

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2017-05

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

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:

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| “Appraisal” | shall mean a written opinion of the fair market value of land. |
| “Municipality” | shall mean the Corporation of the Township of Severn. |
| “Sale” | shall mean the transfer of the fee simple interest in land or leasing of land directly or by entitlement to renewal for a period of 21 years or more. |

2. **Surplus Lands**

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

3. **Appraisals**

Prior to the sale of any land, the Municipality shall obtain at least one appraisal of the land.

4. **Method of Sale**

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

5. **Notice**

The Municipality shall give notice to the public of a proposed sale in accordance with the provisions of the Municipality’s Notice By-law.

6. **Exclusions - Appraisal**

Paragraph 3. of this By-law shall not apply to the sale of the following classes of land:

- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- (b) Closed highways if sold to an owner of land abutting the closed highways;
- (c) Land formerly used for railway 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 that land;
- (e) Land repurchased by an owner in accordance with Section 42 of the *Expropriation Act*;
- (f) Land sold under Sections 107 and 108 of the *Municipal Act*, 2001;
- (g) Land sold to a Municipality, a Local Board including a School Board and Conservation Authority, or the Crown in Right of Ontario or Canada and their agencies.

7. **Exclusions – General**

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

- (a) Land sold under Section 110 of the *Municipal Act*;
- (b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
- (c) Land sold under Part XI of the *Municipal Act*, 2001.

8. **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 deposit in accordance with the Township's Fees & Charges By-law 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. **Short Title**

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

9. **Force & Effect**

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

10. **Repeal**

That By-law No. 2016-69 be and it is hereby repealed.

By-law read a first and second time this 1st day of February, 2017.

By-law read a third time and finally passed this 1st day of February, 2017.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK