

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2007-157

BEING A BY-LAW TO ESTABLISH PROCEDURES FOR THE SALE OF LAND OWNED BY THE CORPORATION OF THE TOWNSHIP OF SEVERN

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WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 270.(1), provides that a municipality shall adopt and maintain policies with respect to the sale and other disposition of land;

AND WHEREAS it is deemed expedient to establish the procedures for the sale of land by the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. **Definitions**

For the purposes of this By-law:

- “Act”** shall mean the *Municipal Act*, S.O. 2001
- “Appraisal”** shall mean a written opinion as to the fair market value of an individual parcel of real property that might be expected if sold in the open market by a willing seller to a willing buyer.
- “Council”** shall mean the Council of the Corporation of the Township of Severn.
- “Township”** shall mean the Corporation of the Township of Severn.
- “Sale”** shall mean the sale of a parcel of real property owned by the Corporation or the lease of a parcel of real property owned by the Corporation for a period of 21 years or longer.

2. **Surplus Lands**

Prior to selling any land, the Township shall by By-law or Resolution declare the land to be surplus.

3. **Method of Sale**

The Township shall by By-law or Resolution determine the method to be used for the sale of any land and the Clerk of the Township shall carry out the sale in accordance with the method authorized.

4. **Appraisals**

- 4.1 The Township shall, prior to the sale of any land, obtain at least one appraisal of the land.
- 4.2 Notwithstanding Section 4.1, the Township shall not be required to obtain an appraisal with respect to the sale of those classes of land excluded from the appraisal requirement pursuant to the said Municipal Act or any regulation made thereunder. However, Council may, in its discretion, determine that an appraisal is necessary for such excluded land.
- 4.3 In addition to any appraisal, if obtained, Council may also determine the sale price for land in any other manner including, but not limited to:
- (a) consultation with a qualified appraiser or real estate agent;
  - (b) comparison of similar land within the immediate geographic area;
  - (c) by including anticipated costs incurred by the Township with respect to the sale including legal fees, survey, appraisal and advertising.

5. **Exemptions**

The conditions for the sale of land set out in applicable legislation and as required by this By-law shall not apply to those sales of land that are excluded or exempted from such conditions by applicable legislation, but only to the extent of such exclusions or exemptions.

6. **Public Notice**

Notice to the public of the proposed sale of land shall be given by the Clerk in accordance with the provisions of the Township Procedures for Notices By-law.

7. **Deposit**

Unless otherwise directed by Resolution of Council, the proposed purchaser shall be responsible for all costs incurred by the Township. Prior to the formal acceptance of any offer to purchase land, the proposed purchaser shall be required to submit a cheque payable to the Township in the minimum amount of \$2,500.00 as a deposit, of which \$250.00 is non-refundable, to be applied to the expenses of sale that may be incurred by the Township including, but not limited to, appraisal costs, advertising, easements to be retained by the Township or to be granted to a public authority, legal fees and disbursements, survey costs, administrative fees and all applicable federal and provincial taxes. The proposed purchaser may be required to submit further fees in order to cover the municipality's costs for the transaction.

8. **Certificate of Compliance**

- 8.1 A Certificate of Compliance shall be issued by the Clerk with respect to the sale of land by the municipality verifying that to the best of his/her knowledge the requirements of Section 268. of the Act have been complied with.
- 8.2 The fee for issuing a "Certificate of Compliance" pursuant to the Act shall be as outlined in the Township Fees & Charges By-law.

9. **Short Title**

The short title of this By-law shall be “**The Municipal Property Sale By-law**” of the Township of Severn.

10. **Force & Effect**

That this By-law shall come into force and effect on the date of passing thereof.

12. **Repeal**

That By-law No. 2004-166 be and it is hereby repealed.

By-law read a first and second time this 6<sup>th</sup> day of December, 2007.

By-law read a third time and finally passed this 6<sup>th</sup> day of December, 2007.

CORPORATION OF THE TOWNSHIP OF SEVERN

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MAYOR

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CLERK-TREASURER