

CORPORATION OF THE TOWNSHIP OF JOHNSON

BY-LAW NO. 2013 - 728

BEING a By-Law to re-establish procedures, including the giving of notice to the public governing the sale of surplus real property owned by the Municipality.

The Corporation of the Township of Johnson, pursuant to Section 270 of the Municipal Act, 2001, ENACTS as follows:

1. DECLARATION PROPERTY SURPLUS, APPRAISAL & NOTICE

Before selling any real property, the Council shall:

- a) Declare, either by by-law or resolution that the said real property is surplus to the needs of the municipality;
- b) When appropriate in the circumstances obtain an appraisal or valuation of the fair market value of the real property; and
- c) Give notice of the proposed sale of the surplus property as set out below.

2. NOTICE OF PROPOSED SALE

- a) Notice of the proposed sale or disposition of the real property shall be sufficiently given if notice of the proposed sale or disposition is published once in the local newspaper.
- b) Notice under Section 2(a) is not required where other notice provisions in the Municipal Act, 2001 or any other Act set out other notice requirements; and
- c) Notice shall indicate that highest offer shall not necessarily be accepted.

3. EXEMPTIONS TO APPRAISAL REQUIREMENT

Without limiting the scope of S. 1(c) above, the following specific situations do not require an appraisal or valuation:

- a) An appraisal is not required to the following classes of land:
 - I. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - II. Closed highways if sold to an owner of land abutting the closed highways;
 - III. Land that does not have direct access to a highway if sold to the owner of land abutting that land; and
 - IV. Easements granted to public utilities or telephone companies.
- b) An appraisal is not required for the sale of land to the following:
 - I. A local board, including a school board and a conservation authority; and
 - II. The Crown in right of Ontario or Canada and their agencies.

4. SCHEDULE "A"

Attached as Schedule "A" to this by-law are additional procedures respecting the sale of Township property.

5. BY-LAW REPEALED

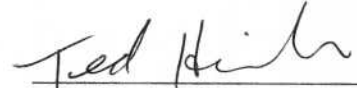
By-Law # 96 – 728 is repealed.

6. EFFECTIVE DATE

This by-law will take effect on the day of its final passing

Passed in open Council this 15 day of May, 2013.

Seal



Ted Hicks, MAYOR



Ruth Kelso, CLERK

SCHEDULE "A" to By-Law 2013 - 728

In addition to the requirements under Section 1 and 2 of this by-law the following procedures apply:

a) SALE OF TOWNSHIP PROPERTY GENERALLY

- I. A person or firm who wishes to purchase property owned by the Township must make its request in writing to the Township Clerk
- II. The Township Clerk will request the Township Solicitor to review all requests from the legal perspective to ensure that the Township is fully aware of all of the legal rights, duties and legal obligations and liabilities as part of the said request.
- III. If the Township Clerk recommends that the property should be sold a report is prepared for the Township Council. In any event the applicant may request the matter be sent to Council.
- IV. If the Township Council agrees to dispose of the property, the Township Solicitor arranges for the sale of the property.
- V. In the case of the sale of parkland, all owners within 120 meters of the property proposed to be sold must be advised by mail of the Townships intent to do so if the property being sold does not require a rezoning for its proposed use.
- VI. The highest offer may not necessarily be accepted. Where appropriate, the Township may accept lower offers if it is in the best interest of the Township or for charitable or altruistic reasons (such as donations to Habitat for Humanity).

b) 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.