

TOWN OF FORT FRANCES

BY-LAW NO. 23/95

(Being a by-law to establish procedures, including the giving of notice, governing the sale of real property.)

WHEREAS The Municipal Act, as amended, R.S.O. 1990, Chapter M.45, Section 193 provides that every Council with authority to sell or otherwise dispose of real property, shall by by-law, establish procedures governing the sale of real property, including the giving of notice to the public;

AND WHEREAS by definition in the Municipal Act, sale includes a lease of twenty-one (21) years or longer;

AND WHEREAS the Council, by Resolution passed March 13, 1995, approved a recommendation from the Clerk to establish procedures to govern the sale or other disposal of real property owned by the Corporation;

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances enacts as follows:-

DECLARATION THAT LAND IS SURPLUS

1. Prior to offering any real property for sale or entering into a lease for twenty-one (21) years or more, the Council shall by By-law or Resolution passed at a meeting open to the public declare the real property to be surplus to its municipal needs and requirements.

NOTICE

2. (1) The Council shall in the By-law or Resolution declaring the real property to be surplus, direct that notice be given to the public and such other persons, authorities or bodies corporate as it deems necessary and proper in the circumstances and such By-law or Resolution shall establish the method or methods of notice to be used in each case.
 - (2) The methods of notice may include:
 - (a) advertisement one or more times in a daily or weekly newspaper or newspapers;
 - (b) advertisement in the Ontario Gazette;
 - (c) listing of the real property on the Council Agenda as property which has been declared surplus and which is to be disposed of;
 - (d) any other means of communication which in the opinion of Council, acting reasonably and in good faith, is deemed appropriate in the circumstances in order to give notice to the public.
 - (3) The By-law or Resolution may direct that a combination of the above methods be used.
 - (4) In addition to the above provisions for notice intended to reach the general public, Council may, if it deems it to be appropriate, in the By-law or Resolution direct that the notice be communicated directly, by ordinary mail, or such other means as may be set out in the By-law or Resolution, to any of the following:
 - (a) the Government of Canada or any of its ministries or agencies;

- (b) the Government of Ontario or any of its ministries or agencies;
- (c) the Fort Frances-Rainy River Divisional Board of Education;
- (d) the Fort Frances-Rainy River Roman Catholic Separate School Board;
- (e) the Fort Frances Public Utilities Commission;
- (f) the adjacent landowners as determined from a search of the records at the appropriate land registry or land titles office;
- (g) such other persons, authorities and bodies corporate as Council shall deem appropriate in the circumstances.

METHODS OF SALE

3. (1) The real property shall be disposed of or offers to purchase or lease solicited by any appropriate method as determined by Council, which may include:
 - (a) public auction
 - (b) public tender
 - (c) direct sale by the Town
 - (d) land exchange
 - (e) call for proposals
 - (f) listing of the real property with a real estate broker.
- (2) In the event that the sale is to be by public auction or public tender then this shall be set out in the By-law or Resolution declaring the property surplus or in a subsequent By-law or Resolution, and the By-law or Resolution shall set out the terms and conditions of sale and may set out the reserve amount, if applicable, all as determined by Council.

APPRAISAL

4. Except for sales or leases for twenty-one (21) years or longer of properties of prescribed classes, or to those public bodies or classes thereof for which an appraisal is not required by reason of the regulations made pursuant to the Municipal Act as they may be amended from time to time, prior to the sale of any real property or entering into a lease thereof for twenty-one (21) years or more, the Council shall:
 - (a) Obtain an appraisal of the fair market value of the property. For the purposes of this section, an appraisal shall include either or both of:
 - (i) An estimate of value prepared by a licensed realtor or property appraiser;
 - (ii) An estimate of value prepared by employees of the Corporation based on raw land costs, development, overhead, and carrying costs, and may include an allowance for profit.

TERMS OF DISPOSITION

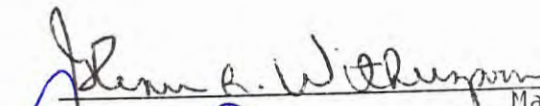
5. Notwithstanding that the public notice of the intended disposition or lease for a period of twenty-one (21) years or more has been given and that one or more interested parties may present to Council an Offer to Purchase or an Offer to Lease the real property, nothing shall restrict the absolute discretion of Council to retain the land or to dispose of the land on such terms and conditions as may be fixed by Council, which shall include the power to sell or lease the real property for nominal consideration and to whomever it wishes, regardless of whether the disposition is to the party which apparently has presented the best offer.

PUBLIC REGISTER


6. A public register which shall be available for inspection during regular office hours shall be maintained and kept current, listing and describing the real property owned and leased by the Corporation of the Town of Fort Frances, save and except for those classes of real property which may be exempt from listing in the public register by The Municipal Act or the regulations made pursuant thereto, as the same may be amended from time to time.

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 13th day of March, 1995.



Mayor



Clerk