



THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

BY-LAW NUMBER 3214-2015

A BY-LAW TO REGULATE THE SALE OF MUNICIPALLY OWNED REAL PROPERTY

WHEREAS Section 11(2) 4 of the Municipal Act states that municipalities may pass by-laws respecting public assets of the municipality.

AND WHEREAS Council has deemed it expedient to establish procedures, including the giving of public notice governing the sale of real property;

NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

1. Council shall, at any time, by resolution, declare any of its real property to be surplus to the needs of the Township and shall authorize the Clerk to take action as described in Schedule "A" attached hereto.
2. Schedule "A" attached hereto shall form part of this by-law.
3. This by-law shall come into force and take effect immediately upon passing.
4. That By-law 2710 is hereby repealed.

Read a first and second time this 30 day of November 2015.

Read a third time and passed this 30 day of November 2015.


MAYOR


CLERK

SCHEDULE A TO BY-LAW 3214-2015			
Policy:	Sale of Municipal Property	Date issued:	
Coverage:	Staff, Elected officials	Resolution:	

DEFINITIONS

1. For the purpose of this Policy:
 - (a) "appraisal" shall mean a written opinion of the fair market value of land.
 - (b) "sale" means the transfer of the fee simple interest in land.

SURPLUS LANDS

2. That prior to the disposal of property the Council shall by resolution declare the property to be surplus.

APPRAISALS AND SURVEY

3. That prior to the disposal of real property and where there is no exemption under the regulations, the Council shall obtain as least one appraisal of the fair market value of the real property conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
4. That prior to the disposal of real property and where there is no exemption under the regulations, the Council shall obtain a survey of the real property proposed to be disposed of from an independent surveyor in accordance with the laws of the Province of Ontario.
5. All costs related to the sale of property shall be borne by the purchaser.

EXCLUSIONS FROM REQUIRED APPRAISAL

6. Paragraph 3 of this Policy shall not apply to the sale of the following classes of land:
 - i. land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - ii. closed highways if sold to an owner of land abutting the closed highways;
 - iii. land that does not have direct access to a highway if sold to the owner of land abutting that land;
 - iv. land repurchased by an owner in accordance with S.42 of the Expropriations Act;

- v. land sold to a Municipality, a local board including a school board and conservation authority, or the Crown in Right of Ontario or Canada and their agencies.

PUBLIC NOTICE

7. That notice to the public of the proposed sale shall be given at least 10 days, including holidays, prior to the disposal of real property by posting a notice on the subject property or at the nearby location chosen by the Township Clerk or his or her designate; or

Notice to the public be given by publication in a newspaper having general circulation in the municipality.

8. That when more than one party has expressed an interest in purchasing real property or where the Council believes it to be in the best interest of the community, the Council may by resolution direct that the real property be sold by tender.
9. That when the Council directs that the real property be sold by tender the tendering policy and procedures in effect at the time shall apply with necessary modifications.
10. That the purchaser shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and so on except where Council by resolution waives all or any portion of these costs.
11. That where the real 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.