

**The Corporation of the Municipality of Neebing
Administrative Report**

Date: July 25, 2018 (For Meeting on August 8, 2018)

To: Mayor and Council

Subject: Declaration of Surplus Realty
Lot on Pit Road

File Number: 58-01-030-006-29700-0000

Submitted by: Rosalie A. Evans, Solicitor-Clerk

RECOMMENDATION:

Administration recommends that the property described in the report be declared surplus to municipal needs.

Administration further recommends that Council declare that the property is “Class 3 Realty” in accordance with By-law 2015-006.

BACKGROUND:

The Municipality owns a parcel of land at the end of Pit Road (off of Sturgeon Bay Road), which was once licenced and operated as a gravel pit, known as the “Blake Pit”.

Gravel was exhausted from the site some time ago.

In 2016, Council re-zoned the property from “extractive industrial” to “rural”, together with the adjacent parcel, owned by Hacquoil Construction.

In 2018, Administration surrendered the pit licence. The Ministry of Natural Resources and Forestry has accepted the surrender of the licence.

DISCUSSION:

This property is no longer a viable gravel pit, and would make one or two lovely rural residential parcels.

The property is not as yet ready to be marketed, as the road needs to be improved. At present, it is only seasonally maintained.

Declaring the property surplus to municipal needs at this time, however, will speed up the sale process at such time as Council is ready. The property will be listed under “surplus property” on the website, but not actively marketed at this time.

Administration understands that Mr. Hacquoil also wishes to sell his property.

An adjacent parcel owner asked to be advised when/if we have the property surveyed.

Prior to declaring the land surplus, the public meeting at which Council will consider the matter must be advertised in accordance with the Notice By-law (2015-007). Notice was published on the Municipality's website, in the August Neebing News, and on the Facebook Notification page. The form of the Notice is appended to this Report as Attachment One.

In accordance with its Land Sale Procedure By-Law (2015-006), Council must determine, when it proposes to sell land, what class of realty the land falls into. The class of realty determines the manner of valuation and sale.

Attachment Two to this Report contains the excerpts from the Land Sale Procedure By-law which define the various classes of land. Administration recommends that the land be classed as "Class 3 Realty".

The procedure for sale of Class 3 Realty under the by-law is as follows:

- a) An Appraisal of the Realty shall be obtained and the results provided to the Council prior to the Disposition.
- b) Council will determine which of the following methods of Disposition it will undertake:
 - i) direct sale by Administration;
 - ii) sale utilizing the services of a licenced real estate agent; or
 - iii) sale by sealed bid tender.
- c) If Council chooses (i), the Disposition will proceed in the same manner as set out in Section 6 for the Disposition of Class 2 Realty.
- d) If Council chooses (ii), the Council will select a realtor and negotiate the appropriate amount of commission to be paid upon successful Disposition of the Realty. The Realty will be sold utilizing the method (including, where applicable, the multiple listing service) and whatever advertising the realtor suggests and Council accepts.
- e) If Council chooses (iii), the Disposition shall be advertised in one or more newspapers of general circulation and a closing date and time set prior to which sealed bids may be delivered (in hard copy) to the municipal office. Bids will not be accepted by facsimile or other electronic delivery method. Council need not accept the lowest or any bid that is tendered. Sealed bids will be opened by the Council's tender committee within fifteen (15) minutes of the closing date and time. Once opened, the amounts of the bids and the identities of the bidders will be public information. Where Council does not have a "tender committee" as a standing committee, Council will select and appoint members of

a tender committee for the purposes of the Disposition at the time it chooses this method of Disposition. The tender committee shall make its recommendation for Disposition of the Realty at the next available regularly scheduled meeting of the Council

ATTACHMENTS:

One: Notice

Two: Classifications of Realty Under By-law 2015-006

AVAILABLE UPON REQUEST:

Historic file information

ATTACHMENT ONE: Notice

TAKE NOTICE THAT, at a public meeting to be held at the Municipal Office (4766 Highway 61, Neebing) on August 8, 2018, commencing at 6:30 p.m., Council for The Corporation of the Municipality of Neebing will consider declaring a parcel of land, located on Pit Road, to be surplus to Municipal needs.

The parcel of land in question has no municipal address. The legal description of the property is "Part of the south part of Lot 8, Concession 8, geographic Blake Township, Municipality of Neebing". The property is at the end of Pit Road, which runs south from Sturgeon Bay Road, approximately 1.75 kilometers from the intersection of Sturgeon Bay Road and Highway 61.

Any person who wishes to comment on this matter in person may attend the meeting and will be invited to make his or her input orally.

Any person who wishes to comment on this process in writing may do so via mail, facsimile, delivery or electronic mail to:

Erika Kromm
Treasurer/Deputy Clerk
Municipality of Neebing
4766 Highway 61
Neebing, Ontario, P7L 2B9
Facsimile: 807-474-5332
Email: deputyct@neebing.org

Written comments will be accepted until 6:00 p.m. on the night of the meeting.

Anyone looking for further information with respect to this property may contact the Municipal Office by telephone at 807-474-5331. Further information, including a map showing the site location, is also posted on the Municipality's web site.

ATTACHMENT TWO: Definitions from By-Law 2015-006

“Class 1 Realty” means Realty with no (or nominal) commercial market value as a land parcel. Examples include: access or utility easements, one-foot-reserves owned for the purpose of controlling access to properties adjacent to highways, shoreline road allowances, or irregularly shaped small parcels of land that are leftovers from development schemes or highway re-locations.

“Class 2 Realty” means Realty with market value of less than twenty-five thousand (\$25,000.00) dollars. Examples include: undersized lots that have no value to anyone other than as an addition to an abutting land parcel.

“Class 3 Realty” means Realty with a value of more than twenty-five thousand dollars and one cent (\$25,000.01).

“Class 4 Realty” means Realty which is contaminated. Examples include: industrial sites, waste disposal sites, sites where underground fuel tanks leaked, or sites that were the subject matter of a spill.

“Class 5 Realty” means Realty that was acquired by the Corporation within twenty-five (25) years, against the will of the owner, for a particular purpose, and the Corporation no longer requires the property for that purpose. Examples include: property taken by expropriation or property taken for road widening purposes.