



# BY-LAW

NO. 2008 – 141

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## BEING A BY-LAW TO ESTABLISH PROCEDURES REGARDING THE SALE AND OTHER DISPOSITION OF LAND

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**WHEREAS** Section 270(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain policies with respect to certain matters, including its sale and other disposition of land;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

### Definitions:

1. (1) For the purpose of this bylaw:
  - (a) "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;
  - (b) "disposal" shall mean the sale of real property owned by the Municipality of Kincardine or the lease of real property for a period of 21 years or longer;
  - (c) "Municipality" shall mean The Corporation of the Municipality of Kincardine;
  - (d) "public notice" shall consist of one advertisement in a newspaper having general circulation within the Municipality prior to the date of the Committee or Council meeting, as the case may be, at which the disposal is to be considered.

### Surplus Lands

2. Prior to the disposal of any land, the Council shall by resolution declare the real property to be surplus.

### Appraisals

3. Except for disposals of land, or to those public bodies, exempted in Schedule "A", the Chief Administrative Officer shall, prior to the disposal of the land, obtain at least one appraisal of the property.

### Public Notice

4. (1) The Chief Administrative Officer shall ensure that public notice of the disposal of land shall be effected prior to the passage of the by-law approving the disposal of the land of the Municipality.

- (2) Notices advertising land as surplus, should include the municipal address, as well as the municipal roll number if applicable.

**Public Register**

5. A public register shall be available for inspection during regular office hours, listing and describing the lands, owned and leased by the Municipality and identifying those lands declared surplus. Those lands exempt from the said register are outlined on Schedule "A".

**Marketing of Properties**

6. The Municipality will market its land by:
- (1) Local Real Estate:
- (a) The subject land will be listed by an agent who is drawn from a hat containing all local agents
- (b) The subject land may be listed through Multiple Listing Services (MLS)
- (c) The Real Estate sign shall be posted for a minimum of 10 days


**Municipal Agents**

7. (1) The Chief Administrative Officer shall act as the single point of contact for land negotiations and upon final negotiations, will bring offers to Council for consideration
- (2) The Manager of Economic Development and Tourism shall maintain the Public Register and provide the Economic Development Committee with regular updates on Land Inventory Status issues.

**General**


8. That Schedule "A" attached hereto forms part of the By-law.
9. That By-law No. 2003-133 is hereby repealed.
10. This By-law shall come into full force and effect upon its final passing.
11. This By-law may be cited as the "Disposal of Land By-law".

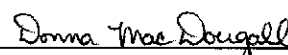
**READ a FIRST and SECOND** time this 13<sup>th</sup> day of August, 2008

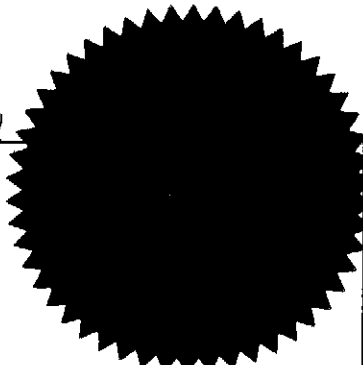
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**READ a THIRD** time and finally passed this 13<sup>th</sup> day of August, 2008

  
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Mayor

  
\_\_\_\_\_  
Clerk



**SCHEDULE "A"**

**LANDS EXEMPT FROM APPRAISAL REQUIREMENTS**

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
2. Easements granted to public utilities or to telephone companies.

**PUBLIC BODIES EXEMPT FROM APPRAISAL REQUIREMENTS**

1. Any municipality.
2. A local board as defined under the Municipal Act, 2001.
3. An authority under the Conservation Authorities Act.
4. The Crown in Right of Ontario or of Canada and their agencies.

**LANDS EXEMPT FROM LISTING IN REGISTER**

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
2. All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.