



**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 08 - 4429**

BEING A BY-LAW TO ESTABLISH THE SALE OF REAL PROPERTY

WHEREAS Section 270.(1) of the Municipal Act 2001, S.O. 2001, c. 25, makes provision in part, that Municipalities adopt and maintain policies for circumstances in which the Municipality governs the sale and disposition of real property;

AND WHEREAS Section 8 (1) of the Municipal Act 2001, S.O. 2001, c. 25, provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS it is deemed advisable to establish a policy to govern the sale and disposition of real property;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF INGERSOLL
HEREBY ENACTS AS FOLLOWS:**

1. Definitions:

- a. Appraisal – written opinion from an Accredited Certified Appraiser of fair market value providing information sufficient to satisfy the Clerk that the opinion is reasonable.
- b. Clerk – Clerk of the Corporation of the Town of Ingersoll, including his or her successor and designate from time to time.
- c. Disposal – shall mean the sale of real property.
- d. Land – means real property owned by the Town, whether vacant or not, or owned by its agencies, boards or commissions, the jurisdiction for sale of which has been transferred to the Town.
- e. Newspaper – a printed publication in sheet form, intended for general circulation within the Town as to provide reasonable notice to those affected by, or interested in the land sale.
- f. Publish – published in a newspaper that, in the opinion of the Clerk, has such circulation within the Town as to provide reasonable notice to those affected by, or interested in the land sale.

- g. Sale – a commitment to sell or otherwise dispose of land, including a disposal by way of a lease of 21 years or longer;
- h. Surplus – land which is no longer required by the Town which it intends to sell or otherwise dispose of;
- i. Town – Corporation of the Town of Ingersoll

2. Conditions:

Before a sale of any land,

- i. The land shall, by resolution, be declared surplus by council at a Public Open Meeting and the intended manner or process by which the sale of the land will be carried out shall be approved.
- ii. One appraisal of the land shall be obtained;
- iii. The method for which notice of the sale of land shall be given.

3. Sale of Public Bodies:

That an appraisal and or notice does not apply to the sale of land to the following 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. Sale of Certain Classes of Land:

The following properties are exempt from the disposition of land procedure:

- a. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
- b. Any land that by itself is incapable of being a building lot;
- c. Closed highways if sold to an owner of land abutting the closed highway;

- d. Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- e. Land that does not have direct access to a highway if sold to the owner of land abutting that land;
- f. Land repurchased by an owner in accordance with section 42 of the Expropriations Act;
- g. Easements granted to public utilities or to telephone companies; and
- h. any other lands that Council determines in its discretion.

5. Exclusions, classes of land:

Clause 2 (ii) does not apply to the sale of the following classes of land:

- i. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

6. Notice of Proposed Sale:

- a) Where the land has been declared surplus and the intended manner or process by which the sale of the land will be carried out has been approved the Clerk shall give notice to the public of a proposed sale in such manner by one of the following methods for a period of two weeks (14 consecutive days):
 - i. Posted on the Town's web site;
 - ii. By publication in a newspaper in the area of the land.
- b) Notice of proposed sale shall contain the following information:
 - i. General description of the manner of sale to be carried out;
 - ii. Location of the land by reference to a municipal address or legal description, or both;
 - iii. Approximate size of the land by reference to dimensions and area, or both, and a brief description of any buildings or other improvements situate thereon;
 - iv. Latest date that enquiries may be made of the Clerk;

- v. Date that Council will consider the appropriate by-law to dispose of the land.

7. Public Land Register:

- a. The Town shall establish and maintain a public land register;
- b. The Public Register is available to the public through the Clerk's office.

8. No Review:

The manner in which the municipality or local board carries out the sale of its land, if consistent with this by-law, is not open to review by any court if the municipality or local board may lawfully sell the property, the purchaser may lawfully buy it if the municipality or local board acted in good faith.

9. TITLE:

This By-law may be cited as the "Real Property Disposal By-law".

10. Effective Date:

This by-law shall come into force and effect on the day of passage. By-law 03-4133 and any other by-law not consistent with this by-law are hereby rescinded in their entirety.

READ a first and second time in Open Council this 9th day of July 2008

READ a third time and passed in Open Council this 9th day of July 2008.

Paul Holbrough, Mayor

Elaine Clark, Clerk