

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 3650-95

BEING A BY-LAW TO ESTABLISH PROCEDURES RESPECTING THE DISPOSAL OF
SURPLUS REAL PROPERTY

WHEREAS, Subsection 193(2) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that every council with authority to sell or otherwise dispose of real property shall by by-law establish procedures, including the giving of notice to the public, governing the sale of real property;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "Act" means the Municipal Act, R.S.O. 1990, c. M.45, as amended from time to time;
 - (b) "appraisal" means a written opinion of value providing information sufficient to satisfy the Treasurer that the opinion is reasonable;
 - (c) "Council" means the Council of the Corporation of the Town of Whitby;
 - (d) "real property" means land which is owned by the Town;
 - (e) "surplus real property" means real property owned by the Town which is not required for the purposes of the Town;
 - (f) "Town" means the Corporation of the Town of Whitby; and,
 - (g) "Treasurer" means the Treasurer of the Town or his or her designate.

PUBLIC LAND REGISTER

2. The Treasurer shall establish and maintain a public register listing and describing the real property owned or leased by the Town.

DISPOSAL OF SURPLUS REAL PROPERTY

3. The Treasurer shall be responsible for reporting to the Council or the appropriate standing committee of the Council on real property which is surplus and the manner or process by which the sale of the real property is to be carried out.

4. Before the Town sells any real property or disposes of any real property by way of a lease of 21 years or longer,
 - (a) the Council shall by by-law or resolution, passed at a meeting open to the public, declare the real property to be surplus;
 - (b) where an appraisal is required for the particular class of real property under consideration in accordance with the provisions set out in Column Two of Schedule "A", attached to and forming part of this by-law, the Treasurer shall provide the Council with at least one appraisal of the fair market value of the real property; and,
 - (c) the Treasurer shall give notice to the public of the proposed sale of the particular class of surplus real property under consideration in accordance with the applicable procedures set out in Column Three of the said Schedule "A" by publication in a newspaper having general circulation in the Town.
5. Where the Council authorizes the sale of any real property, the Treasurer shall dispose of the particular class of real property under consideration in accordance with the applicable procedures set out in Column Four of Schedule "A", attached to and forming part of this by-law.
6. The requirements of Clause 4(c) of this by-law are minimum requirements and the Treasurer is authorized to give notice to the public of the proposed disposal of surplus real property in any extended manner if, in the opinion of the Treasurer, such extended manner is reasonable and necessary in the circumstances.

SHORT TITLE

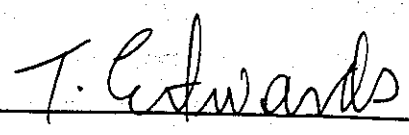
7. This by-law may be referred to as the Town Property Disposal By-law.

EFFECTIVE DATE

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

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF APRIL, A.D., 1995.


CLERK


MAYOR

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MAYOR

SCHEDULE "A"

TO

BY-LAW NO. 3650-95

COLUMN ONE PROPERTY CLASSIFICATION	COLUMN TWO APPRAISAL	COLUMN THREE PUBLICATION	COLUMN FOUR METHOD OF DISPOSAL
road allowances and dedicated walkways	Yes	once a week for four successive weeks	initially offered for sale to abutting property owner(s) and subsequently, if necessary, offered for sale on the open market
land 0.3 metre or less in width acquired in connection with an approval or decision under the Planning Act.	No	one time	sale to the owner(s) of abutting land at a nominal price
easements granted to public utilities or to telephone companies.	No	one time	sale to the owner(s) of abutting land at a nominal price
blocks of land dedicated to the Town by plan of subdivision for temporary road purposes.	No	one time	sale to the owner(s) of abutting land at a nominal price
vacant and improved land	Yes	once a week for four successive weeks unless otherwise directed by the Council	public auction, public tender, direct sale by the Town, land exchange, call for proposal, negotiation, or listing the real property with a real estate broker

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