

Municipal Corporation of the Township of Killaloe, Hagarty and Richards

By-Law # 43-2003

Being a by-law to establish procedures for the sale of property owned by the Municipality.

WHEREAS Section 268 of the Municipal Act, 201 requires the adoption of a by-law to govern the sale of certain property by the municipality;

NOW THEREFORE, the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. THAT where made applicable by Section 268 of the Municipal Act, 2001, this by-law shall apply to the sale of property by the Corporation of the Township of Killaloe, Hagarty and Richards, including a lease of 21 years or longer.
2. THAT prior to the disposal of property, the Council shall by resolution, declare the property to be surplus.
3. THAT prior to the disposal of property and where there is no exemption under Section 268(8) of the Municipal Act, 2001, Council shall obtain at least one appraisal of the fair market value of the property.
4. THAT the appraisal be conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
5. THAT notice to the public be given pursuant to the requirements established by municipal by-law for the form, manner and time for the provision of notice.
6. THAT when more than one party has expressed an interest in purchasing the property, or where Council believes it to be in the best interests of the municipality, the Council may, by resolution, direct that the property be sold by tender.
7. THAT when Council directs that the property be sold by tender, the municipality's tendering policy and procedures which are in effect at the time shall apply, with necessary modifications.
8. THAT the purchaser shall be responsible for all costs incurred or required to dispose of the property, including but not limited to, legal, survey and appraisal fees, encumbrances, advertising, improvements, administrative fees, land transfer and registration fees.
9. THAT where the property is not to be disposed of by tender, the purchaser shall pay in advance, the appraisal costs and the cost of giving notice to the public. All other costs, as outlined in Number 8 above, shall be paid prior to the transfer of ownership of the property from the municipality to the purchaser.
10. THAT a Certificate of Compliance for each sale of property may be issued pursuant to Section 268(6) of the Municipal Act, 2001.
11. THAT this by-law shall come into force and take effect upon final reading hereof.
12. THAT this by-law replaces By-Law 17-95 of the former Township of Hagarty & Richards.

Read a first and second time this 18th day of November, 2003.

Read a third time and finally passed this 18th day of November, 2003.

Reeve

CAO/Clerk-Treasurer