

Corporation Of The Township Of Stone Mills By-Law Number 2009-511

Being A By-Law To Establish Procedures For The Sale Of Real Property.

WHEREAS Section 8 Subsection 1 of the Municipal Act, R.S.O. 2001 as amended provides that, "The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;" and

WHEREAS the Township of Stone Mills did previously adopt By-law 98-50 on the 21st day of September 1998 to establish the procedures governing the sale of real property pursuant to Section 193 of the Municipal Act, R.S.O. 1990; and

WHEREAS legislative changes made to the Municipal Act have necessitated amendments to Bylaw 1998-50.

NOW THEREFORE the Council of the Corporation of the Township of Stone Mills hereby enacts as follows:

1. That Bylaw 1998-50 is hereby repealed in it's entirety.
2. The following words shall have the meanings associated therewith:

Word(s)	Definition
Appraisal	An evaluation of the fair market value of real property
Clerk	The Clerk for the Corporation of the Township of Stone Mills
Council	The Council for the Corporation of the Township of Stone Mills
Fair Market Value	The amount that would be realized by the sale of real property from a willing vendor to a willing purchaser
Municipality	The Corporation of the Township of Stone Mills
Real Property	Any singular parcel of land owned by the Municipality
Sale	With respect to real property, the intent or willingness to transfer ownership in fee simple, the granting of a permanent easement or right-of-way, or the granting of a leasehold interest in real property for a term of 21 years or more, from the Municipality to any another person with or without compensation

3. Prior to the sale of any real property, Council shall by a motion of Council declare the lands subject to the sale, surplus to the needs of the Municipality.

4. Within 12 months prior to the sale of real property, Council shall obtain not less than one appraisal of the fair market value of the real property from such person as the Clerk considers qualified while having regard to the nature and uses allowable on the lands subject to the sale.
5. Notwithstanding Paragraph 4 herein to the contrary, an appraisal shall not be required for the sale of lands when the transfer is for:
 - a. a closed road allowance when such road allowance was established as part of the original structure of the Municipality,
 - b. a closed road allowance when the road allowance was obtained through a Planning Act application,
 - c. lands consisting of a similar form of linear feature and
 - d. the granting of a permanent easement or right-of-way.
6. Notice of the sale of real property shall be provided in accordance with the Bylaw of the Township of Stone Mills in effect at the time of the giving of notice that prescribes the form and manner and times for the provision of notice.
7. This By-law shall come into effect immediately upon adoption of same by the Council of the Township of Stone Mills.

This Bylaw having been read a first, second and third time is hereby adopted this 21st day of December 2009.


Debbie Thompson, Reeve


Darlene Plumley, CAO/Clerk