



**CORPORATION OF THE TOWN OF INGERSOLL  
BY-LAW NO. 03-4133**

**Being a by-law to establish procedures governing the Sale of  
Real Property owned by the Corporation of the Town of Ingersoll**

**WHEREAS** Section 268 (1) of the Municipal Act, S. O. 2001, c.25, as amended requires that every Council shall by by-law establish procedures governing the sale of real property owned by The Corporation of the Town of Ingersoll;

**AND WHEREAS** Section 268 (5) of the Municipal Act, S. O. 2001, c.25, as amended requires the establishment and maintenance of a public register listing and describing the land owned or leased by the municipality;

**AND WHEREAS** Section 268 (8) and 268 (9) and 268 (10) regulates the permitted exclusions in certain classes of land and the sale of land to public bodies;

**AND WHEREAS** the Council of the Corporation of the Town of Ingersoll deems it appropriate to pass such a by-law;

**NOW THEREFORE** the Council of the Corporation of the town of Ingersoll enacts as follows:

(I) DEFINITIONS

- (a) Corporation shall mean the Corporation of the Town of Ingersoll
- (b) Council shall mean the Council of the Corporation of the Town of Ingersoll
- (c) Real Property shall mean immovable property
- (d) Sale shall mean the transfer of ownership and title to real property from one person to another and includes a lease of twenty-one (21) years or longer.

(II) PROCEDURES FOR SELLING

- (1) That prior to the sale of any real property owned by the Corporation, Council shall by by-law passed at a meeting open to the public, declare the real property to be surplus to the Corporation's needs.
- (2) Prior to the sale of any real property owned by the Corporation, Council shall obtain at least one appraisal of the fair market value of the real property. Such appraisal will be completed by a licensed appraiser.
- (3) Notwithstanding the requirements of Clause II (2) of the by-law, the Corporation may sell the following classes of real property without obtaining an appraisal:
  - (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 liens 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 *Expropriations Act*.

- (f) Land sold under sections 107, 108 and 109 (Economic Development Services) of the Municipal Act, S. O. 2001, c 25 and amendments thereto.
  - (g) Easements granted to public utilities or to telephone companies
  - (h) Land sold under Part XI (Sale of Land for Tax Arrears) of the Municipal Act, S. O, c25 and amendments thereto.
- (4) Notwithstanding the requirements of Clause II (2) of the by-law, the Corporation may sell the following classes of real property to the following classes of Public Bodies without obtaining an appraisal:
- (a) Any municipality;
  - (b) A local board, including a school board and a conservation authority;
  - (c) the Crown in right of Ontario or Canada and their agencies.
- (5) Clause II does not apply to the sale of the following classes of land:
- (a) Land sold under section 110 of the Municipal Act, S.O. 2001, c25, as amended;
  - (b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
- (6) Notwithstanding the requirement to maintain a public register listing, the following classes of land are not to maintained:
- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
  - (b) Highways
  - (c) Land formerly used for railway lines.
- (7) Prior to the sale of the real property, Council shall give notice in accordance with the Town's By-Law No. 02-4055, being a by-law to prescribe the form and manner and times for the provision of Notice.

### III EFFECTIVE DATE

By-law No. 03-4133 comes into force and affect on the date of passing. By-Law No. 95-3656 and any other by-law not consistent with this by-law are hereby rescinded in their entirety.

### IV SHORT TITLE

This by-law may be cited as **The Sale of Real Property by-law.**

**READ** a first and second time in Open Council this 8<sup>th</sup> day of December, 2003.

**READ** a third time and passed in Open Council this 8<sup>th</sup> day of December, 2003.

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**Paul Holbrough, Mayor**

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**Elaine Clark, Clerk**

