

THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

BYLAW 2004-97

REAL PROPERTY DISPOSAL BYLAW

BEING a Bylaw of the Corporation of the Township of Smith-Ennismore-Lakefield to establish procedures governing the sale of real property.

WHEREAS Section 268 of the Municipal Act, 2001, as amended, requires that every municipality and local board with the authority to sell land shall pass a bylaw establishing procedures, including the giving of notice to the public governing the sale of land;

NOW THEREFORE, the Council of the Corporation of the Township of Smith-Ennismore-Lakefield hereby **ENACTS** as follows:

1. Definitions

For the purposes of this bylaw:

- a) "appraisal" shall mean a written opinion by a certified appraiser as to the amount that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.
- b) "Council" shall mean the Council of the Corporation of the Township of Smith-Ennismore-Lakefield.
- c) "disposal" shall mean the sale of real property or the lease of real property for a period of 21 years or longer.
- d) "Township" shall mean the Corporation of the Township of Smith-Ennismore-Lakefield.

2. Public Register

- a) 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.
- b) In accordance with the provisions of the Municipal Act, Section 268(11)(2), highways are exempt from inclusion in the public register.

3. Surplus Lands

Prior to the disposal of any real property, the Council shall by resolution passed at an open meeting declare the real property to be surplus.

4. Appraisal

- a) Prior to the disposal of the real property, and where there is no exemption from this requirement under the Municipal Act or the regulations made pursuant thereto, the Council shall obtain at least one appraisal of the fair market value of the real property. The appraisal shall be conducted by an accredited appraiser.
- b) In accordance with the provisions of the Municipal Act, Section 268(8)(2), highways are exempt from the requirement for an appraisal and will be governed by the approved Procedure for Closure and Disposal of Road Allowances.

5. Public Notice

- a) Public notice shall consist of a written notice indicating Council's intention to dispose of the real property and providing a brief description of the subject property. The public notice shall be circulated to each abutting landowner, posted on the subject property and advertised in a newspaper having general circulation in the area.
- b) Public notice of the proposed disposal of the real property shall be given at least 21 days prior to the passage of the bylaw approving the disposal of the real property by the Township.
- c) Notwithstanding Sections 5(a) and (b), the provisions for giving notice with respect to the closure and sale of a public highway, which is surplus real property to the requirements of the Municipality, shall be governed by the approved Procedure for Closure and Disposal of Road Allowances, and such notice shall be deemed to be adequate notice under this Bylaw.

6. Other

- a) An acceptable price or minimum reserve bid shall be established giving consideration to the appraised value and the recovery of the costs incurred or required to dispose of the real property including legal fees, survey, appraisal, encumbrances, advertising, improvements, administrative fees, etcetera.
- b) For each property that Council has, by resolution, deemed to be surplus and which is to be disposed of, Council shall determine the most appropriate method to dispose of the real property. Methods available for the disposal of the real property include, but are not limited to, by tender, request for quotations, use of real estate firm or broker, direct approach to parties deemed by the Municipality to be interested in the excess land.
- c) Unsolicited offers to purchase real property may be processed as they are received on a first come first serve basis.

7. Repeal of Various Bylaws

That Bylaw 2002-70 be and is hereby repealed.

8. Effective Date

This bylaw shall become effective on the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26th DAY OF OCTOBER, A.D., 2004.

Reeve, Ron Millen

Corporate Seal

Clerk, Janice Lavalley