

Municipal Corporation of the Township of Killaloe, Hagarty and Richards

By-Law # 23-2008

Being a by-law to adopt and maintain a policy for the sale and other disposition of land owned by the Municipality.

WHEREAS Section 270 of the Municipal Act, 2001 requires the adoption of a policy to govern the sale and other disposition of land by the municipality;

NOW THEREFORE, the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. THAT where made applicable by Section 270 of the Municipal Act, 2001, this by-law shall apply to the sale and other disposition of land by the Corporation of the Township of Killaloe, Hagarty and Richards, including a lease of 21 years or longer.
2. THAT prior to the disposal of land, the Council shall by resolution, declare the property to be surplus.
3. THAT prior to the disposal of land and where the land is not listed on the List of Exemptions, attached hereto as Schedule "A", Council shall obtain at least one appraisal of the fair market value of the land.
4. THAT the appraisal be conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
5. THAT if notice to the public is required, that it be given pursuant to the requirements established by municipal by-law for the form, manner and time for the provision of notice.
6. THAT when more than one party has expressed an interest in purchasing the property, or where Council believes it to be in the best interests of the municipality, the Council may, by resolution, direct that the property be sold by tender.
7. THAT when Council directs that the property be sold by tender, the municipality's tendering policy and procedures which are in effect at the time shall apply.
8. THAT the purchaser shall be responsible for all costs incurred or required to dispose of the property, including but not limited to, legal, survey and appraisal fees, encumbrances, advertising, improvements, administrative fees, land transfer and registration fees.
9. THAT where the property is not to be disposed of by tender, the purchaser shall pay in advance, the appraisal costs and the cost of giving notice to the public. All other costs, as outlined in Number 8 above, shall be paid prior to the transfer of ownership of the property from the municipality to the purchaser.
10. THAT a Certificate of Compliance for each sale of land may be issued.
11. THIS By-Law does not apply to the sale of land under Part XI of the Municipal Act, 2001, Sale of Land for Tax Arrears.
- 12.
13. THAT this by-law shall come into force and take effect upon final reading hereof.
14. THAT this by-law replaces By-Law 43-2003 of the Township of Killaloe, Hagarty and Richards.

Read a first and second time this 17th day of June, 2008.

Read a third time and finally passed this 17th day of June, 2008.

Mayor

CAO/Clerk-Treasurer

SCHEDULE 'A'
To By-Law #23-2008

Section 4 of By-Law #23-2008 does not apply to the following classes of land:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
2. Closed highways if sold to an owner of land abutting the closed highways.
3. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
4. Land that does not have direct access to a highway if sold to the owner of land abutting that land.
5. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
6. Land sold under sections 107 and 108 of the Municipal Act, 2001.
7. Easements granted to public utilities or to telephone companies.

Section 4 of By-Law #23-2008 does not apply to sale of land to the following public bodies:

1. A municipality.
2. A local board, including a school board and a conservation authority.
3. The Crown in right of Ontario or Canada and their agencies.

Sections 2, 3 and 4 of By-Law #23-2008 do not apply to the following classes of land:

1. Land sold under Section 110 of the Municipal Act, 2001, Municipal Capital Facilities
2. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.