

TO:	CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE MEETING ON DECEMBER 12, 2011
FROM:	TOM JOHNSON MANAGING DIRECTOR - CORPORATE ASSETS
SUBJECT:	DECLARE SURPLUS AND SALE PART OF CLOSED OLD VICTORIA RD ROAD ALLOWANCE

RECOMMENDATION

That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the City owned closed Old Victoria Road road allowance described as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Reference Plan 33R-18115, containing an area of approximately 1994.7 square meters (0.5 acres), as shown on Schedule "A" attached, the Civic Administration **BE AUTHORIZED** to take the following actions:

- a) declare the subject property surplus;

- b) accept the offer from Robert Donaldson and Kathleen Donaldson to purchase from the City, Parts 12, 13, 14, 17 and 18, Reference Plan 33R-18115, for a nominal sum of \$2.00, subject to the following conditions:
 - i) Parts 12, 17 and 18 being subject to an easement in favour of Union Gas Limited;
 - ii) Parts 13 and 17 being subject to an easement in favour of London Hydro;

- c) accept the offer from Atchison Machine Service Inc. to purchase from the City, Parts 1, 2, 3, 4, 9, 10, 11, 15 and 16, Reference Plan 33R-18115, for a nominal sum of \$2.00, subject to the following conditions:
 - i) Parts 15 and 16 being subject to an easement in favour of Union Gas Limited;
 - ii) Parts 2, 4, 10 and 16 being subject to an easement in favour of London Hydro;

- d) the attached proposed By-laws be introduced at the Municipal Council Meeting to be held on January 10, 2012 to approve the sales and to authorize the Mayor and City Clerk to execute the Agreements of Purchase and Sale.

All parcels of land being disposed of will be consolidated with the abutting land owners' properties to reinstate road frontage and legal access rights as a result of the Old Victoria Road realignment. The Civic Administration has determined that the remnant parcels do not have any other potential use by the City.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

November 21, 2011- Closing bylaw for part of Old Victoria Road

BACKGROUND

PURPOSE

The purpose of this report is to obtain Municipal Council approval to declare the closed road allowance surplus and to approve the sale of the closed portion of the road allowance to the two abutting land owners.

DISCUSSION

At its meeting held on July 25, 2011, Municipal Council directed the Chief Surveyor to initiate the road closing process for the portion of Old Victoria road no longer travelled after the new alignment was dedicated, built out and opened for public use. (2011-S08-00) (27/17 BNEC)

In connection with the City's Industrial Land Strategy for Innovation Park Phases III, the Old Victoria Road realignment was laid out as Block 13 when Plan of Subdivision 33M-629 was registered April 14, 2011. By early November construction of the new alignment had been completed and opened for public travel and the old portion of the road allowance was barricaded for public safety. The closing and dedication by-law was subsequently passed by Municipal Council at its meeting held on November 21, 2011 thus formalizing the Old Victoria Road realignment.

Realty Services has completed an appraisal of the lands and determined that as a result of the construction and opening of the new portion of Old Victoria Road, the abutting properties have effectively become land locked with no legal access to the newly realigned portion of Old Victoria Road. The sale of the subject lands is necessitated in order for the Donaldson and Atchison Machinery Service Inc. properties to continue to have legal frontage. Otherwise the property owners may have a claim for loss of value to their properties as a result of the loss of frontage and legal access rights. The sale is at a nominal rate of \$2.00, as received on the Agreements of Purchase and Sale from the two abutting land owners to purchase the closed road allowance.

Parts of the lands being conveyed are subject to utility easements in favour of London Hydro and Union Gas Limited.

The form of agreement has been approved by the City Solicitors Office.

A plan is attached for Committee's information.

PREPARED BY:	RECOMMENDED BY:
BILL WARNER MANAGER, REALTY SERVICES	TOM JOHNSON MANAGING DIRECTOR - CORPORATE ASSETS

Prepared by Robert Steinberg, Property Appraiser & Negotiator
December 2, 2011
Attach.

File No. P-2341 & P-2342

cc: Pat McNally, Executive Director, PEES
Gary Irwin, Division Manager and Chief Surveyor