THE CORPORATION OF THE TOWNSHIP
OF GEORGIAN BAY
BY-LAW 2008—25

Being a By-law to establish a Policy for the Disposal of Real Property

WHEREAS Section 270 (1) (1) of the Municipal Act, 2001 as amended requires the Council of a Municipality to establish policies governing the sale of real property;

AND WHEREAS the Council of the Township of Georgian Bay deems it desirable to have a policy in effect that supports the Council's desires to conduct business in an open and transparent manner;

AND WHEREAS pursuant to Section 5(3) of the Municipal Act. 2001, as amended a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercise by by-law unless the municipality is specifically authorized to do so otherwise;

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bay enacts as follows:

1. Directive: It shall be the policy of the Township of Georgian Bay that all lands that are declared surplus shall be disposed of in accordance with this by-law, and shall be awarded to the highest qualifying bidder.

2. Title: This by-law may be cited as the "Real Property Disposal By-law" and will establish policies including giving of notice to the public governing the sale of land.

3. Definitions: For the purpose of this by-law:

(a) Disposal shall mean the sale of real property.

(b) Notice shall include any posting or publication of the information regarding the proposed sale and shall include the legal property description; the method of sale (ie tender, auction), the sale price or minimum bid price, the date and time and method to which bids will be accepted or when the auction will commence, and any other information the Clerk deems appropriate.

(c) Opinion shall mean a written opinion, given by an individual with training and experience in valuing property, 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.

(d) **Real Property** shall include any lands owned by the Township or interest in lands such as easements or rights-of-way and lands, and shall include leases longer than 21 years in duration.

(e) **Resolution by Council** shall include the method of disposition (tender, auction, real estate listing) as well as the listing or minimum bid price

4. **Conditions to be met before the sale of Land:**

(a) The Township of Georgian Bay shall declare, by resolution of Council, that the property in question is surplus to the needs of the municipality;

(b) The Treasurer shall obtain at least one written opinion of the fair market value of the land;

(c) The Clerk shall give notice to the public of the proposed sale on the Township of Georgian Bay Web Page for 21 days prior to the sale date.

5. **Exclusion of certain classes of land:**

This by-law does not apply to the sale of the following classes of land:

(a) Land 0.3 metres or less in width and acquired in connection with an approval or decision under the **Planning Act**

(b) Highways if sold to an owner of land abutting the closed highway

(c) Land formerly used for railway lines 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 Section 110 – **Municipal Act, 2001** – Municipal Capital Facilities

(g) Easements granted to public utilities or to the telephone companies
6. Exclusions- sales to public bodies:

This by-law does not apply to the sale of land to the following public bodies:

(a) A municipality
(b) A Local Board including a school board or a conservation authority
(c) The Crown in right of Ontario or Canada and their agencies

7. Exemptions:

This by-law does not apply to the sale of land under Part XI, Municipal Act, 2001 – Sale of Land for Tax Arrears

8. Acceptance and Award:

(a) The Treasurer shall receive all bids or proposals for the subject land, and ensure that any or all qualifiers, such as bid deposits, have been received in accordance with Council directives. The Treasurer shall report to Council all results received regarding the property sale;

(b) Council shall, by way of motion, award the property to the highest qualifying bid or proposal;

(c) The Mayor and Clerk are authorized to sign the necessary documents to effect the sale and land transfer;

9. No Contest:

The manner in which the Township of Georgian Bay or its 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 and the municipality or local board acted in good faith.

READ and finally passed this 25th day of March, 2008.

[Signatures]

James R. Walden, MAYOR

Susan Boonstra, CLERK