

Land Sale Process

1. Background Research
 - Realty Services Law Clerk obtains title searches, MPAC property reports, and historical records
 - Records are reviewed by Realty Services Law Clerk and Manager to confirm that there are no restrictions to selling the property or any historical decisions which would indicate the property should not be sold
2. Land Management Committee
 - All potential property sales are reviewed by the Land Management Committee
 - The Land Management Committee is currently meeting every other month
 - The Committee reviews the data provided by Realty Services and confirms whether the property is required by any City department
 - If the Committee does not feel there is a need for the City to retain the property, they will recommend proceeding through the disposition process
3. Utility Consultation
 - Realty Services Law Clerk reaches out to utility companies to confirm whether any easements are required prior to sale
 - Utility companies are provided with an initial deadline of 30 days to provide a response. If a response is not provided within that timeframe, an additional 30 days is granted, noting that if a response is not provided within that extension the City will proceed under the assumption that an easement is not required
4. Public Notice
 - Realty Services Law Clerk arranges for public notice (noting that the property is being considered for surplus declaration and sale)
 - If the property is a road allowance, shoreline road allowance, or non-viable property (cannot be built upon), notice is posted in the Kawartha Lakes This Week (and Peterborough This Week if property is in the former Townships of Emily or Manvers) for three consecutive weeks, with the notice also posted on the City's website
 - The three week advertising period must take place at least four weeks prior to the Committee of the Whole Report being presented to Council
 - If the property is a developable lot, in addition to notices being posted in the newspaper and City website, a "Potential Surplus Property" sign is posted on-site for the three week advertising period
5. Committee of the Whole Report
 - Realty Services Law Clerk authors a Report to Council setting out the Land Management Committee's recommendation to sell the property

- Council hears any depositions in opposition to the sale
- Council makes their recommendation as to whether or not to proceed with a sale of the property

6. Surplus Declaration – Regular Council Meeting

- If Council recommended at the Committee of the Whole meeting to proceed with a sale of the property, property is declared surplus at the next Regular Council meeting

7. Survey

- A Reference Plan is generally required in order to properly identify the property for sale
 - In the case of a road allowance or shoreline road allowance, a Reference Plan is necessary to establish and identify the specific portion of the road allowance to be sold
 - In the case of other types of City-owned property, the legal description is often outdated and not satisfactory to the Land Registry Office, therefore requires a survey to create an appropriate property identification
 - If an easement is required, a Reference Plan will be required, regardless of whether a satisfactory property description exists
- Realty Services Law Clerk requests quotes from five survey companies and provides a deadline of two weeks for response
- Once the two week deadline has passed (or responses from all survey companies have been received), Realty Services Law Clerk requests that the survey company who provided the lowest quote commence preparation of the Reference Plan
- Completion of the Reference Plan takes, on average, 6-12 weeks
 - Completion of the Reference plan may be delayed depending on the terrain of the property (e.g. a marshy property may need to be surveyed in the winter to properly establish boundary lines), review by utility companies to confirm the location of their easements, etc.

8. Appraisal

- An appraisal is required for all developable lots and for any other City-owned property in which Council has determined that the appraised value is more appropriate than the minimum set price as set out in By-Law 2018-020
- Realty Services Law Clerk requests quotes from two appraisal companies and provides a deadline of two weeks for response
- Once the two week deadline has passed (or responses from both appraisal companies have been received), Realty Services Law Clerk requests that the appraisal company who provided the lowest quote commence preparation of an Appraisal Report based on highest and best use of the property
- Completion of the Appraisal Report takes, on average, 2-4 weeks

9. Closed Session Report to Council

- The Appraisal Report is presented to Council in closed session, for information only

10. List on Open Market

- If the property is intended to be sold by open market sale, Realty Services Law Clerk makes arrangements with a real estate agent to list the property on MLS and to list the property on the City website
- All offers are held for a 10-day period following initial listing, after which the highest offer is accepted

11. Disposition By-Law

- Once an offer has been accepted (or the Agreement of Purchase and Sale has been fully executed, in the case of a direct sale), Realty Services Law Clerk prepares a By-Law to be presented to Council to authorize the sale of the property (and, in the case of a road allowance or shoreline road allowance, stop-up and close the road allowance)