



BY-LAW

99-18

A BY-LAW TO ESTABLISH PROCEDURES REGARDING THE SALE OF REAL PROPERTY

WHEREAS Section 193 (2) of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, requires a Council of a municipality to pass a by-law to establish procedures governing the sale of real property owned by the municipality;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss ENACTS as follows:

1.0 Definitions

- 1.1 (a) "appraisal" shall mean a written opinion as to the amount that the real property might be expected to realise if sold in the open market by a willing seller to a willing buyer.
- 1.2 (b) "Township" shall mean The Corporation of the Township of Huron-Kinloss.
- 1.3 (c) "disposal" shall mean the sale of real property or the lease of real property for a period of 21 years or longer.
- 1.4 (d) "public notice" shall consist of the publication of a summary of the contents of the Council or Committee report in a newspaper having general circulation within the Township prior to the date of the Committee or Council meeting, as the case may be, at which the disposal is to be considered.

2.0 Surplus Lands

- 2.1 Prior to the disposal of any real property, the Council shall, by by-law or resolution, at a meeting open to the public, declare the real property to be surplus.

3.0 Appraisals

- 3.1 Except for disposals of those classes of property, or to those classes of public bodies exempted by The Municipal Act, the Clerk shall, prior to the disposal of the real property, obtain at least one appraisal of the fair market value of the real property. For those classes of property, or to those classes of public bodies, exempted by The Municipal Act, refer to Schedule "A" attached to and forming part of this by-law.

4.0 Public Notice

- 4.1 The Clerk shall ensure that public notice of the disposal of real property shall be effected prior to the passage of the by-law approving the disposal of the real property of the Township.
- 4.2 Notwithstanding subsection (1), in the event that notice to the public is specified by statute, the Clerk shall ensure that notice in accordance with the provisions of the applicable statute are effected, in addition to the public notice required by this by-law.

5.0 Public Register

5.1 A public register shall be available for inspection during regular office hours, listing and describing the real property, owned and leased by the Township, save and except for those classes of real property which may be exempt from listing in the public register by the Municipal Act, or the regulations made pursuant thereto, as the same may be amended from time to time. Those classes of real property exempt from the said register are outlined on Schedule "A" attached to and forming part of this by-law.

6.0 Effective Date

6.1 This by-law shall come into full force and effect upon its final passage.

7.0 Title

7.1 This by-law may be cited as the "Real Property Disposal By-Law".

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 5th day of January, 1999.

Mayor

Clerk



"SCHEDULE A"

- 1.0 A municipality or local board may sell the following classes of real property without obtaining an appraisal under subsection 193 (4) of the Act:
 - 1.1 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 - 1.2 Highways, roads and road allowances.
 - 1.3 Land formerly used for railway branch lines if sold to an owner of land abutting the former railway land.
 - 1.4 Land that does not have direct access to a highway if sold to the owner of land abutting that land.
 - 1.5 Land repurchased by an owner in accordance with section 42 of the Expropriations Act.
 - 1.6 Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
 - 1.7 Land sold under sections 112, 112.1, 112.2 and 113 of the Municipal Act.
 - 1.8 Easements granted to Public Utilities or to Telephone Companies.
 - 1.9 Land sold under the Municipal Tax Sales Act.
- 2.0 A municipality or local board may sell real property to the following classes of public bodies without obtaining an appraisal under subsection 193 (4) of the Act:
 - 2.1 Any municipality, including a metropolitan, regional or district municipality and the County of Oxford.
 - 2.2 A local board as defined under the Municipal Affairs Act.
 - 2.3 An authority under the Conservation Authorities Act.
 - 2.4 The Crown in Right of Ontario or of Canada and their agencies.
- 3.0 A municipality or local board is not required to list the following classes of real property in the public register established under subsection 193 (7) of the Act:
 - 3.1 Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 - 3.2 All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
 - 3.3 Land formerly used for railway branch lines.