

## **BY-LAW NUMBER 2009-71**

### **THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES**

**BEING** a By-Law to establish procedures governing the sale or disposal of real property owned by The Corporation of the Township of Rideau Lakes.

**WHEREAS** Section 270 (1)(2) of the Municipal Act, 2001 as amended, provides that every Council shall establish procedures governing the sale or disposal of real property;

**AND WHEREAS** Section 9 of the Municipal Act, 2001 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act, 2001 or any other Act;

**AND WHEREAS** Section 8 of the Municipal Act, 2001 provides that the powers of Municipalities under the Municipal Act, 2001 or any other Act shall be interpreted broadly as to confer broad authority on the Municipalities to enable Municipalities to govern its affairs as it considers appropriate and to enhance the Municipalities ability to respond to Municipal issues;

**AND WHEREAS** the By-Law shall include a provision that Council shall officially declare, by By-Law or Resolution, the real property to be surplus at an Open Meeting of Council;

**AND WHEREAS** the By-Law shall include a provision that Council shall obtain at least one appraisal of the fair market value for the real property;

**AND WHEREAS** the By-Law shall include a provision that Council may sell, dispose or exchange any Real Property to any Municipality/County without obtaining an appraisal;

**AND WHEREAS** the By-Law shall include a provision that Council shall give notice to the public of the proposed sale or disposal of real property;

**NOW THEREFORE** the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. Council shall, at any time, by By-Law or Resolution, declare any of its real property to be surplus to the needs of the Municipality, and shall authorize action be taken as described in Schedule "A" attached hereto.
2. This By-Law and Schedule "A" shall apply to the sale/disposal of all classes of land owned by the Municipality, which shall be exempt from Sale Procedures such as:
  - a) Land sold to any Municipality/County/Any Public Agency
  - b) Surplus land acquired for road widening

- c) Land formerly owned by railway lines if sold to an owner of land abutting the former railway land and the sale of the rail right-of-way would not impact on the crossing rights for any other land owner(s)

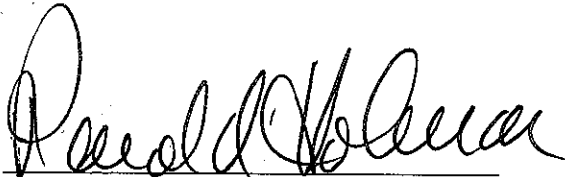
These Lands shall be exempt from Sale Procedures and all other Classes of Land shall be subject to their own specific procedures.

Where the publication of Notice is not required, notice shall be given by way of written communication between the parties involved in the transaction or such other method of communication as determined by the CAO/Clerk.

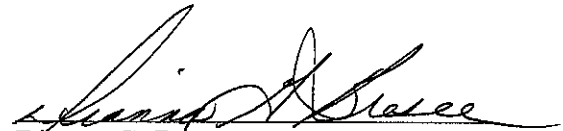
**Notwithstanding the above exemptions, Council may direct the Clerk to give notice by publication or Web Site where it is deemed in the public interest to do so.**

3. Subject to the provisions of Schedule "A", the method of sale or disposal of real property shall be by Tender, Auction or other appropriate method as determined by Council and/or Administrator / Deputy Clerk / Deputy Treasurer.
4. Schedule "A" attached hereto shall form part of this By-Law.
5. This By-Law shall come into force and effect on the date of final reading.
6. All other By-Laws, Resolutions, Motion or Actions of Council that are in contravention of this By-Law are hereby repealed. – By-Law 2002-115

Read a first and second time this 8<sup>th</sup>, day of September 2009.

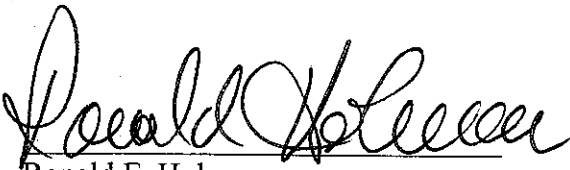


Ronald E. Holman  
Mayor

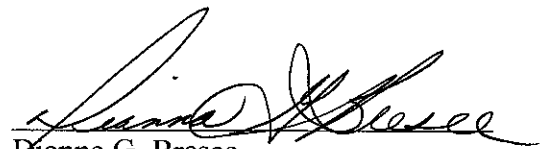


Dianna G. Bresee  
Clerk

Read a third time and finally passed this 8<sup>th</sup>, day of September 2009.



Ronald E. Holman  
Mayor



Dianna G. Bresee  
Clerk

**SCHEDULE "A"**  
**to**  
**BY-LAW NUMBER 2009-71**

**PROCEDURE – SALE/DISPOSAL OF REAL PROPERTY**

1. That prior to the sale or disposal of real property Council shall by By-Law or Resolution declare the property to be surplus.
2. That prior to the sale or disposal of real property, and where there is no exemption, the Council shall obtain an appraisal of the real property, from an independent qualified appraiser, who shall:
  - a) be a registered member, in good standing, of the Appraisal Institute of Canada; and
  - b) conducts business in or near the local municipality, where the proposed property to be disposed of is located.
3. That a survey of the real property proposed to be disposed of be obtained from an independent surveyor, in accordance with the laws of the Province of Ontario.
4. That approval be obtained from other agencies involved, if necessary.
5. That prior to the sale or disposal of real property, and where there is an exemption, Council may sell property to any Municipality/County/Any Public Agency without obtaining an appraisal or giving Notice.
6. That the purchaser shall be responsible for all costs incurred or required to dispose of the real property including, but not limited to legal fees, survey costs, appraisal costs, encumbrances, advertising, improvements, administrative fees unless otherwise decided by Council.
7. The sale or disposal of real property may be by tender, auction, or other appropriate method as determined by Council and/or Administrator / Deputy Clerk / Deputy Treasurer.
8. That notice to the public, of the proposed sale or disposal of the real property, be given in the following manner:
  - a) posting of the notice, on the real property,
  - b) publication of the notice on the Township Web Site
9. The notice shall include a brief description of the property, including a small location sketch.

10. If sale or disposal is by the Tender method, then the notice to be posted up and published shall include the following:
  - a) specify the date for submitting tender,
  - b) the notation "the highest or any tender may not necessarily be accepted",
  - c) the date, time and location of opening of tenders.
  
11. That the fee for issuing a "Certificate of Compliance", pursuant to the Act, shall be \$50.00.