

THE CORPORATION OF THE COUNTY OF FRONTENAC

BY-LAW NO. 17-1995

To establish procedures governing the sale of real property.

WHEREAS Section 193 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, requires Council to establish by by-law procedures, including the giving of notice to the public, governing the sale of real property owned by the municipality, and the establishing and maintaining of a public register listing and describing all real property owned or leased by the municipality;

NOW THEREFORE the Council of the Corporation of the County of Frontenac enacts as follows:

1. In this by-law,
  - (a) "appraisal" shall mean an evaluation of the fair market value of real property;
  - (b) "Clerk" shall mean the Clerk of the municipality;
  - (c) "Council" shall mean the Council of the municipality;
  - (d) "fair market value" shall mean the amount that would be realized by the sale of real property by a willing vendor to a willing purchaser;
  - (e) "municipality" shall mean The Corporation of the County of Frontenac;
  - (f) "real property" shall mean land and vice versa;
  - (g) "sale" shall mean the intention or willingness to:
    - (i) transfer in fee simple ownership of and title to real property;  
or
    - (ii) grant a permanent easement or right of way over real property; or
    - (iii) grant a leasehold interest in real property for a term of 21 years or longer;from the municipality to another person, with or without consideration.
2. Prior to the sale of any real property owned by the municipality, Council shall,
  - (a) by by-law or resolution passed at a meeting open to the public declare the real property to be surplus;
  - (b) obtain not sooner than one (1) year before the date of sale at least one appraisal of the fair market value of the real property from such person as the Clerk considers qualified; and
  - (c) give notice to the public of the proposed sale in the manner prescribed by this by-law.

3. Notice to the public of a proposed sale of real property owned by the municipality shall be given prior to the date of the sale:
  - (a) by publication in a newspaper that is, in the Clerk's opinion, of sufficiently general paid or unpaid circulation within the municipality to give the public reasonable notice of the proposed sale; or
  - (b) in the case of a proposed sale according to any other procedure prescribed by the Municipal Act or any other Act, in the manner prescribed.
4. Despite the requirement of clause 2(b) of this by-law, the municipality may sell any of the following classes of real property without first obtaining an appraisal:
  - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act, R.S.O. 1990, Chapter P.13, as amended;
  - (b) highways, roads and road allowances;
  - (c) land formerly used for railway branch lines if sold to an owner of land abutting the former railway land;
  - (d) land that does not have direct access to a highway if sold to the owner of land abutting that land;
  - (e) land repurchased by an owner in accordance with Section 42 of the Expropriations Act, R.S.O. 1990, Chapter E.42, as amended;
  - (f) land designated in the municipality's Official Plan for use as sites for the establishment and carrying on of industries and of industrial operations and incidental uses;
  - (g) land sold:
    - (i) for the purpose of a program to encourage small business pursuant to Section 112 of the Municipal Act;
    - (ii) the sale of land to a Community Economic Development Corporation pursuant to Section 112.1 of the Municipal Act;
    - (iii) the sale of land to a Community Development Corporation pursuant to Section 112.2 of the Municipal Act; or
    - (iv) the sale of land as a grant pursuant to Section 113 of the Municipal Act;
  - (h) easements granted to public utilities or to telephone companies;
  - (i) land sold under the Municipal Tax Sales Act, R.S.O. 1990, Chapter M.60.
5. Despite the requirements of clause 2(b) of the by-law, the municipality may sell any real property owned by it to any one of the following classes of public bodies without first obtaining an appraisal:
  - (a) any municipality, including a metropolitan, regional or district municipality and the County of Oxford;

- (b) a local board as defined in the Municipal Affairs Act, R.S.O. 1990, Chapter M.46;
  - (c) an authority under the Conservation Authorities Act, R.S.O. 1990, Chapter C.27;
  - (d) The Crown In Right of Ontario or of Canada and their agencies.
6. The requirements of clause 2 of this by-law shall not apply to lands sold or otherwise disposed of under an agreement for providing municipal capital facilities pursuant to section 210.1(2) of the Municipal Act.
7. The Clerk shall establish and maintain a public register listing and describing all real property owned or leased by the municipality and which should, to the extent that it is reasonably possible, include the following information:
- (a) a brief legal description of the property;
  - (b) the assessment roll number of the real property;
  - (c) the municipal address of the real property, if available;
  - (d) the date of purchase;
  - (e) the name of the person from whom the property was purchased;
  - (f) the instrument number of the Transfer/Deed by which title was transferred to the municipality;
  - (g) the purchase price of the real property;
  - (h) a brief description of improvements, if any, on the real property;
  - (i) the date of sale of the property;
  - (j) the name of the person to whom the property was sold;
  - (k) the sale price of the real property.
8. Despite the provisions of clause 7, the Clerk is not required to list the following classes of real property in the public register:
- (a) lands 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
  - (b) all highways, roads and road allowances, whether or not opened, unopened, closed or stopped up;
  - (c) land formerly used for railway branch lines;
  - (d) lands sold under an agreement for the providing of municipal capital facilities pursuant to section 210.1(2) of the Municipal Act.
9. Every Transfer/Deed of real property sold by the municipality shall include a Certificate of Compliance issued by the Clerk in the form prescribed by the Regulations to the Municipal Act.

10. This by-law shall not apply to the sale of any land owned by the municipality for which an agreement was entered into by the municipality prior to January 1, 1995.

11. This by-law shall come into force and take effect on the day it is passed.

Read a first time this 22nd day of March, 1995.

Read a second time 22nd day of March, 1995.

Read a third time and finally passed, signed and sealed this 22nd day of March, 1995.

*Sylvia Colman*  
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Clerk

*Sam Steves*  
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Warden



Certified true copy.

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Clerk