

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BYLAW NUMBER 14-1171 (NOTE Section 5 amended by By-Law 17-1374 and included here)

Being a Bylaw to govern the disposal of real property of the Corporation of the Municipality of Temagami

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

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it desirable to update its policy with respect to its sale and other disposition of land, as passed by By-law 03-549 on the 21st day of May, 2003;

AND WHEREAS on the 12th day of December 2013, Council passed resolution 13-583 to consider a by-law to adopt a new policy to govern the disposal of real property.

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. Title

This by-law may be cited as the “real property disposal by-law”.

2. Definitions

For the purposes of this by-law:

- a. “Municipality” shall mean the Corporation of The Municipality of Temagami.
- b. “Disposal” shall mean the sale of real property or the lease of real property for a period of 21 years or longer.
- c. "real property" shall mean land (including land covered with water) and buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land.

3. Disposal Process

Prior to the disposal of any and all real property, the Municipality shall take the following steps, as specified in the applicable sections of this by-law:

1. The property shall be declared surplus to the needs of the Municipality;
2. The Municipality shall obtain an Appraisal of the property;
3. The Disposal Method shall be determined;
4. Council shall approve the Disposal Price;
5. Public Notice shall be given;
6. Council shall pass a by-law to authorize the disposal of the property.

4. Surplus Lands

Prior to the disposal of any real property, the Council shall, by resolution passed at a meeting open to the public, declare the real property to be surplus.

5. Appraisals

Except for disposals of those classes of real property, or to those classes of public bodies exempted by the Municipal Act 2001, the Chief Administrative Officer shall, prior to the disposal of real property, determine the fair market value of the property. The fair market value may be determined based upon the assessed value provided by the Municipal Property Assessment Corporation (MPAC). If, in the opinion of Council, the MPAC value is not sufficiently accurate or current, an independent appraisal or opinion of value may be obtained for all classes of properties. Independent appraisals shall be valid for a period of five (5) years, unless determined otherwise by Council.

6. Disposal Method

The municipality shall utilize one or more of the following methods of sale:

- a) Public Auction
- b) Tender Process
- c) Direct Negotiation
- d) Listing with a licensed realtor.

Where the Municipality chooses to list with a licensed realtor, the realtor shall be determined through a competitive process for purchasing services in accordance with the Municipality's purchasing by-law.

7. Disposal Price

When Municipal property is to be sold, or otherwise disposed of, the Council of the Corporation of the Municipality of Temagami shall approve the price, which shall normally be based upon the appraised value of the property, except as authorized by legislation. The Municipality also reserves the right to recover certain costs relating to the sale of surplus municipal lands from a proponent. These costs include, but are not limited to the appraisal, survey, notice, legal and general administration costs, unless such costs are waived in writing within the provisions of an offer to purchase.

Planning applications (i.e. for an Official Plan Amendment, Zoning By-law Amendment, etc.) shall be the responsibility of the proponent following the sale of the land, unless specifically provided for in the purchase and sale agreement.

8. Public Notice

- a) The Chief Administrative Officer shall ensure that the public notice of the disposal of real property shall be effected prior to the passage of the by-law approving the disposal of real property of the Municipality.
- b) Public Notice shall consist of the publication of a notice that the Municipality intends to enact a by-law to dispose of surplus real property, the description of said property, and the date of the meeting at which the by-law is to be considered. Said notice shall be published on the municipal website, bulletin board and in at least one newspaper with general circulation in the Municipality, a minimum of one week prior to the date of the Council meeting at which the by-law to dispose of the property is to be considered.
- c) Notwithstanding subsection (b), in the event that notice to the public is specified by statute, the Chief Administrative Officer shall ensure that notice in accordance with the provisions of the applicable statute be effected, in addition to the public notice required by this by-law.

9. Proceeds from Sales

All proceeds from the sale of municipal real property shall be allocated to the *Capital Project Reserve (capital asset sales)* in the year of the sale. Amounts in this reserve shall then be moved to an appropriate reserve or project as determined by Council in the budget process the following year.

10. Repeal Clause

Bylaw 03-549 is hereby repealed.

11. Changes

The Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

TAKEN AS READ a first time this 30th day of January, 2014.

READ a second and third time and finally passed this 30th day of January, 2014.

Mayor

Clerk