

# Administration

## Chapter 185 Sale - Disposal of Real Property

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### Chapter Index

#### Article 1 - Interpretation

**185.1.1** Appraisal - defined

**185.1.2** Sale - defined

#### Article 2 - General Provisions

**185.2.1** Sale of land - requirements - prior to

**185.2.2** Exemption - classes of land

**185.2.3** Exemption - sale of land to public bodies

**185.2.4** Exemption - sale of land - industrial - commercial

**185.2.5** Report to Council - prior to sale

**185.2.6** Exemption - sale of land for tax appeals

#### Article 3 - Repeal - Enactment

**185.3.1** By-law previous

**185.3.2** Effective date

Whereas the *Municipal Act, 2001*, c. 25, as amended, section 270 states that every municipality shall adopt and maintain policies with respect to its sale and disposition of land and the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given; And Whereas the City of Woodstock, in adopting policies with respect to its sale and disposition of land is providing a method to ensure that the public are aware of its actions and have means to provide comment prior to the action taking place.

#### Article 1 - Interpretation

**185.1.1 Appraisal - defined**

"appraisal" shall mean an estimate of the fair market value and may include but not be limited to a real estate appraisers' letter of opinion of value.

**185.1.2 Sale - defined**

"sale" includes a lease of 21 years or longer.

#### Article 2 - General Provisions

**185.2.1 Sale of land - requirements - prior to**

Before selling any land, the Council shall:

- a) pass a resolution at a meeting open to the public to declare the land to be surplus;

- b) obtain at least one appraisal of the fair market value of the land; and
- c) give notice to the public of the proposed sale a minimum of seven days in advance of the proposed sale. The notice requirements may be in one or more of the following forms:
  - (i) by publication of an advertisement in a daily newspaper of general circulation,
  - (ii) by the posting of a "For Sale" sign on the land in question, or
  - (iii) by posting a notice on the City of Woodstock website.

### **185.2.2 Exemption - classes of land**

The provisions of this Chapter do not apply to the sale of the following classes of land:

- a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- b) closed highways, streets, lanes or public thoroughfares if sold to an owner of land abutting the closed highways. All such properties will be sold at fair market value which takes into consideration size, shape, encumbrances (i.e. easements) and the location of the property. Fair market value will be established by the recommendation of administration staff;
- c) land formerly used for railway 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;

*Purchasers of lands categorized in Section 185.2.2 (a), (b), (c) or (d) shall be responsible to pay all administrative, if applicable, survey and legal costs.*

- e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*, R.S.O. 1990, c. E.26;
- f) land sold under sections 107 and 108 of the *Municipal Act, 2001*, c. 25, as amended;
- g) easements granted to public utilities or to telephone companies;
- h) any lands transferred to the City as security until the financial obligations of the previous owner have been complied with to the satisfaction of the City Engineer or his or her designate.

### **185.2.3 Exemption - sale of land to public bodies**

The provisions of this Chapter do not apply to the sale of land to the following public bodies:

- a) a municipality;

- b) a local board, including a school board and a conservation authority;
- c) the Crown in right of Ontario or Canada and their agencies.

#### **185.2.4 Exemption - sale of land - industrial – commercial**

The provisions of this Chapter do not apply to the sale of the following classes of land:

- a) land sold under section 110 of the *Municipal Act, 2001*, c. 25, as amended.
- b) land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

#### **185.2.5 Report to Council - prior to sale**

Prior to the sale of lands under Section 185.2.4, a report will be submitted to Council at a meeting open to the public respecting the following matters:

- a) a description, location and sketch of the real property; and
- b) the purchase price.

#### **185.2.6 Exemption - sale of land for tax appeals**

The provisions of this Chapter do not apply to the sale of land under the *Municipal Act, 2001*, as amended, Part XI-Sale of Land for Tax Arrears.

### **Article 3 Repeal - Enactment**

#### **185.3.1 By-law previous**

By-law 7911-03 be and the same is hereby repealed.

#### **185.3.2 Effective date**

This Chapter shall become effective as of third and final reading of the enabling by-law. By-law 8383-07, October 18, 2007.