

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2007 – 1546

Being a by-law to establish Policies

For the Sale of Real Property

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

NOW THEREFORE the Council of the Corporation of the Township of Strong **enacts as follows:**

1.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.

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

Appraisal – shall mean a written opinion 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.

Clerk – shall mean the Clerk of the Corporation of the Township of Strong

Disposal – shall mean the sale of real property. A by-law shall be passed to dispose of real property by the municipal council. All notice provisions shall apply.

3.Conditions before sale of Land, every municipality shall:

- a) by resolution - declare the land to be surplus
- b) obtain at least one appraisal of the fair market value of the land, and
- c) give notice to the public of the proposed sale by an ad in the local paper; a notice on the Web Page and a notice posted on the property for 14 days.

4. No Review – the manner in which the municipality or local board carries out the sale of its land, if consistent with this section and with the by-law under Subsection 1, 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.

5. Register – Every municipality and local board shall establish and maintain a public register listing and describing the land owned by the municipality or local board. The Register is attached as Schedule A.

6. Certificate – the Clerk of a municipality may issue a certificate with respect to a sale of land by the municipality verifying that to the best of his/her knowledge the requirements of this section and of a by-law under this section which apply to the sale of land have been complied with. The fee for the Certificate is \$50 and a sample of the Certificate is “Schedule B” attached.

7. Effect – A certificate under subsection (6) shall be included with the deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, shall be deemed to be sufficient proof that this section has been complied with.

8. Exclusion of certain classes of land - Clause 3 (b) does not apply to the sale of the following classes of land:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
2. Closed highways if sold to an owner of land abutting the closed highway
3. Land formerly used for railway lines if sold to an owner of land abutting the former railway land
4. Land that does not have direct access to a highway if sold to the owner of land abutting that land
5. Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
6. Land sold under sections 107, 108, 109 of the *Municipal Act, 2001*
7. Easements granted to public utilities or to the telephone companies

9. Exclusions, sales to public bodies – Clause 3 (b) does not apply to the sale of land to the following public bodies:

1. A municipality
2. A Local Board including a school board and a conservation authority
3. The Crown in right of Ontario or Canada and their agencies

10. Exclusion, classes of land – Subsection 3 does not apply to the sale of the following classes of land:

1. Land sold under Section 110 – *Municipal Act, 2001* – Municipal Capital Facilities
2. Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses

11. Exempt from registry – Subsection 5 does not apply to the following classes of land:

1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
2. Highways
3. Land formerly used for railway lines

12. Exemption – This by-law does not apply to the sale of land under Part XI, *Municipal Act, 2001* – Tax Arrears

13. Regulations – The Minister of Municipal Affairs may make regulations:

- a) exempting the sale of prescribed classes of land from all or any of the provisions of this by-law
- b) removing the requirement to obtain an appraisal of land that is being sold to a prescribed public body;
- c) prescribing classes of land that are not required to be contained in the public register of land under this by-law.

14. By-law 2005 1516 is hereby repealed

**READ A FIRST, SECOND AND THIRD TIME THIS 22nd DAY OF May 2007 AND ENACTED ON A MOTION
BY Merlyn Snow SECONDED BY Chris Ellis**

Diana Georgie, Clerk

Stephen R. Rawn, Mayor

**BY – LAW 2007 – 1546
REAL PROPERTY DISPOSAL BY-LAW**

SCHEDULE “B”

CERTIFICATE OF COMPLIANCE

Section 270 (1) (1) of the Municipal Act, 2001as amended

The sale of the real property located at

Has been lawfully completed with respect to the following:

- A by-law outlining the Notice to be given to the public and the other procedures to be followed with respect to the disposal of real property was in force in the municipality when the resolution declaring the property surplus was passed;
- The Notice provisions required by the above noted by-law have been complied with;
- The required appraisal was obtained

THIS WILL CERTIFY THAT THE ABOVE TRANSACTION HAS BEEN COMPLETED IN COMPLIANCE WITH THE CONDITIONS.

DATED AT THE TOWNSHIP OF STRONG
IN THE DISTRICT OF PARRY SOUND
THISDAY OF 20....

CLERK

**BY – LAW 2007 – 1546
PROPERTY DISPOSAL BY-LAW**

SCHEDULE “B”

**PUBLIC REGISTER
PROPERTY OWNED BY THE TOWNSHIP OF STRONG
AS OF May 15, 2007**

ROLL #	DESCRIPTION	ACREAGE
4946 001 010 006	Berridale Cemetery	1.05 ac
4946 002 007 004	Sterling Falls Lot	.86 ac
4946 002 007 006	Sterling Falls Lot	.18 ac
4946 002 017 01	Lot Next to Lake Bernard Park	.17 ac
4946 003 010 01	Strong Land Fill #2 – Muskoka Road	50.00 ac

4946 003 020 093	Block C M258 between Lake Bernard & Pool Lake	3.12 ac
4946 004 015 01	Lot 1 Plan M69 next to Fonk	83' x 84.7'
4946 004 022 052	Lot between S. Lake Bernard Rd & Plan M56	1.72 ac
4946 005 014 40	Block A Plan M179 – The Point Trail	.6 ac
4946 006 014 048	Block A Plan M181- High Rock Dr	1.12 ac
4946 006 014 056	High Rock Park	974' x 245'
4946 006 015 030	Block A Plan M113 – High Rock Dr	28' x 890'
4946 008 014 010	Lot west of Maple Sugar on Hwy #11	100 acres
4946 009 019 070	Strong Township office and Public Works Garage	4.99 acres
4946 010 027 124	Block A Plan M201 – Cheryl & Ronald St.	1.35 acres
4946 010 031 01	Strong Land Fill #1	77.7 acres
4946 011 021 013	Strong Cemetery	18.75 acres
4946 011 022 010	Strong Cemetery	4.0 acres