

# CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

## BY-LAW # 13-09-649

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Being a By-law to Establish Procedures Governing The Sale of Real Property By the Municipal Corporation of the Township of Whitewater Region.

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### **NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION ENACTS AS FOLLOWS:**

#### 1. GENERAL

The purpose of this by-law is to establish procedures, including the giving of notice to the public, governing the sale of certain classes of real property, the sale of certain classes of real property to certain classes of public bodies.

#### 2. DEFINITION

“Council” shall mean the municipal council for the Township of Whitewater Region.

“Local board” means a local board as defined in the Municipal Affairs Act, but does not include a school board.

“Sale” includes a lease of 21 years or longer.

#### 3. All real property shall be disposed of in the following manner and in accordance with the following steps:

Every council or local board shall,


- (i) by by-law or resolution passed at a meeting open to the public declare the real property to be surplus;
- (ii) upon passing of the above mentioned by-law or resolution, obtain an opinion of value of the fair market value of the real property.
- (iii) give notice to the public of the proposed sale. The method of notice shall normally be by publishing such notice in a paper with local circulation and posting on the township website;
- (iv) any offers received for real property to be disposed of by the council or local board must be made in writing and must include the following;
  - (a) a proper legal description of the land;
  - (b) the full name of the person making the offer and contact information;
  - (c) the purchase price;
  - (d) a deposit by cash or certified cheque payable to the Municipality in the amount of not less than ten (10%) per cent of the entire purchase price;
  - (e) a date set for closing of the transaction;
- (v) In the event that the Council or local board does not receive an offer to purchase for the real property which is satisfactory to the council or local board, having regard to the appraisal obtained, the council or local board shall have the option of refusing acceptance of any such offers to purchase received.

- (vi) Upon acceptance of an offer to purchase, the Council or local board shall pass any and all by-laws necessary to complete the disposal of the real property, including any by-law necessary to authorize the Mayor and CAO/Clerk to execute any documentation necessary to complete the transaction.
4. **NOTWITHSTANDING** Section 3 of this By-law the municipality may sell the following classes of real property without obtaining an opinion of value:
- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
  - (b) Highways, road and road allowances.
  - (c) Land formerly owned for railway branch 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 the land.
  - (e) Land repurchased by an owner in accordance with the Expropriations Act.
  - (f) Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
  - (g) Easements granted to public utilities or to telephone companies.
  - (h) Land sold under the Municipal Tax Sales Act.
5. **NOTWITHSTANDING** Section 3 of this By-law the council or local board may sell real property to the following classes of public bodies without obtaining an opinion of value:
- 1. Any municipality, including a metropolitan, regional or district municipality.
  - 2. A local board as defined in the Municipal Affairs Act.
  - 3. An authority under the Conservation Authorities Act.
  - 4. The Crown in Right of Ontario or of Canada and their agencies.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 13-09-649 are hereby repealed.

THIS By-law shall come into force and take effect upon the date of the final passing.

Passed this 4<sup>th</sup> day of September, 2013.

  
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Mayor Jim Labow

  
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CAO/Clerk Christine FitzSimons