

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW 95-22

A By-Law to establish a procedure governing the sale of real property.

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WHEREAS, the Planning and Municipal Statute Law Amendment Act, 1994 requires that every Council with authority to sell or otherwise dispose of real property shall by by-law establish procedures including the giving of public notice, before disposing of real property, and

WHEREAS, the by-law must include a provision that Council shall officially declare, by resolution, the real property to be surplus, and

WHEREAS, the by-law must include a provision that Council shall obtain at least one appraisal of the fair market value of the real property, and

WHEREAS, the by-law must include a provision that Council shall give notice to the public of the proposed sale, and

WHEREAS, the by-law could include a provision authorizing different procedures for different classes of real property, and

WHEREAS, the Minister, by regulations has prescribed classes of real property and certain public bodies for which an appraisal is not required.

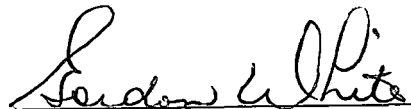
NOW THEREFORE the Council of the Corporation of the Township of Westmeath ENACT as follows:-

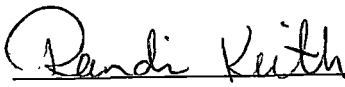
1. Council shall, at any time, by resolution, declare any of its real property to be surplus to the needs of the Township.
2. This By-Law and Schedule "1" shall apply to all classes of land owned by the Township, save and except:
  - a) classes of land described under Section 210.1 of the Municipal Act, and
  - b) surplus land acquired for road widening
  - c) land in the Industrial Park

which classes shall be subject to their own specific procedures

3. Subject to the provisions of Schedule "1", Council shall determine the most appropriate method, in the best interest of the Township to dispose of the real property.
4. Schedule "1" attached hereto shall form part of this by-law
5. This by-law shall come into force and take effect immediately upon enactment thereof.

PASSED AND ENACTED this 9th day of August.

  
Reeve

  
Clerk

PROCEDURE - SALE OF REAL PROPERTY

1. Obtain approval from any other agencies involved, if necessary
2. 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 if deemed appropriate.
3. Obtain an appraisal of the real property proposed to be disposed of from an independent qualified appraiser who shall:
  - i) be a registered member in good standing of the Appraisal Institute of Canada
  - ii) conduct business primarily in or near the local municipality where the proposed property to be disposed of is located.
4. Should the method be to sell the property by tender or request for quotations:
  - i) costs incurred or required to dispose of the proposed real property including legal fees, survey, appraisal, encumbrances, advertising, improvements, etc. shall be established
  - ii) an estimated bid amount shall be established which shall be based on the appraised value and shall be increased to include the amounts of the costs referred to in clause 4(i) above.
  - iii) an advertisement shall be placed in at least two newspapers having general circulation in the Township. The advertisement shall include a brief description of the property, including a small location sketch and shall specify the dates involved with the sale.
  - iv) the tender or quotation documents shall be submitted to the Township Clerk and shall include the statement that "the highest or any offer may not necessarily be accepted.
  - v) the newspaper advertisement shall provide a minimum of two calendar weeks from the time it appears in the newspaper until the final sale is recommended to Council.
5. Should the method be to engage a real estate firm or broker:
  - i) an appropriate advertisement shall be placed in a newspaper having general circulation in the area where the property is located. The advertisement shall include a brief description of the property including a small location sketch
  - ii) the Offers to Purchase/sale or agreements shall be submitted to the Township Clerk on behalf of Council
  - iii) Council shall determine by negotiation the real estate commission payable by the Township.
6. Should an alternative method be determined by Council:

- i) an appropriate advertisement shall be placed in a newspaper having general circulation in the area where the property is located. The advertisement shall include a brief description of the property including a small location sketch.
- ii) the Offers to Purchase/sale or agreements shall be submitted to the Township Clerk on behalf of Council.