shall take all necessary steps to declare the property surplus and authorize the sale;
- (5) notice of the proposed sale or disposition of property shall be given;
- (6) the City may retain or grant any and all easements for present or future use which are deemed necessary;
- (7) if multiple offers to purchase the same piece of surplus property are received, the highest offer may not necessarily be accepted. Where appropriate, the City may accept lower offers if it is in the best interests of the City or for charitable or altruistic reasons, including but not limited to donations to charitable organizations such as Habitat for Humanity;

- (8) The City may use the assessed value of the property and/or may obtain the services of a Realtor. A report will go to Council with a recommendation by the City Solicitor or her/his designate.

NOTE: In the case of a proposed sale of parkland where the property being sold does not require rezoning for its proposed use, all owners of property within 120 metres of the subject parkland shall be notified by mail of the City's intent to do so.

If a property does not meet the minimum size or area requirements of the City's Zoning By-law, the Legal Department may offer to sell the property to abutting owners. Each abutting owner may acquire fifty (50%) percent of the property directly abutting their own property. If an abutting owner does not wish to purchase a portion of the land, it shall be offered to the other abutting owner.

2. **CLOSING/SALE OF A LANE/STREET OR PUBLIC THOROUGHFARE**

The following outlines the procedure for the closing/sale of a lane/street or public thoroughfare within the City:

- (1) a property owner who wishes to have the City close a lane/street or public thoroughfare (the "Applicant") shall complete a Purchase Request and provide it to the Legal Department. A request shall be for an entire lane/street or public thoroughfare. This condition may be waived by the City Solicitor or her/his designate if they determine it is in the best interests of the City;

"NOTE: Should the City Solicitor or her/his designate determine that the street should be sold for a value, then the procedure for the sale of the street should be dealt with as surplus property. Notice shall be given to all abutting owners."

[ENACTED BY BY-LAW 2022-142]

- (2) the Applicant shall complete an Application and obtain the signatures of all property owners whose land abuts the portion of the lane/street or public thoroughfare requested to be closed. The property owners shall also indicate whether they wish to have a portion of the lane/street or public thoroughfare conveyed to them in the event that it is closed;

- (3) once the Application is completed, the Legal Department shall circulate the request received to the appropriate City Departments and outside agencies that may have an interest in the matter for comments;
- (4) upon receiving comments from all aforementioned parties, the City Solicitor or her/his designate shall determine if closing the lane/street or public thoroughfare is in the best interests of the City. If the City Solicitor's recommendation is to proceed, a report and/or by-law will go to Council with her/his recommendation;
- (5) if City Council agrees to close and convey the lane/street or public thoroughfare, a by-law to stop up, close and authorize the conveyance of the lane/street or public thoroughfare shall receive First and Second Reading;
- (6) notice of the City's intention to close and sell the lane/street or public thoroughfare shall be given;
- (7) if there are no objections to the closing of the lane/street or public thoroughfare, the Applicant may obtain a reference plan for the land, prepared by an Ontario Land Surveyor. The Legal Department requires a draft of the plan for review prior to its registration;
- (8) all costs of the reference plan, along with registrations costs, searches, etc. shall be paid by the benefitting owners. If an owner does not pay his or her share of the above-noted costs, the City may offer the full width of the lane/street or public thoroughfare to the owner on the opposite side of the lane/street or public thoroughfare;
- (9) once the reference plan has been reviewed by the Legal Department, the by-law to stop up, close and authorize the conveyance of the lane/street or public thoroughfare will receive a Third and Final Reading;
- (10) the Applicant shall provide copies (as needed) of the registered reference plan to the Legal Department;
- (11) the City may retain or grant any and all easements for present or future use which are deemed necessary. This may restrict any improvements undertaken by property owners on the portion of the property restricted by the easement;

- (12) the City Solicitor or her/his designate shall notify the Chief Building Official of all parcels of land conveyed to property owners, as well as the easements retained by the City or on behalf of any utility companies.

Note:

If a commercial establishment proposes to expand its operation and it requires the entire portion of an abutting lane/street or public thoroughfare, City Council may agree to convey the entire lane/street or public thoroughfare to the commercial establishment without offering any portion of the property to an abutting property owner or owners.

3. **BY-LAW 2016-204 REPEALED**

By-law 2016-204 is hereby repealed.

4. **EFFECTIVE DATE**

This by-law will take effect on the day of its final passing.

PASSED in open Council this 5th day of November, 2018.

“Christian Provenzano”

MAYOR – CHRISTIAN PROVENZANO

“Malcolm White”

CITY CLERK – MALCOLM WHITE