

**THE CORPORATION OF THE MUNICIPALITY
OF HASTINGS HIGHLANDS**

BY-LAW 17-2004

**Being a By-law to establish a
procedure for the sale of land**

WHEREAS Section 268 of the Municipal Act, 2001, requires that every municipality shall pass a by-law establishing procedures including the giving of notice to the public, governing the sale of land;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS:

1. DEFINITIONS

"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 Municipality of Hastings Highlands.

"COUNCIL" shall mean the Council of the Corporation of the Municipality of Hastings Highlands.

"SALE" shall mean the sale of real property or the lease of real property for a period of twenty-one (21) years or longer.

"MUNICIPALITY" shall mean the Corporation of the Municipality of Hastings Highlands.

2. EXCLUSIONS, CERTAIN CLASSES OF LAND

This By-law does not apply to the sale of the following classes of land:

- i. Land 0.3 metres or less in width acquired in connection with an approval or decision under the planning Act.
- ii. Closed highways if sold to an owner of land abutting the closed highways.
- iii. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
- iv. Land that does not have direct access to a highway if sold to the owner of land abutting the land.
- v. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
- vi. Land sold under Section 107 (economic development services), Section 108 (small business counseling service programs) or Section 109 (community development corporations) of the Municipal Act, 2001.
- vii. Easements granted to public utilities or to telephone companies.

3. EXCLUSIONS, SALES TO PUBLIC BODIES

This By-law does not apply to the sale of land to the following public bodies:

- i. A municipality.
- ii. A local board, including a school board and a conservation authority.
- iii. The crown in right of Ontario or Canada and their agencies.

4. PROCEDURE

Before sell any land, Council shall:

- i. Declare the land to be surplus, by resolution, at an open meeting of Council.
- ii. Obtain at least one appraisal of the fair market value of the land.
- iii. Give notice to the public of the proposed sale.

This Section does not apply to land sold under Section 110 of the Municipal Act, 2001 (agreements for municipal capital facilities). This Section does not apply to land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

5. SALE BY TENDER

When more than one party has expressed an interest in purchasing land, or where the Council believes it to be in the best interest of the Municipality, Council may, by resolution, direct that the property be sold by public tender.

6. UNSOLICITED OFFERS

Unsolicited offers shall be processed on a first come first served basis.

7. COSTS OF SALE

The purchaser shall be responsible for all costs incurred or required to dispose of the land, including but not limited to the cost of advertising, legal, survey, appraisal, encumbrances, improvements, and administrative costs.

8. PUBLIC NOTICE

- i. After land is declared surplus, a notice of the declaration of intent to sell the land shall be published in a newspaper having general circulation within the Municipality, not less than twenty (20) days prior to the open Council meeting where the authorization to sell the land will be considered.
- ii. The notice shall provide a general description of the land together with a location sketch.
- iii. In the case of an unsolicited offer, notice shall be mailed to all owners of land abutting the subject land. Council may, by resolution, waive the requirement for newspaper advertising in this case.
- iv. Council may, by resolution, direct that advertisements be published in other newspapers or publications having general circulation outside of the Municipality.

9. CERTIFICATE

The Clerk shall issue a certificate with respect to the sale of land by the Municipality verifying that to the best of his or her knowledge the requirements of Section 268 of the Municipal Act, 2001 and the requirements of this By-law have been complied with. The certificate shall be included in a 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.

The form of the certificate shall be as set out in Schedule "A" attached hereto and forming part of this By-law.

10. REGISTER

The Clerk shall establish and maintain a register listing and describing the lands owned or leased by the Municipality.

11. FORCE AND EFFECT

This by-law shall come into force and take effect upon its final passing.

12. RESCIND FORMER BY-LAWS

By-law 06-2002 and any amendments thereto are hereby rescinded.

Read a first, second and third time and finally enacted, this 14th day of April, 2004.



Mayor



Clerk

CLERK'S CERTIFICATE

Certificate of Compliance with Section 268 of the Municipal Act, 2001 as amended, in the sale and disposition of the real property described as:

(description of land may be attached)

I hereby certify that:

1. The Council of the Corporation of Hastings Highlands passed By-law 17-2004 on April 14, 2004. It is a procedural by-law for the purpose of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.
2. The property was declared surplus under Resolution # _____ passed on the _____th day of _____, 20__.
3. An appraisal of fair market value of the property was obtained on the _____th day of _____, 20__.
4. The property sale or disposition was exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

5. Public Notice of the declaration of the land as surplus was given by the following methods:

on the following dates:

Clerk

Date