

THIRD READING

No. 15

COUNCIL OF _____ SESSION, _____ 19

Moved by Carol French Seconded by Norman Conli

That a By-law to _____

as reported by the Committee of the Whole be read a third time, passed and numbered _____ and that the said by-law be signed by the _____ and clerk, sealed with the seal of the Corporation, and be engrossed in the By-law Book.

Carried. Albert Vader

SECOND READING

No. 15

COUNCIL OF _____ SESSION, _____ 19

Moved by Norman Conli Seconded by John Dally

That a By-law to _____

be read a second time and be referred to a committee of the whole council.

Carried. Albert Vader

FIRST READING

No. 15

COUNCIL OF _____ SESSION, _____ 1975

Moved by John Dally Seconded by Carol French

That a By-law to to establish a procedure governing the sale of real property owned by the Township of Wollaston see schedule "A" attached

be received and read a first time.

Carried. Albert Vader

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March 1, 2000

Township of Wollaston,
Ms. Teena Gibbs, Clerk,
P.O. Box 99,
COE HILL, Ontario.
K0L 1P0

DELIVERED BY FAX ONLY

Dear Ms. Gibbs:

Re: Township of Wollaston -
Proposed sale of 10 acre parcel

With respect to the proposed sale of the 10 acre parcel by your Township, Bill 163 which came into force in December of 1994 and amended Section 193 of the Municipal Act to provide for certain procedures to be followed before the Township could sell real property, noting that this amendment did not apply to closed road allowances.

In general, the amendment required that before selling property the Council must, by By-law or Resolution, passed at an open meeting, declare the real property to be surplus and must obtain at least one appraisal of the fair market value and must give notice to the public of the proposed sale.

The amendment also required every Council to pass a By-Law setting out its procedures for selling lands, including the type of advertisement required and the fax which you sent to me apparently included at least a portion of your Procedural By-Law which must be followed.

After complying with your Procedural By-Law, you would normally give the Purchaser of a property a Transfer and that Transfer must include a Certificate in accordance with Section 8 of your Procedural By-Law. This is inserted in the Transfer at the time of registration to show a subsequent purchaser of this property that the sale by the Township was proper and in accordance with the legislation.

I assume that your Procedural By-Law was passed in conformity with the legislation. You should therefore follow your Procedural By-Law in disposing of this property.

Yours very truly,



O. GREGORY ANDERSON

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Mar. 7

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 15-95

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

WHEREAS the Planning and Municipal Statute Law Amendment Act, 1994 requires that every Council with authority to sell or otherwise dispose of real property shall by by-law establish procedures governing the sale of real property, and

WHEREAS, the by-law must include a provision that Council shall officially declare, by resolution, the real property to be surplus; and

WHEREAS, the by-law must include a provision that Council shall obtain at least one appraisal of the fair market value of the real property; and

WHEREAS, the by-law must include a provision that Council shall give notice to the public of the proposed sale; and

WHEREAS, the by-law could include a provision authorizing different procedures for different classes of real property; and

WHEREAS, the Minister, by regulations, has prescribed classes of real property and certain public bodies for which an appraisal is not required; and

WHEREAS, the Council is required to establish and maintain a public register listings and describing real property owned or leased by the Municipality;

NOW THEREFORE the Council of the Township of Wollaston enacts as follows:

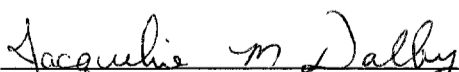
1. The Township of Wollaston's owned real property is listed in a register forming Schedule "A" of this by-law and attached hereto.
2. Council shall, at any time, by resolution, declare any of its real property to be surplus to the needs of the Township and shall take action as described in Schedule "B" attached hereto and forming part of this by-law.
3. This by-law and Schedule "B" shall apply to all Classes of land owned by the Township, save and except classes of land described under Subsection 210.1 of the Municipal Act and surplus land acquired for road widening.
4. Subject to the provisions of Schedule "B" the Council shall determine the most appropriate method, in the best interest of the Township, to dispose of the real property.
5. This by-law shall come into force and take effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18th DAY OF April , 1995.



REEVE: ALBERT VADER.

SEAL



Clerk: Jacqueline Dalby.

By-Law No.
Schedule "B"

PROCEDURE - SALE OF REAL PROPERTY

1. Obtain approval from any other agencies, if necessary.
2. Obtain a survey of the real property proposed to be disposed of from an independent surveyor in accordance with the laws of the Province of Ontario if deemed appropriate.
3. Obtain an appraisal of the real property proposed to be disposed of from an independent qualified appraiser who shall:
 - i) Be a registered member in good standing of the Appraisal Institute of Canada;
 - ii) not be directly connected with any real estate brokerage firm, i.e. a real estate agent; and
 - iii) conduct business primarily in or near The Township of Wollaston.
4. Should the method be to sell the property by tender or request for quotations:
 - i) costs incurred or required to dispose of the proposed real property, including legal fees, survey, appraisal, encumbrances, advertising, improvements, etc., shall be established;
 - ii) an estimated bid amount shall be established which shall be based on the appraised value and shall be increased to include the amounts of the costs referred to in clause 4 (i) above;
 - iii) an advertisement shall be placed in the newspapers having general circulation in the Township. Advertisements in newspapers outside the general circulation area shall be at the discretion of the Council. The advertisement shall include a brief description of the property, including a small location sketch and shall specify the dates involved with the sale;
 - iv) the tender or quotation documents shall be submitted to the Township Clerk and shall include the statement that "the highest or any offer may not necessarily be accepted"; and
 - v) the newspaper advertisement shall provide a minimum of three full calender weeks from the time it appears in the newspaper until the final sale is to be considered by the Council.
5. Should the method be to engage a real estate firm or broker:
 - i) an appropriate advertisement shall be placed in the local newspaper. Advertisement in any other newspaper shall be at the discretion of the Council. The advertisement shall include a brief description of the property including small location sketch;
 - ii) the Offers to Purchase shall be submitted to the Township Clerk on behalf of the Council; and
 - iii) the Council shall determine by negotiation the real estate commission payable by the Township.

6. Should an alternative method be determined by the Council;
 - i) an appropriate advertisement shall be placed in the local newspaper. Advertisements in any other newspaper shall be at the discretion of the Council. The advertisement shall include a brief description of the property including a small location sketch;
 - ii) the Offers to Purchase/Sale or agreements shall be submitted to the Township Clerk on behalf of the Council to be presented to the Council at the next regular meeting of Council for Council's review, consideration and acceptance.
7. The Council shall ensure that the provisions of this by-law are entirely complied with and may add additional reasonable provisions if deemed necessary.
8. The Clerk shall issue a certificate, to be included in a deed or transfer of land, with respect to a sale of real property by the municipality, verifying that, to the best of his or her knowledge and belief:
 - (a) a procedural by-law required under subsection (2) of Section 193 of the Municipal Act was in force in the municipality at the time the resolution required was passed;
 - (b) the measures required for giving notice to the public required by the procedural by-law have been carried out; and
 - (c) the appraisal required was obtained, or
 - i) the property is a prescribed class that does not require an appraisal,
 - ii) the sale is to a prescribed public body, or
 - iii) the sale is under Section 210.1.

and this certificate, unless a person to whom the real property is sold has notice to the contrary, shall be deemed to be sufficient proof that the by-law establishing the procedure governing the sale of real property, has been complied with.

By-law No.
Schedule "A"

Real Property Register

- 1) Property Roll # 015-11600
Con. 4 Lot 14
Nellie Lund Park
98.00 Acres
- 2) Property Roll # 015-07800
Con. 3, Pt. Lot ~~10~~ 6 lot 10 ✓
Vac. Land
10.00 Acres
- 3) Property Roll # 015-32201
Con. 7, S. Pt. Lot 15
Beach
020.00 Acres, Fr. 132, Irreg.
- 4) Property # 020-01031
Con. 8, Pt. Lots 5 & 6
Plan HSR 20, Pts. 1 & 2
Railway Track
3.96 Acres
- 5) Property Roll # 020-03200
Con. 8, Pt. Lot 14
Plan 21R13521, Part 2
Railway Track
0.14 Acres, 84.00 Fr. Irreg.
- 6) Property Roll # 020-05401
C. WHR Lot 38-39, Con. 8
Lota 9-16
46.70 Acres
- 7) Property Roll # 020-09906
Con. 9, S. Pt. Lot 13
Rink
2.61 Acres
- 8) Property Roll # 020-12002
Con. 9, S. Pt. 15
Main Street, S. Side
Fire Hall & Garage
0.28 Acres
- 9) Property Roll # 020-12102
Con. 9, S. Pt Lot 15
Main Street, S. Side
Park
0.33 Acres

Real Property Register

10) Property Roll # 020-13460

Con. 9, Pt. Lot 17
Plan 21R14151, Pts. 1,2,3
Waste Disposal Site
29.90 Acres

11) Property Roll # 020-13605

Con. 9, Pt. Lot 17
Where house was at W. D. Site
1.50 Acres

12) Property Roll # 020-19900

Plan 290, Lot 32 ✓
E. Rly. Street Irreg.
Tax Deal
0.15 Acres, 50.00 Fr. 128.10 D

13) Property Roll # 025-20130

Con. 15, Pt. Lot 12
Plan 21R15921, Pts. 1,2,3
Gravel Pit
8.69 Acres, 434.39 Fr.

14) Property Roll # 030-03550

Con. 8, Pt. Lot 12
Plan 21R4967 Pts. 11,12,13,14,15
Railway track
1.01 Acres