BYLAW NUMBER 2012-36

Being a bylaw to establish a Procedural By-Law
for the Sale of Municipal Land

WHEREAS Section 270 (1) of the Municipal Act, 2001 authorizes Council to enact a by-law establishing procedures, governing the sale of and other disposition of land;

BE IT THEREFORE enacted by Council of the Corporation of the Municipality of Marmora and Lake that:

Definitions

1) (a) *Municipal Act* means the Municipal Act, 2001, S.O. 2001, c25

(b) *Appraisal* means a written evaluation of the Fair Market Value of the real property proposed to be sold and includes but is not limited to:

(i) An Opinion of Value from a Real Estate Agent;
(ii) A self-contained appraisal report, summary appraisal report or restricted appraisal report prepared by an accredited appraiser of the Appraisal Institute of Canada;
(iii) An appraisal report prepared by or designated member of the International Right of Way Association; or
(iv) An appraisal report prepared by a qualified member of another recognized appraisal organization.

(c) *Sale* includes a lease of 21 years or longer.

Short Title

2) The short title of this by-law shall be “Sale of Municipal Land” By-Law.

Declare Surplus

3) Before selling any real property owned by the Municipality of Marmora and Lake, Council shall by by-law or resolution passed at a meeting open to the public, declare the real property to be surplus to the Municipalities needs.

Appraisal

4) Before selling any real property owned by the Municipality of Marmora and Lake, Council shall obtain at least one appraisal of the real property, unless an appraisal is not required as set out in Schedule A forming part of this by-law.

Public Notice

5) Before selling any real property owned by the Municipality of Marmora and Lake, Council shall give notice to the public of the proposed sale.

6) Public Notice may consist of one or more of the following methods set out in Section 6 of the bylaw:

   a) By advertisement in a newspaper of general circulation;
   b) By listing with a real estate broker or by direct multiple listing;
   c) By posting a "For Sale" sign on the property;
   d) By advertisement on local cable television, Internet or other telecommunication;
   e) By personal service, registered mail, certified mail, courier or fax; or
   f) Upon announcement by Council at an open meeting of Council.

7) Notice may be given to any of the following:

   a) General Public;
   b) Government of Canada or any of its ministries or agencies
   c) Government of Ontario or any of its ministries or agencies
   d) Hastings and Prince Edward District School Board and Algonquin and Lakeshore Catholic School Board.
   e) Crowe Valley Conservation Authority/Quinte Conservation Authority
   f) Adjacent land owners
   g) Such other persons, corporations, authorities, local boards and bodies as determined.

<u>Method of Sale</u>

8) The method of sale of real property may be one or more of the following:

   a) Direct sale by the Municipality of Marmora and Lake;
   b) Sale by real estate agent;
   c) Land exchange
   d) Public tender
   e) Call for proposal; or
   f) Public auction.

<u>Report to Council</u>

9) Prior to consideration by Council of any proposed sale of real property, a report shall be presented for approval to Council respecting the following matters:

   a) A description, location and sketch of the real property;
   b) Whether the real property is surplus to the Municipality of Marmora and Lake's needs and the reason why it should be declared surplus;
   c) Unless an appraisal is not required, what type of appraisal pursuant to Section 4 should be obtained to determine its fair market value;
   d) What type of notice to the public pursuant to Section 6 should be given;
   e) Persons, corporations authorities, local boards and bodies to whom notice will be provided pursuant to Section 7;
   f) Recommendation as to the method of sale pursuant to Section 8;
   g) Recommendation as to terms or conditions of sale; and
   h) Any other pertinent information or recommendations.

Registry

10) The Municipality of Marmora and Lake shall establish and maintain a public register listing and describing the real property owned and leased by the Municipality of Marmora and Lake.

11) The public register will be based upon the last revised assessment roll and may include the following:

    a) Assessment roll number;
    b) Municipal address;
    c) Legal description;
    d) Property size or dimensions;
    e) Current use of real property

12) The public register shall be made available for inspection in the Municipal Office during regular office hours.

Execution of Documents

13) Where the sale of real property is approved by Council, all documents required to carry out the sale shall be executed on behalf of the Municipality of Marmora and Lake by the Reeve and the Clerk.

Repeal

14) The following by-laws and any amendments to said by-laws, and any other previous by-laws regulating the Sale of Surplus Land, are repealed upon the date of this by-law coming into force and taking effect:

    By-law No. 2000-15 of the Municipality of Marmora and Lake

Effective

15) The requirements of this By-law shall come into force and take effect on the date of passage.

READ A First, Second and Third time and finally passed this 7th day of August, 2012.

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Reeve Terry Clemens

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Clerk Judy Durbatch

Schedule A – By-law Number 2012-036

Situations where appraisal not required

1) The following types of land do not require an appraisal:

    a. Land 0.3 meters or less in width acquired in connection with an approval or decision under the Planning Act;

    b. Closed highways if sold to an owner of land abutting the closed highways;

    c. Land formerly used for railway lines if sold to an owner of land abutting the former railway land;

    d. Land that does not have direct access to a highway if sold to the owner of land abutting land;

    e. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act;

    f. Land sold under Sections 107 (Grants/Loans) of the Municipal Act 2001; or

    g. Easements granted to public utilities, telephone companies or other utility companies.

2) The requirement for an appraisal is excused if the land is being sold to one of the following public bodies:

    a. A municipality;

    b. A local board, including a school board and a conservation authority; or

    c. The Crown in right of Ontario or Canada and their agencies.