

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

BY-LAW # 2007-87

BEING A BY-LAW TO ESTABLISH A POLICY FOR THE DISPOSITION OF REAL PROPERTY.

WHEREAS the Municipal Act 2001, as amended by Bill 130, requires every Council and local board with authority to sell or otherwise dispose of real property to adopt policies governing the sale and disposition of land; and

WHEREAS the Council of the Corporation of the Municipality of Brockton has authority to dispose of real property in its possession and is desirous of establishing a policy which conforms to the appropriate provincial legislation.

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Brockton hereby **ENACTS AS FOLLOWS:**

Definitions:

1. For purposes of this by-law:
 - a) “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.
 - b) “municipality” shall mean the Corporation of the Municipality of Brockton.
 - 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” or “notice to the public” shall consist of the publication in the Brockton Buzz of an ad which shall contain a legal description of the property to be sold or leased, as the case may be, and a statement that the Municipal Council intends to dispose of the property and in what manner it will be disposed of (i.e. offer to purchase, sealed tenders, auction etc.)
 - e) “council” shall mean the Council of the Corporation of the Municipality of Brockton.
2. Prior to the disposal of any real property the Council of the Municipality shall, by resolution or by-law, passed at a meeting open to the public, declare the real property to be surplus to the needs of the Corporation.
3. Except for disposals of those classes of property, or to those classes of public bodies exempted as per Schedule “A” to this by-law, the Clerk shall, prior to the disposal of real property, obtain at least one appraisal of the property.
4. The Clerk shall ensure that public notice of the disposal of real property shall be effected prior to the passage of the by-law approving the disposal of any real property of the Municipality of Brockton.
5. Notwithstanding section 4, in the event that notice to the public is specified by statute, the Clerk shall ensure that notice in accordance with the provision of the applicable statute is effected, in addition to the public notice required by this by-law.
6. Each and every time the Corporation sells or disposes of real property the Clerk shall complete a “Certificate of Compliance” for the sale as detailed in Schedule “B” to this by-law.

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7. That this by-law shall come into force and effect upon the third and final reading thereof.
8. By-Law 99-22 of the Corporation of the Municipality of Brockton is hereby rescinded.
9. This by-law shall supersede all others.

READ A FIRST AND SECOND TIME THIS 12th DAY OF NOVEMBER, 2007.

MAYOR

CLERK

READ A THIRD AND FINAL TIME THIS 12th DAY OF NOVEMBER, 2007.

MAYOR

CLERK

SCHEDULE "A" TO BY-LAW 2007-87

REGULATION MADE UNDER THE MUNICIPAL ACT

DISPOSAL OF PROPERTY

1. A municipality or local board may sell the following classes or real property without obtaining appraisal:
 1. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 2. Highways, roads and road allowances.
 3. Land formerly used for railway branch 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 or the Expropriations Act.
 6. Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses and commercial operations and incidental uses.
 7. Easements granted to public utilities or to telephone companies.
2. A municipality or local board may sell real property to the following classes of public bodies without obtaining an appraisal:
 1. Any municipality.
 2. A local board as defined in the Municipal Affairs Act.
 3. An authority under the Conservation Authorities Act.
 4. The Crown in Right of Ontario or of Canada and their agencies.
3. For lands being transferred under section 1/1, 1/2, 1/3, 1/4, 1/5, 1/7 and section 2/1, 2/3 and 2/4 the purchaser shall be responsible for all legal and survey costs unless other arrangements are effected by a motion of Brockton Council.

SCHEDULE "B" TO BY-LAW 2007-87

CERTIFICATE OF COMPLIANCE

Certificate of Compliance in the sale or disposition of the real property described as:

(Description may be attached)

I hereby certify that:

1. The Municipality passed By-law # _____ on _____
(date)

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

2. The property was declared surplus under By-Law or Resolution # _____ enacted or passed on _____
(date)

3. An appraisal of the fair market value of the property was obtained on _____
(date)

4. The property sale or disposition is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

5. Public notice of intent to sell or dispose of the property was given by the following method(s):

(describe method(s))

on the following date(s) _____

(Signature of Clerk)

(Date)