

CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW 16-95

Being a by-law to establish a procedure governing the sale of real property

WHEREAS Subsection 193(2) of the Municipal Act, R.S.O., Chapter M.45, as amended, provides that a council shall pass a by-law establishing procedures including the giving of public notice, before disposing of any real property;

AND WHEREAS the Town of Prescott, from time to time, has surplus real property for sale;

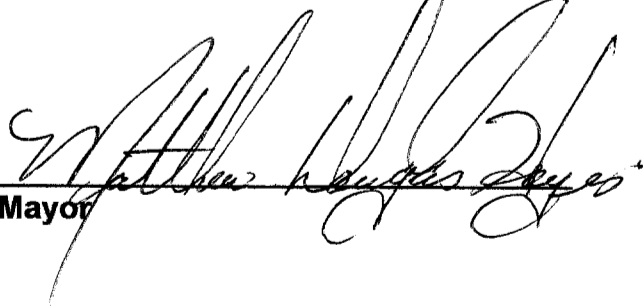
AND WHEREAS the Council of the Corporation of the Town of Prescott deems it expedient to enact a by-law to establish procedures governing the sale of the Town's real property

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

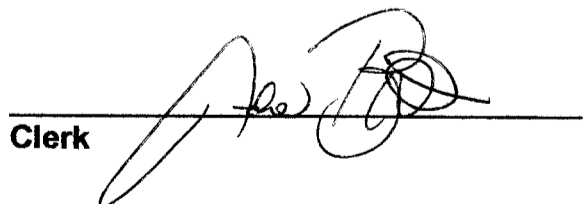
1. That prior to the disposal of any real property, Council shall, by resolution, declare any of its real property to be surplus to the needs of the Town.
2. Prior to the disposal of any real property, Council shall obtain at least one appraisal of the fair market value of the real property.
3. The form of the appraisal shall be the "Opinion of Value" from a realtor.
4. Notwithstanding Section 2 of this by-law, Council may exempt the following classes of property from the appraisal requirement:
 - a) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - 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;
 - f) lands to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses;
 - g) land sold under Section 112, 112.1, 112.2 and 113 of the Municipal Act;
 - h) easements granted to public utilities or to telephone companies;
 - i) land sold under the Municipal Tax Sales Act.
5. Notwithstanding Section 2 of this by-law, Council may sell real property to the following classes of public bodies without obtaining an appraisal:
 - a) any municipality;

- b) a local board as defined in the Municipal Affairs Act;
 - c) the Crown in Right of Ontario or of Canada and their agencies.
6. Notwithstanding Section 3 of this by-law, Council may direct by resolution, that the appraisal shall be conducted by an independent, qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
 7. Council shall obtain approval from any other agencies involved, if necessary.
 7. Council shall give notice to the public of the proposed sale of real property at least ten (10) days, including holidays, prior to the disposal of the real property by posting a notice on the subject property or at a nearby location chosen by the Clerk or his delegate.
 8. Notwithstanding Section 7 of this by-law, Council may direct by resolution that the notice to the public be given by publication in a newspaper having general circulation in the Town.
 9. Council shall determine the method to sell the Town's real property.
 10. Unsolicited offers to purchase real property may be processed on a first-come-first-served basis.
 11. When more than one party has expressed an interest in purchasing real property or where the Council believes it to be in the best interests of the Town, Council may, by resolution, direct that the real property be sold by tender.
 12. The purchaser shall be responsible for all costs incurred or required to dispose of the real property, including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and so on.
 13. Where the real property is not to be disposed of by tender, the purchaser shall pay, in advance, the appraisal costs and the cost of giving notice to the public.
 14. The fee for issuing a "Certificate of Compliance" pursuant to the Municipal Act shall be \$50.00.
 15. The Clerk shall keep a public register of all lands owned and leased by the Corporation of the Town of Prescott with the exception of those noted in Section 3 of Ontario Regulation 815/94.
 16. This by-law shall come into force and take effect upon final passage.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY
PASSED THIS 5th DAY OF SEPTEMBER 1995**



Mayor



Clerk

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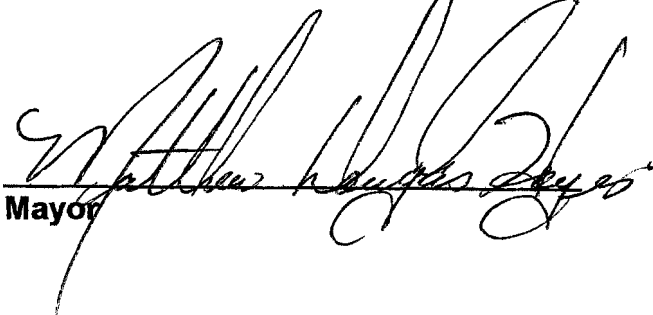
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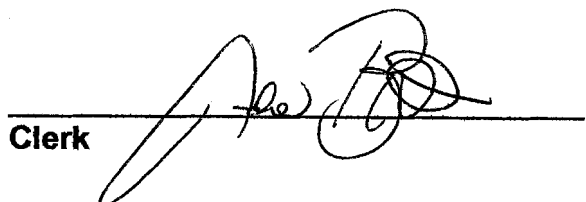
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