

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2001-40

**BEING A BY-LAW TO ESTABLISH PROCEDURES REGARDING THE
DISPOSAL OF REAL PROPERTY**

WHEREAS Section 193 (2) of the Municipal Act R.S.O. 1990, chapter M.45 as amended, requires a Council of a municipality to pass a by-law to establish procedures governing the sale and disposal of real property.

NOW THEREFORE, the Council of the Corporation of the Municipality of Powassan enacts as follows:

Title

1. This by-law may be cited as the “Real Property Disposal By-law”.

Definitions

2. (1) For the purposes of this by-law:
 - (a) “Appraisal” shall mean a written “Opinion of Value” 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.
 - (b) “Council” shall mean the Council of the Corporation of the Municipality of Powassan.
 - (c) “Disposal” shall mean the sale of real property or the lease of real property for a period of 21 years or longer.
 - (d) “Public Notice” shall consist of the publication of a notice in the *Almaguin News* and posting of the notice in the Municipal Office prior to the date of the disposal is to be considered.

Surplus Lands

3. (a) 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.
- (b) That unsolicited offers to purchase real property may be processed on a first come first served basis.
- (c) That when more than one party has expressed an interest in purchasing real property or where the Council believes it to be in the best interests of the municipality, the Council may by resolution direct that the real property be sold by tender or listed with a real estate officer on a multiple sales listing contract.
- (d) That the purchaser shall be responsible for all costs incurred or required to dispose of real property including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and so on.

Appraisals

4. Except for disposals of those classes of property, or to those classes of public bodies exempted by the Municipal Act, the Council shall, prior to the disposal of real property, obtain at least one appraisal of the property.

Public Notice

5. (1) The Council shall ensure that public notice of the disposal of real property shall be effected at least ten days, including holidays, prior to the passage of the by-law approving the disposal of the real property of the Council.
- (2) Notwithstanding subsection (1) in the event that notice to the public is specified by statute, the Council shall ensure that notice in accordance with the provisions of the applicable statute are effected, in addition to the public notice required by this by-law.

Public Register

6. A public register shall be available for inspection during regular office hours, listing and describing the real property, owned and leased by the Council, save except for those classes of real property which may be exempt from listing in the public register by the Municipal Act or the regulations made pursuant thereto, as the same may be amended from time to time.

Certificate of Compliance

7. That the fee for issuing a "Certificate of Compliance" pursuant to the Act shall be \$50.00.

Effective Date

8. This by-law shall become effective on the date of passing thereof.

Resolution Number 2001-06 Moved by Fred Busch

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-26 to By-Law Number 2001-42 with the exception of By-Law Number 2001-32 and approves the third reading and final passing of said by-laws.

Carried.

Mayor

Clerk

