

**THE CORPORATION OF THE TOWNSHIP OF
NORTH KAWARTHA
BY-LAW #106/07**

**BEING A BY-LAW TO ESTABLISH POLICIES FOR THE SALE OF REAL
PROPERTY**

WHEREAS Section 270 (1) (1) of the Municipal Act, 2001 as amended requires the Council of a Municipality to pass a by-law to establish policies governing the sale of real property;

NOW THEREFORE the Council of the Corporation of the Township of North Kawartha **enacts as follows:**

1. Title: This by-law may be cited as the "Real Property Disposal By-law" and will establish policies including giving of notice to the public governing the sale of land.

2. Definitions: For the purpose of this by-law:

Appraisal – shall mean a written opinion 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.

Clerk – shall mean the Clerk of the Corporation of the Township of North Kawartha

Disposal – shall mean the sale of real property. A by-law shall be passed to dispose of real property by the municipal council. All notice provisions shall apply.

3. Conditions before sale of Land, every municipality shall:

- a) by 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 by a notice on the Web Page, a notice posted on the property for 14 days and by other means deemed appropriate by the Clerk.

4. No Review – the manner in which the municipality or local board carries out the sale of its land, if consistent with this section and with the by-law under Subsection 1, is not open to review by any court if the municipality or local board may lawfully sell the property, the purchaser may lawfully buy it and the municipality or local board acted in good faith.

5. Register – Every municipality and local board shall establish and maintain a public register listing and describing the land owned by the municipality or local board.

6. Certificate – the Clerk of a municipality may issue a certificate with respect to a sale of land by the municipality verifying that to the best of his/her knowledge the requirements of this section and of a by-law under this section which apply to the sale of land have been complied with. The fee for the Certificate is \$50 and a sample of the Certificate is "Schedule A" attached.

7. Effect – A certificate under subsection (6) shall be included with the 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 section has been complied with.

8. Exclusion of certain classes of land - Clause 3 (b) does not apply to the sale of the following classes of land:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
2. Closed highways if sold to an owner of land abutting the closed highway

3. Land formerly used for railway lines if sold to an owner of land abutting the former railway land
4. Land that does not have direct access to a highway if sold to the owner of land abutting that land
5. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
6. Land sold under sections 107 and 108 of the *Municipal Act, 2001*
7. Easements granted to public utilities or to the telephone companies

9. Exclusions, sales to public bodies – Clause 3 (b) does not apply to the sale of land to the following public bodies:

1. A municipality
2. A Local Board including a school board and a conservation authority
3. The Crown in right of Ontario or Canada and their agencies

10. Exclusion, classes of land – Subsection 3 does not apply to the sale of the following classes of land:

1. Land sold under Section 110 – *Municipal Act, 2001* – Municipal Capital Facilities
2. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses

11. Exempt from registry – Subsection 5 does not apply to the following classes of land:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
2. Highways and unopened road allowances.
3. Land formerly used for railway lines

12. Exemption – This by-law does not apply to the sale of land under Part XI, *Municipal Act, 2001* – Tax Arrears

13. By-law #61/98 is hereby repealed

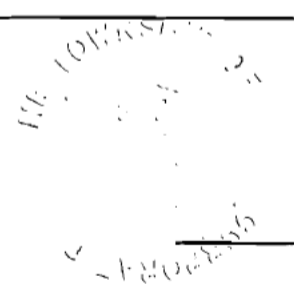
READ A FIRST, SECOND AND THIRD TIME AND ADOPTED IN OPEN COUNCIL THIS 20TH DAY OF NOVEMBER, 2007.



Jim Whelan, Reeve



Connie Parent, Clerk



**BY – LAW #106/07
REAL PROPERTY DISPOSAL BY-LAW
SCHEDULE “A”**

CERTIFICATE OF COMPLIANCE

Section 270 (1) (1) of the Municipal Act, 2001as amended

The sale of the real property located at

Has been lawfully completed with respect to the following:

- A by-law outlining the Notice to be given to the public and the other procedures to be followed with respect to the disposal of real property was in force in the municipality when the resolution declaring the property surplus was passed;
- The Notice provisions required by the above noted by-law have been complied with;
- The required appraisal was obtained

THIS WILL CERTIFY THAT THE ABOVE TRANSACTION HAS BEEN COMPLETED IN COMPLIANCE WITH THE CONDITIONS.

**DATED AT THE TOWNSHIP OF NORTH KAWARTHA
IN THE COUNTY OF PETERBOROUGH**

THISDAY OF 20....

CLERK