

RESORT VILLAGE OF MANITOU BEACH

BYLAW # 1/2013 Land Sale and Development Bylaw

A BYLAW OF THE RESORT VILLAGE OF MANITOU BEACH IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE SALE OF LAND OWNED BY IT.

Short Title

1. This Bylaw may be cited as the Land Sale and Development Bylaw.

Purpose

2. The purpose of this Bylaw is to:
 - (a) Prevent speculation with respect to lands sold by the Municipality to purchasers thereof;
 - (b) Regulate sales of such land in such a manner as to ensure such land will be used without delay in accordance with the planning and development and zoning bylaws of the Resort Village of Manitou Beach;
 - (c) Require the orderly and timely development of such land.

Definitions

3. In this Bylaw:
 - (a) “Building” means a building within the meaning of the Municipalities Act;
 - (b) “Municipality” means the Resort Village of Manitou Beach;
 - (c) “Council” means the Council of the Resort Village of Manitou Beach;
 - (d) “Land” means any area of land used for a single assessment or as defined in the Municipalities Act;
 - (e) “Purchaser” means one or more persons, individuals, corporations, trusts or limited partnerships, that has purchased or offered to purchase land from the Municipality;
 - (f) “Structure” means any thing erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something

having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas;

(g) "Offer to Purchase" means a written statement from a purchaser addressed to Council which states a desire to purchase a specified piece of land owned by the Municipality, the specific land location description and street address accompanied by full payment of the offered price in a form acceptable to the Municipality.

4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

Payment

5. Purchasers desirous of purchasing land from the Municipality shall provide an Offer to Purchase in a form acceptable to the Council accompanied by payment for the entire purchase price of said land and a deposit in the amount of 10% of the purchase price to be refunded only when building requirements have been met and to be held in trust by the Resort Village of Manitou Beach.

Building Requirement

6. Each Purchaser shall file an approved building permit and commence construction of a building by or before the date that is the later of one year from the date of the coming into force of this Bylaw, and one year from the date of written acceptance by Council of that Purchaser's Offer to Purchase.
7. Each Purchaser shall have construction of the Building or Buildings approved in the applicable building permit obtained by such Purchaser for the development of the Land to within 95% of completion, by or before the date that is the later of two years from the date of the coming into force of this Bylaw, and two years from the date of written acceptance by Council of that Purchaser's Offer to Purchase.

The Municipality may, upon written request by the Purchaser, extend the deadline contained in Paragraph 6 or 7 herein. The granting of such extension, and the length of such extension shall be at the sole discretion of the Municipality, and shall only be exercised in cases where the Purchaser has proceeded diligently with the development of the property, but requires the extension due to circumstances beyond the Purchaser's control.

8. The Purchaser shall comply with all Bylaws of the Municipality respecting the erection of structures on the said land along with any related utility servicing thereto.

Taxes Payable

9. The Purchaser shall be responsible for all Municipal and other taxes levied in respect to any land purchased from the date of written acceptance by Council of the Offer to Purchase.

Land Registration Transfer

10. The Municipality will execute and provide to the Purchaser, or its counsel, completed land title transfer documents for registration with Information Services Corporation of Saskatchewan, free and clear of all encumbrances (save and except for any utility

easements or building restriction caveats, and any encumbrances registered against the Purchaser by third parties, including, without limitation, tax liens) within ten (10) business days of the Municipality confirming that the payment by the Purchaser has cleared through all applicable financial institutions. All costs associated with transferring the title of the land will be the responsibility of the purchaser.

11. Upon Council's confirmation that it is satisfied with the Purchaser's compliance with the Land Sale Development Bylaw and building is 95% completed within the 2 year period and the Purchaser has applied in writing to council, within one year of substantial completion the deposit amount paid by the purchaser and held in trust by the village shall be refunded in full. If compliance has not been met by the two year period, unless an extension of time has been granted the deposit will not be refunded and be transferred to general revenues of the Resort Village of Manitou Beach.

No Variation or Transfer

12. No variation, amendment, assignment, transfer, conveyance, or alienation of Land or provisions of this Bylaw shall be binding upon the Municipality unless the same have been specifically approved and authorized by a resolution of the Council, and nothing herein set out shall be taken to require the Municipality to transfer title, as herein before provided, and subject to the provisions of this Bylaw and the Offer to Purchase, other than to the Purchaser named in the Offer to Purchase.

Damages Claimable

13. Nothing herein shall be interpreted to restrict or prevent, in any way, the right of the Municipality to claim damages, in addition to liquidated damages set out in this Bylaw, from the Purchaser as defined in this Bylaw.

Bylaw Repealed

14. Bylaw #8/2009, is hereby repealed.

SEAL

Mayor

Chief Administrative Officer

1st reading January 21, 2013
2nd reading February 11, 2013
3rd reading and finally adopted March 4, 2013 motion #055/2013