

**THE CORPORATION OF THE TOWNSHIP OF PRINCE**

**BY-LAW 2015-29**

**Being a by-law to establish Policies & Procedures**

**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 PRINCE 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 PRINCE

**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 the 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; and a notice posted on the property for 21 days to permit objections to the initiation of the sale.

**4. No Review** – the manner in which the municipality 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 may lawfully sell the property, the purchaser may lawfully buy it and the municipality acted in good faith.

**5. Register** – Every municipality shall establish and maintain a public register listing and describing the land owned by the municipality. 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. 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 meters 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 meters 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. Sale Procedure – Subject to the completion of Subsection 3.**

- a) Council may advertise the property for sale by tender, tender amount to be calculated to include value of land and cost related to preparation for sale, sale and after sale costs. or;
- b) Council may elect to conduct the sale of the property through a local recognized Real Estate agent to be chosen by a resolution in council.


c) SALE OF UNDERSIZED TOWNSHIP PROPERTY

- i. If a property does not meet the minimum size and area requirements of the zoning by-law, the Township may offer to sell the property to the abutting owners.
- ii. Each abutting owner may purchase a minimum of the property that would be an equal divided percent of the property by the abutting owners. If any owner does not want to purchase the land, it will be then be offered to the other abutting owners.

**15. By-law 7-97 and any other by-law or amendment is hereby repealed**

**READ A FIRST AND SECOND TIME ON THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2015**

  
\_\_\_\_\_  
Mayor, Ken Lamming

  
\_\_\_\_\_  
Clerk, Peggy Greco

**READ A THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF DECEMBER, 2015**

  
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Mayor Ken Lamming

  
\_\_\_\_\_  
Clerk Peggy Greco

**BY – LAW -2015**

**REAL PROPERTY DISPOSAL BY-LAW**

**SCHEDULE "A"**

**REGISTER OF MUNICIPALY OWNED PROPERTIES:**

|       |   |                                     |                  |              |
|-------|---|-------------------------------------|------------------|--------------|
| 04200 | Prince Township<br>Sec 10 SW ¼ PT PCL 826 AWS   | 0.5 acres                           |                  |              |
| 19000 | Prince Township<br>Plan M253 BLK A PCL 6376 AWS   | 0.58 acres                          | 360 ft. frontage |              |
| 26500 | Prince Township<br>Prince Sec 26 SW ¼ PT  | 9.53 acres                          | 149.01 frontage  |              |
| 26700 | Prince Township<br>Sec 26 SW ¼ PT RP 1R6540   | 0.11 acres                          | 49.82 frontage   | 104.70 depth |
| 26900 | Prince Township<br>Prince Sec 26 RP 1R2759 Part   | 88.19 acres                         | 191.89 frontage  |              |
| 30300 | Prince Township<br>Plan M267 BLK B PCL 6375 AWS   | 0.55 acres                          | 157.9 frontage   | 219.00 depth |
| 30700 | Prince Township<br>Plan M267 BLK A PCL 5110 AWS   | 2.50 acres                          | 477.3 frontage   | 228.15 depth |
| 33600 | Prince Township<br>Sec 31 PT NW ¼   | 4817 Second Line West<br>0.26 acres | 78.0 frontage    | 193.48 depth |
| 33900 | Prince Township<br>Sec 31 PT NW ¼ PT  | 4815 Second Line West<br>0.29 acres | 65.0 frontage    | 213.03 depth |
| 40100 | Prince Township<br>Plan M135 Lot 23 PCL 6377  | 0.1 acres                           | 79.11 frontage   |              |
| 41000 | Prince Township<br>Sec 32 NW ¼ PT LOC JC 657 PT RP 1R7774 Part 1 to Part 10 PCI 11843 AWS                                   | 23.68 Acres                         | 484.09 frontage  |              |
| 41200 | Prince Township<br>Plan M 196 Lot 2 PCL 4380 AWS  | 5.0 acres                           | 248.50 frontage  | 871.20 depth |
| 42901 | Prince Township<br>Sec 32 Plan M196 PT Lot 7 RP 1R1467 Parts 1 to 3 RP 1R2400 Parts 1 and 2<br>RP 1R8697 [arts 1 2 PCL 3812 | 2.14 acres                          | 185.57 frontage  | 502.33 depth |
| 44615 | Prince Township<br>Pinder Drive Prince PT Sec 32 RP1R11974 PT 3   | 0.11 acres                          | 33.00 frontage   | 149.23 depth |

**BY – LAW -2015**

**REAL PROPERTY DISPOSAL BY-LAW**

**SCHEDULE "A" – continued**

|       |   |   |                 |             |
|-------|---|---|-----------------|-------------|
| 44700 | Prince Township<br>Sec 32 SW ¼ PT                                     | 0.14 acres  | 110.00 frontage | 55.00 depth |
| 47800 | Prince Township<br>Sec 32 SW ¼ PT 1R5942 Part 1 to 4 PR 1T4798 Part 2 | 4460 Second Line West<br>1.16 acres                                 | 42.30 frontage  |             |
| 49500 | Prince Township<br>Sec 32 SE ¼ PT                                     | 0.07 acres  | 25.00 frontage  |             |
| 49608 | Prince Township<br>Sec 32 SE ¼ PT RP 1R8404 Part 1                    | Douglas Drive<br>Part 6 R/W over part 4 PCL 11986 AWS<br>3.11 acres | 55.86 frontage  |             |
| 52399 | Prince Township<br>Plan M 393 BLK 11 PCL 9538 AWS                     | Mountainview Drive<br>1.37 acres                                    | 343.57 frontage |             |
| 53600 | Prince Township<br>Sec 33 NE ¼ PT RP 1R2619 PT 1                      | 3759 Second Line West # 3779<br>0.62 acres                          | 260.85 frontage |             |
| 53900 | Prince Township<br>Sec 34 NE ¼ PT                                     | 3617 Second Line West<br>1.39 acres                                 | 293.00 frontage |             |
| 55000 | Prince Township<br>Sec 34 SW ¼ PT PCL 4266 AWS                        | 702 Walls Road<br>0.43 acres  | 99.00 frontage  | 187 depth   |
| 58100 | Prince Township<br>Sec 34 NE ¼ PT PCL 5468 AWS                        | 3256 Second Line West # 3274<br>2.96 acres                          | 248.13 frontage | 30 depth    |
| 58410 | Prince Township<br>Plan M413 BLK 11 PCL 11-1 Sec 1M413                | Second Line West<br>1.46 acres                                      | 574.20 frontage | 300 depth   |
| 64900 | Prince Township<br>Sec 36 NE ¼ PT                                     | 2335 Second Line West # 2355<br>0.42 acres                          | 117.50 frontage | 168 depth   |

**BY – LAW -2015**

**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***

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***and described as:***

\_\_\_\_\_

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 PRINCE IN THE DISTRICT OF ALGOMA**

**THIS .....DAY OF ..... 20....**

**CLERK – TREASURER \_\_\_\_\_**