

The Corporation of the Municipality of Brockton



By-Law 2019-XXX

Being a By-Law to Accept a Tender from Laverne Metzger for the Purchase of Lands Known as 1 Queen Street West, Elmwood in the Municipality of Brockton

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 270(1), as amended, provides that a municipality may adopt and maintain policies regarding the sale and other disposition of surplus land;

And Whereas By-Law 2007-87 – Disposition of Real Property establishes procedures regarding the disposition of real property for The Corporation of the Municipality of Brockton, and is desirous in declaring particular lands to be surplus to the needs of the Municipality;

And Whereas By-Law 2007-90 establishes the notice requirements for The Corporation of the Municipality of Brockton;

And Whereas the Council for the Corporation of the Municipality of Brockton Council deems it expedient to accept a tender from Laverne Metzger for the purchase of land known as 1 Queen Street West, Elmwood, Ontario and legally described as PT LT 12 PL 150 AS IN R370573; BROCKTON, bearing parcel identifier number 33187-0088 (LT) within the Municipality of Brockton;

Now Therefore the Council of the Corporation of the Municipality of Brockton enacts as follows;

- 1.0 That the Council of the Corporation of the Municipality of Brockton hereby accepts the Tender of Laverne Metzger in the amount of \$26,100 plus H.S.T. for the purchase of 1 Queen Street West, Elmwood as described in the attached Schedule "A" to this By-Law.
- 2.0 That the Mayor and Clerk are hereby authorized to sign on behalf of the Council for The Corporation of the Municipality of Brockton, any contracts and other documents required to authorize such purchase to proceed, and to affix the corporate seal of the Municipality of Brockton.
- 3.0 This By-Law shall come into full force and effect upon final passage.
- 4.0 This By-Law may be cited as the "1 Queen Street West Elmwood Tender Acceptance By-Law".

Read, Enacted, Signed and Sealed this 29th day of October, 2019.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

Roll Number: 4104-340-008-12500-0000



The Corporation of the Municipality of Brockton Tender to Purchase

Name: Fiona Hamilton, Clerk
Address: Municipality of Brockton 100 Scott Street P.O. Box 68, Walkerton, ON N0G 2V0
Inquiries: Please contact Fiona Hamilton, Clerk by phone at 519-881-2223 Ext. 124, or email fhamilton@brockton.ca

RE: Sale of Land

Roll Number: 41 04 340 008 12500 000; 1 Queen Street West, Elmwood, ON N0G 1S0; PIN 33187-088 (LT); Part Lot 12 Plan 150 as in R370573; Brockton; File No. 16-01

1. I/we hereby tender to purchase the land described above for the amount of \$ 26,100.00 (_____ dollars) plus HST in accordance with the terms and conditions of the *Municipal Act, 2001* and the Instructions to Tenderers.
2. I/we understand that this tender must be received by the Clerk's Office no later than 12:00 p.m. local time on October 23, 2019, and that in the event of this tender being accepted, I/we shall be notified of its acceptance.
3. I/we enclose a deposit in the form of a certified cheque/bank draft/money order for the sum of \$ 26,231.00 (_____ dollars) in favour of The Corporation of the Municipality of Brockton representing the tendered amount, and land transfer tax and applicable H.S.T.

This tender is submitted pursuant to the *Municipal Act 2001*.

Dated at CHESLEY ONTARIO this 21st day of OCTOBER, 2019.

Name of Tenderer: LAVERNE METZGER

Address of Tenderer: 207 1ST AVE. SOUTH P.O. BOX 793
CHESLEY, ONTARIO N0G-1L0

Email: LAVERNE-METZGER@YAHOO-CA Phone: 519-363-5735

Personal information contained on this form, collected pursuant to the *Municipal Act, 2001*, and regulations thereunder will be used for the purposes of that Act. Inquiries should be directed to the Freedom of Information and Privacy Coordinator at the organization responsible for the procedures under that Act.

26,100.00 OFFER
131.00 LAND TRANSFER TAX
26,231.00

HST Declaration and Indemnity

23 OCT 2019

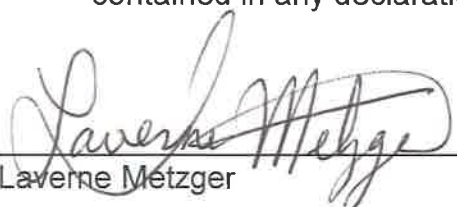
TO: THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

FROM: Laverne and Judy Metzger

Warranty as to H.S.T. Registration Status

We, Laverne Metzger and Judy Metzger, represent, warrant and agree that:

- (i) we are purchasing the Property as principal for our own account and same is not being purchased by the Purchaser as an agent, trustee or otherwise on behalf of or for another person;
- (ii) we are registered under Subdivision d of Division of Part IX of the Act for the collection and remittance of H.S.T; our registration number is 75 024-2497-RT0001 RT0001; and such registration is in good standing and has not been revoked;
- (iii) we shall be liable, shall self-assess and remit to the appropriate governmental authority all H.S.T. which is payable under the Act in connection with the transfer of the Property made pursuant to this agreement of purchase and sale, all in accordance with the Act;
- (iv) we acknowledge that the Vendor is relying upon the accuracy of the above representations and warranties is not collecting H.S.T. and allowing the Purchaser to self-assess and remit H.S.T. to the Receiver General in accordance with the Act, and that such representations and warranties shall not merge on the closing of this transaction;
- (v) we shall indemnify and save harmless the Vendor from and against any and all H.S.T., penalties, costs and/or interest which may become payable by or assessed against the Vendor as a result of any inaccuracy, misstatement or misrepresentation made in connection with any matter raised in this paragraph or contained in any declaration referred to herein;


Laverne Metzger


Judy Metzger