

BY-LAW NUMBER 186-2006

A By-law to refine procedures and policies for the disposal of real property of the Corporation of the Municipality of Chatham-Kent

FINALLY PASSED the 5<sup>th</sup> day of September, 2006

WHEREAS Section 268 (1) of the Municipal Act, 2001, S.O. 2001, C. 25, requires every Council with authority to sell real property to pass a by-law establishing procedures governing the sale of real property, including the giving of notice to the public.

NOW THEREFORE the Municipal Council of the Municipality of Chatham-Kent enacts as follows:

1. Definitions

1.1 In this by-law:

“Appraisal” means a written opinion or valuation of the fair market value of a parcel of real property; such appraisal to be obtained from a person with expertise in the valuation of real property.

“Corporation” means the Corporation of the Municipality of Chatham-Kent

“Council” means the Council of the Corporation of the Municipality of Chatham-Kent

“Notice to the Public” means the notice of the proposed sale in Chatham-Kent Matters in all approved local newspapers of the intention of the Corporation to dispose of the lands in question

“Real Property” means lands owned by the Municipality of Chatham-Kent whether vacant or not or any other proprietary interest in lands owned by the Municipality of Chatham-Kent, and without limiting the generality of the foregoing, includes easements, rights-of-way, leaseholds exceeding 21 years, and any interest in lands under an agreement of purchase and sale

“Sale” means a transfer of municipal real property and includes a lease of twenty-one years or longer

“Surplus Property” means real property owned by the Municipality of Chatham-Kent and declared surplus to the needs of the Municipality of Chatham-Kent by by-law or resolution of Council.

2. Surplus Property

2.1 Before selling any land, the Corporation shall by by-law or resolution passed at a meeting open to the public, declare the real property to be surplus.

3. Appraisal

3.1 Save and except for those classes of real property for which an appraisal is not required as set out in Schedule “A” of this by-law, Council shall, before selling any land, obtain at least one appraisal of the fair market value of the land.

4. Notice

4.1 Before selling any real property, the Corporation shall give notice to the public of the proposed sale. Notice of the proposed sale of any surplus property shall be provided by publication for one week in Chatham-Kent Matters in all local newspapers of the intention of the Corporation to dispose of the land. In addition, notice of the proposed sale shall be provided by posting a notice on the Chatham-Kent website.

5. Register of Real Property Owned or Leased

5.1 Save and except for those classes of real property not required to be listed in a public register as set out in Schedule "A" of this by-law, the Municipality shall establish and maintain a public register listing which describes the land owned or leased by the Corporation.

5.2 The Register shall include

- (a) the municipal address
- (b) the municipal assessment roll number
- (c) a brief description of the property

6. Certificate of Compliance

6.1 Upon the sale of any real property of the Corporation, a "Certificate of Compliance" in the form set out in Schedule "B" of this by-law, shall be included in the deed or transfer of land for such sale.

7. By-law 14-1998 passed by the Council of The Corporation of The Municipality of Chatham-Kent on January 19, 1998 is hereby repealed.

THIS by-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 5<sup>th</sup> day of September, 2006

ORIGINAL SIGNED BY

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Mayor – Diane Gagner

ORIGINAL SIGNED BY

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Clerk – Elinor Mifflin

## Schedule "A"

### Disposal of Property

1. A municipality may sell the following land without obtaining an appraisal under Section 268 (8) and (9) of the Act:
  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 under the railway liens 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 to be used for the establishment and carrying on of industries and of industrial operations and incidental uses
  7. Land sold under sections 107, 108, 109 and 110.
  8. Easements granted to public utilities or to telephone companies.
  
2. A municipality or local board may sell real property of the following classes of public bodies without obtaining an appraisal under Section 268 (3) (b) of the Act:
  1. Any municipality
  2. A local board including school board and a conservation authority.
  3. The Crown in Right of Ontario or of Canada and their agencies.
  
3. A municipality or local board is not required to list the following classes of real property in the public register established under Section 268 (5) of the Act:
  1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act
  2. Highways.
  3. Land formerly used for railway branch lines.