

**THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY**

**By-Law Number 2006- 47**

**BEING A BY-LAW TO ESTABLISH PROCEDURES TO SELL OR OTHERWISE DISPOSE OF REAL PROPERTY PURSUANT TO THE PROVISIONS OF THE MUNICIPAL ACT.**

**WHEREAS** Section 268.(1) of the *Municipal Act, 2001* S.O. 2001, c.25 requires a municipality to pass a by-law establishing procedures, including the giving of notice to the public, governing the sale of land, and includes a lease of 21 years or longer;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY ENACTS AS FOLLOWS:**

1. Prior to selling any land owned by the Corporation of the Township of East Luther Grand Valley, Council shall:
  - a) by by-law or resolution declare the land to be surplus;
  - b) obtain at least one appraisal of the fair market value of the land; and
  - c) give notice to the public of the proposed sale.
2. The manner in which the municipality carries out the sale of its land, if consistent with this by-law, is not open to review by any court if the municipality may lawfully sell the property, the purchaser may lawfully buy it and the municipality acted in good faith.
3. A Public Registrar, listing and describing the land owned or leased by the municipality, shall be established and maintained.
4. The Clerk of the municipality may issue a certificate with respect to a sale of land by the municipality or local board verifying that to the best of his or her knowledge the requirements of this by-law which apply to the sale of land have been complied with.
5. A certificate under paragraph 4, a copy of which Certificate is annexed hereto at Schedule "A", shall be included in a deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, shall be deemed to be sufficient proof that this by-law has been complied with.
6. Notwithstanding paragraph 1 of this by-law, Council may elect not to obtain an appraisal for the sale of land to the following public bodies:
  - a) A municipality.
  - b) A local board, including a school board and a conservation authority.
  - c) The Crown in right of Ontario or Canada and their agencies.

7. Notwithstanding paragraph 1, Council may elect to sell the following classes of land without obtaining an appraisal:
  - a) Land 0.3 metres 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 that Land;
  - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*;
  - f) Land sold under sections 107, 108 and 109;
  - g) Easements granted to public utilities or to telephone companies.
8. Paragraph 1 does not apply to the sale of the following classes of land;
  - a) Land sold under Section 110.(1) of *Municipal Act*;
  - b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
  - c) Sale of Land under Part XI, Sale of Land for Tax Arrears.
9. Council shall give notice to the public that the land has been deemed surplus and is intended to be sold by placing a notice at least once in one or more newspapers having general circulation in all or part of the municipality at least two weeks prior to the consideration of the intended sale by Council, and such notice shall disclose the following information:
  - a) the legal description of the real property including lot, concession and/or plan number;
  - b) the approximate area of the real property, if known;
  - c) the current use of the real property;
  - d) the manner in which the real property shall first be offered for sale;
  - e) to whom the real property shall be offered for sale if not offered to the general public; and
  - f) such other information as Council directs.

10. Notwithstanding paragraph 9, where a highway is intended to be closed and/or offered for sale, notice in a newspaper pursuant to the requirements of the *Municipal Act*, for closing and/or sale, shall be deemed to be notice to the public of the intended sale of such real property for purposes of this by-law.
11. Paragraph 3 does not apply to the following classes of land:
  - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
  - b) Highways;
  - c) Land formerly used for railway lines.
12. Where the steps required in Section 268 of the *Municipal Act* and this by-law have been complied with for the intended sale of land, including a resolution or by-law declaring the land to be surplus:
  - a) A resolution of Council approving the sale, shall, except where a by-law is expressly required by statute, be sufficient authorization of such sale.
  - b) The Clerk may sign and issue a "Certificate of Compliance" to verify matters in the form of such Certificates as prescribed by Provincial Regulation, a copy of which prescribed form of Certificate is annexed hereto as Schedule "A":
  - c) As required by the *Municipal Act*, such Certificate shall be attached to the Township's Transfer of the land to the purchaser.
  - d) Subject to and in accordance with all normal and other approvals as may be required, being previously obtained, all documents required to carry out the real property sale, including the documents listed in subsection (c), shall be executed on behalf of The Corporation of the Township of East Luther Grand Valley by the Mayor and the Clerk, with the corporate seal affixed thereto.
13. Any by-law or section of a by-law inconsistent with this by-law is hereby repealed.
14. This by-law shall come into force effective December 1, 2006 and apply to all real property sales approved by Council on or after that date.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 18<sup>TH</sup> DAY OF DECEMBER, 2006.

  
MAYOR

  
CAO/CLERK

SCHEDULE "A"

To By-Law No. \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE**

Certificate of Compliance with section 268 of the *Municipal Act*  
in the sale or disposition of the real property described as:

I hereby certify that:

- 1. The Municipality passed By-Law \_\_\_\_\_ on \_\_\_\_\_ (date).

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

*Delete if not applicable*

- 2. The property was declared surplus under By-law or Resolution \_\_\_\_\_ enacted or passed on \_\_\_\_\_ (date).

*Delete if not Applicable*

- 3. An appraisal of the fair market value of the property was obtained on \_\_\_\_\_ (date).

*Delete if not applicable*

- 4. The property sale or disposition is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption.

*Delete if not applicable*

- 5. Public notice of intent to sell or dispose of the property was given by the following method(s):  
\_\_\_\_\_  
\_\_\_\_\_  
(describe method(s))  
on the following date(s) \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date