



# The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 47-2000

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**BEING A BY-LAW TO AUTHORIZE THE SALE OF TOWN-OWNED  
LANDS ON THE SOUTH SIDE OF BETHUNE AVENUE, WEST OF  
NEVA ROAD TO KYLE AND KEVIN VOLK  
(L07.285)**

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**WHEREAS** Section 191(1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended provides that the Council of every corporation may pass by-laws for acquiring or expropriating any land for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of same when no longer so required, and

**WHEREAS** By-law No. 44-95 as amended establishes a policy for the disposition of real property owned by the Corporation of the Town of Fort Erie, and

**WHEREAS** lands described as Route 369, Plan 99, for the former Township of Bertie, now known as Plan 439 in the Town of Fort Erie (Roll No. 2703 020 010 44700 0000) on the south side of Bethune Avenue, west of Neva Road (hereinafter referred to as "the lands") were declared surplus at the Council-in-Committee meeting of September 20, 1999 and subsequently ratified by Council at its meeting of September 27, 1999, and

**WHEREAS** the lands were offered firstly to the two abutting property owners who rejected their opportunity to purchase same when the lands were then subsequently offered to the general public, and

**WHEREAS** at the Council-in-Committee meeting of March 6, 2000 Report No. PPS-24-2000 was approved authorizing the sale of the lands to Kevin Volk and Kyle Volk in the amount of Five Thousand Dollars (\$5,000.00) plus g.s.t., and

**WHEREAS** the minimum bid for the subject lands was Five Thousand Two Hundred and Fifty Dollars (\$5,250.00) and it will therefore be necessary to waive Section 4.2(a) of By-law No. 44-95 in order to permit the lands to be sold at a price less than the established Opinion of Value, and

**WHEREAS** it is deemed desirable to accept the Agreement of Purchase and Sale annexed hereto and forming part of this by-law;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

**BY-LAW NO. 47-2000**

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- (1) **THAT** the acceptance of an Agreement of Purchase and Sale from Kevin Volk and Kyle Volk for the sale of lands on the south side of Bethune Avenue, west of Neva Road, described as Route 369, Plan 99, for the former Township of Bertie, now known as Plan 439 in the Town of Fort Erie, in the amount of Five Thousand Dollars (\$5,000.00) plus g.s.t. in the form of Schedule "A" annexed hereto to this by-law be and it is hereby approved and authorized.
- (2) **THAT** the sale of this property is conditional upon the subject lands merging in title with the purchaser's abutting property.
- (3) **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute any documentation necessary to complete this transaction.
- (4) **THAT** the certificate as required under Subsection 193(9) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 and Section 6.3 of By-law No. 44-95 in the form of Schedule "B" annexed hereto shall be included with the Transfer/Deed of Land which shall be deemed to be sufficient proof that this section has been complied with.
- (5) **THAT** the proceeds from this sale shall be credited to the Major Capital Expenditures Reserve Fund of the Corporation of the Town of Fort Erie.
- (6) **THAT** Section 4.2(a) of By-law No. 44-95 be and it is hereby repealed insofar as it applies to the subject lands in order to allow the acceptance of an offer lower than the Opinion of Value received.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF MARCH, 2000.**

  
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MAYOR

DEP.

  
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CLERK

I, the Clerk, Carolyn J. (Booth) Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 47-2000 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 2000.