

MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

POLICY-SALE OF REAL PROPERTY

SUBJECT: ELIGIBILITY OF PROPERTY FOR SALE

PREAMBLE: It shall be a Policy of Council to investigate and verify ownership and eligibility for sale before offering land or other property for sale.

TERMS: Any land or other property owned by the Municipality of the District of St. Mary's which Council has determined is no longer required for the use and purposes of the Municipality, or for the use of the public or of the inhabitants of the Municipality is eligible for sale.

Once it is decided that a property is eligible for sale, before proceeding further, the Municipal Council shall ensure that a title search to its satisfaction has been done on the property to be sold and, if land, it shall be surveyed if a survey is deemed necessary by the Council. In addition, the Municipal Council shall request a valuation of the property to be sold.

The valuation shall be based upon the assessed value of the property providing however, that if the property is to be sold without tendering, Council shall request a written appraisal of the property, the same to be prepared by a qualified land appraiser.

SUBJECT: SALE OF PROPERTY

PREAMBLE: It shall be the Policy of Council to call for public tenders for the sale of eligible municipal property, except as specified in this policy.

TERMS: Any land of other property owned by the Municipality of the District of St. Mary's which has a value of more than \$100,000. and for which the requirements of **Policy D-1-26** have been met, shall be offered for public tender.

This Policy may be waived by a majority vote of Council if:

- (a) **A request is received to purchase the land by a family member of the last known owner of the property prior to its acquisition by the Municipality; or**
- (b) **The request is received from an adjacent land owner and the size of the lot in question is less than one acre; or**
- (c) **The public interest appears to be better served by accepting the initial offer without tendering.**

Provided that a fair and reasonable price is received for the property and there is a complete compliance with **Policy D-1-26**.

The valuation received pursuant to **Policy D-1-26** shall be considered in determining the price of the property to be sold.



MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

Box 296, Sherbrooke, NS B0J 3C0

Phone: (902) 522-2049 Fax: (902) 522-2309

POLICY D-3-26

APPLICATION FORM

**EXPRESSION OF INTEREST RE:
PURCHASE OF MUNICIPAL PROPERTY**

Location of Lot Requested: _____
(Name of Community)

Former Owner(s): _____

Size of Lot: _____

Bounded By: _____

Intended Use: _____

PROVIDE ANY ADDITIONAL INFORMATION WHICH MIGHT HELP TO IDENTIFY THE LOT REQUESTED, ATTACH A COPY OF A LEGAL DESCRIPTION, SURVEY PLAN, OR SKETCH WHERE POSSIBLE AND ANY OTHER INFORMATION YOU FEEL MAY BE RELEVANT.

I wish to express an interest in purchasing the property identified above if it is eligible for sale. I understand that the Municipality is under no obligation to sell this property. I understand further that it is a policy of Municipal Council to call for tenders on property offered for sale and that the highest or lowest or any tender may not necessarily be accepted. I have enclosed a \$200. certified cheque or money order as a deposit or to be returned to me if I am an unsuccessful applicant.

Date: _____ **Signature:** _____

Address: _____

SUBJECT: TERMS OF SALE-MUNICIPAL PROPERTY

PREAMBLE: It is the intention of Council to specify the terms of Sale for Municipal Property, failure to comply with the terms below will result in invalidation of the Sale.

TERMS: shall
The terms of sale of Municipal Land, including vested property, be the following:

1. **All deeds of municipal lands shall be Quit-Claim Deeds subject to any easements, right-of-ways, and public roads on or over the lands.**
2. **If the land has not been surveyed, the purchaser shall survey the lands at his/her expense prior to the sale to the satisfaction of the Municipality and a copy of the survey plan and description shall be filed at the Municipal Office prior to the sale;**
3. **In addition to the purchase price, the purchaser shall pay to the Municipality on or before the closing date the following:**
 - (a) The expenses of the Municipality in searching the title;
 - (b) The expenses of the Municipality in surveying the property;
 - (c) The Deed Transfer Tax on the Sale;
 - (d) The Recording Fee for the Deed;
 - (e) Postage Expense;
 - (f) The expense of the Municipality in arriving at a valuation of the property (which shall be based on the assessed value of the property, providing however, that if the property is to be sold without tendering, Council shall request a written appraisal of the property, the same to be prepared by a qualified land appraiser).
4. **If the land has a value of \$100,000. or greater, the sale is conditional upon the consent of the Minister of Municipal Affairs, and such consent must be received by the Municipality prior to closing date;**
5. **The purchaser must, prior to the Sale, agree to comply with all the Municipal By-Laws and Regulations in his/her use of the land purchased;**

Application Form

Expression of Interest Re:

PURCHASE OF MUNICIPAL PROPERTY

6. The purchaser shall deliver to the Municipality at the closing date or prior thereto, the requisite Deed Transfer Tax affidavits executed by the purchaser of his/her Agent.
7. Upon compliance with the above terms and the payment of the purchase price, the Municipality shall record the Deed to the lands sold, and mail the Deed, Deed Transfer Tax affidavit, and a copy of the Survey of the Property (if the purchaser does not already have one) to the purchaser.
8. Closing date for the sale shall be 30 days of the date of notification of the final Municipal Expense.

PROCEDURE ON TENDERING

PREAMBLE:

Tendering of Municipal Property shall be subject to the following conditions:

TERMS:

- All tender bids for the purchase property or the provision of services shall be accompanied by a deposit equal to ten percent (10%) of the tender price, or such other amount as the Council may have determined. The deposit shall be in the form of a certified cheque, cash or money order. Failure to enclose the required deposit will result in rejection of the bid;
- The Municipality reserves the right to reject any or all tenders after advertising regardless of whether they are higher in price than the successful tender, or to accept any tender which it may consider to be in its best interest. The Municipality also reserves the right to waive formality, informality or technicality in any tender. Should the municipality decide that it is in the best interest of the Municipality to retain the tendered property, the tenderers shall have no claims against the Municipality.
- Only those tenders on or before the deadline date advertised for the submission of tenders will be considered by the Municipal Council for its authorized representatives;
- If a tender bid withdrawn following its acceptance by the Municipal Council or its authorized representative, the accepted tenderer's deposit shall be forfeited to and retained by the Municipality as liquidated damages, with the Municipality reserving the right to proceed against the tenderer for additional expenses and damages.
- The Municipality accepts no responsibility for damage to the tendered property after the date of notification of acceptance of tender to the successful tenderer.

Page 5.
Limits of Responsibility

LIMITS OF RESPONSIBILITY

PREAMBLE:

It shall be a policy of Council to offer property for sale without Warranty as to its completeness or condition, its accessibility or its suitability for intended use of the purchaser. This policy shall apply to land, equipment, vehicles, buildings or any other property offered for sale by the Municipality of the District of St. Mary's.

TERMS:

ALL PROPERTY SHALL BE SOLD AS IS, WHERE IS.