

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-10

BEING A BY-LAW TO AMEND PROCEDURAL
BY-LAW NO. 2000-66
(AS IT RELATES TO THE SALE OF REAL ESTATE)

WHEREAS section 268 of the *Municipal Act*, 2001 requires that every municipality and its local boards establish procedures governing the sale of land;

AND WHEREAS Procedural By-Law No. 2000-66 sets out certain procedures as to the sale of real estate by The Corporation of the City of North Bay;

AND WHEREAS the Council passed General Government Committee Report No. 2002-22 on December 16, 2002 to revise those procedures to advance the economic development interests of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. Section 80 of By-Law No. 2000-66 is hereby deleted and the following inserted in lieu thereof:

“Red Estate

SO.

- 1) In this section “qualified appraisal” means an appraisal in writing by an A.A.C.I. or C.R.A. as determined by the professional guidelines of appraisers, unless the Council agrees to deem the assessed value to be the appraised value on the recommendation of the Chief Administrative Officer.

Council Direction

- 2) Before selling real property other than lanes, the Council shall be consulted in camera with a recommendation as to the manner of the sale, whether the property is regarded as surplus to municipal needs, whether the property should be rezoned prior to sale and the sale shall proceed as Council directs.
- 3) Before selling real property Council shall by resolution passed at a meeting open to the public declare the real property to be surplus.
- 4) Each new Council shall be provided with a list of all surplus properties by the Chief Administrative Officer.

Notice of Surplus

- 5) Before selling real property Council shall give notice to the public of the location of the surplus land by publication in a newspaper having a general circulation within the municipality at least once a week for two consecutive weeks and provide notice in writing to the North Bay real Estate Board.

Appraisals

- 6) Before selling real property Council shall obtain at least one appraisal of the fair market value of the real property except for the real property listed in subsection 7.
- 7) An appraisal is not required for the sale of the following classes of land:

- (i) land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*;
- (ii) closed lanes if sold to an owner of land abutting the closed lanes;
- (iii) land assessed with a current value of less than \$10,000.00, upon the recommendation of the Chief Administrative Officer;
- (iv) industrial lands sold under sections 107, 108 and 109 of the *Municipal Act 2001*;
- (v) easements granted to public utilities or to telephone companies;
- (vi) land being sold to a municipality;
- (vii) land being sold to a local board, including a school board and a conservation authority;
- (viii) land being sold to the Crown in right of Ontario or Canada and their agencies.

Methods of Sale

- 8) Real property shall be sold by public tender, save and except where:
- (i) the real property is being sold to the abutting or adjacent landowner to a road allowance or lane;
 - (ii) the real property cannot be built on as a separate parcel and is being sold to the abutting landowner;
 - (iii) the real property is industrial land in an industrial park and is being sold for the uniform price of \$20,000 per acre;
 - (iv) for economic development reasons the Council deems it desirable to proceed by way of another method of sale;
 - (v) more than one qualified appraisal is obtained or where a qualified appraisal is peer reviewed by another qualified appraiser and the sale price meets or exceeds the appraised value;
 - (vi) Council has approved an alternate public competitive process; or
 - (vii) where the real property is being sold pursuant to the *Municipal Tax Sales Act*.

Commission

- 9) (i) Where a property is offered for sale by placard placed on the property, and where no direct offer is received within 3 months, then the City may refer the property to the North Bay Real Estate Board.
- (ii) Where an offer to purchase is submitted through a real estate agent at any time and the transaction has closed then the City shall pay a commission of 3% to such real estate agent.

Notice

- 10) Where a property is to be sold by public tender:
- (i) a placard shall be posted on the subject lands; and
 - (ii) notice in writing shall be given to the North Bay Real Estate Board at least 14 days prior to tender closing.
- 11) Where land is being sold under the *Municipal Tax Sales Act* then the Treasurer may either deem the appraised value to be the assessed value according to the last returned assessment roll or may request an appraisal.
- 12) The Chief Administrative Officer shall be responsible for obtaining all appraisals of the fair market value of real property.

Register

- 13) The Clerk shall establish and maintain a public register listing and describing all the real property owned or leased by the municipality.”

2. This By-Law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 27TH DAY OF JANUARY, 2003.

READ A SECOND TIME IN OPEN COUNCIL THIS 24TH DAY OF FEBRUARY, 2003.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 24TH DAY OF FEBRUARY, 2003.


MAYOR


CITY CLERK