

CITY OF NIAGARA FALLS

By-law No. 2003 - 16

A by-law to establish procedures governing the sale of land by the City of Niagara Falls.

WHEREAS section 268 of the *Municipal Act, 2001* (the "Act") requires every municipality to establish procedures governing the sale of land.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. In this by-law,

"City" means The Corporation of the City of Niagara Falls;

"Council" means the Council of the City;

"land" means land owned by the City;

"Law Clerk" means the Law Clerk of the City;

"public register" means a public register listing and describing the land owned or leased by the City, save and except the classes of land from time to time exempted by the Act or regulations thereto; and

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

2. Before selling any land, Council shall,

(a) by by-law or resolution 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.

3. Council shall give notice of the proposed sale in accordance with City By-law No. 2003-02.

4. Council may sell the land by any of the following methods:

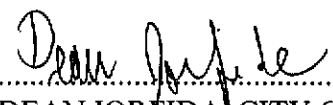
(a) direct sale;

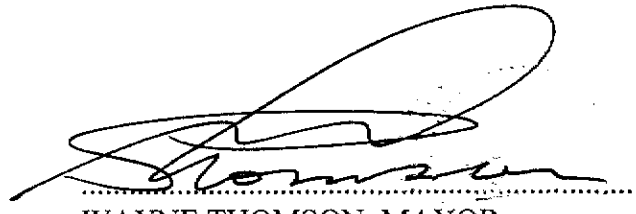
(b) public tender;

(c) land exchange;

- (d) call for proposal;
 - (e) public auction; or
 - (f) listing with a real estate agent,
- or by any combination of the above.
- 5. The Law Clerk shall continue to maintain the public register which shall be available for inspection during regular business hours.
 - 6. Nothing shall fetter the absolute discretion of Council to retain the land or to sell the land, on such terms and conditions as may be fixed by Council, to whomever Council wishes, regardless of whether the sale is to the person who may or may not have presented the highest or best offer.
 - 7. The Council hereby declares and confirms its intent that should any provision or any part of any provision of this By-law be held by a court of competent jurisdiction to be invalid, or of no force and effect, it is the intent of the Council in enacting this By-law, that each and every other provision of this By-law, and every part of any provision, authorized by law, stand and be applied and enforced in accordance with its terms to the extent possible according to law.
 - 8. By-law No. 2001-53 is repealed.

Passed this 20th day of January, 2003.


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DEAN IORFIDA, CITY CLERK


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WAYNE THOMSON, MAYOR

First Reading: January 20, 2003.
Second Reading: January 20, 2003.
Third Reading: January 20, 2003.