

 <b>CITY OF Welland</b>	Policy Title:	Sale of City-Owned Land and the Stopping Up and Closing of Highways		
	Policy Number:	SER-013-0011	Date Approved:	April 20, 2004
	Revision Date:	September 5, 2023	Lead Role:	Manager, Economic Development/ Director, Planning and Development Services
	Council File #:	03-110	Support Role:	City Solicitor
	Cross Reference:	2004-37	Next Review Date:	

**Policy Statement:**

That Council adopt the following Policy with respect to the sale of City-owned lands:

**A. REAL PROPERTY**

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice shall also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value shall be marketed through a tender process to be widely advertised using social media, real estate publications, City of Welland surplus land page and a sign erected on the site.
7. Any Offer of Purchase and Sale shall be submitted to the Manager, Economic Development, for review. The Offer shall be forwarded to the City Solicitor for review and comment.
8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer. Council may decide to postpone their decision. The report shall include any known historical information or previous council reports related to the property.
9. Upon acceptance of an Offer and approval of the Staff Report by Council, a By-law shall be prepared and presented to Council to accept the Offer.

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10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality except for the following:

- Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
- Highways;
- Land formerly used for railway lines.

11. Appraisals are not required for:

- Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;

12. The City may pay a commission not exceeding three percent (3%) to any licensed Real Estate Agent or representative who, on behalf of a client, submits an Offer on a City-owned parcel which is accepted by Council, and which proceeds to a final sale.

13. The proceeds of the sale of City-owned lands shall be distributed as follows:

- For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund.
- For residential land, industrial land and other non – residential sales all net proceeds shall be credited to the Economic Development Reserve Fund or as otherwise recommended by staff and approved by Council.

## B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e., Utilities, Region of Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands.

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6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site, and through social media and with a sign erected on the site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site.
10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, A8 and A9.