

Bill No. 148
2012

By-Law No. A.-

A by-law to amend Council Policy 25(2) entitled
"Land Dedication"

WHEREAS section 5(3) of the *Municipal Act, 2001* as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Council Policy 25(2) entitled "Land Dedication" and its supporting Appendix 25(2A) entitled "Appendix to Street Widening Policy" is amended by deleting the policy in its entirety and by replacing it with the following new policy which reflects the intent of Section 41 of the *Planning Act*, R.S.O. 1990, Chapter P.13 and OPA 438:

Land Dedication

The following policy be established and implemented in conjunction with development approvals and Consents

Development Requiring Road Widening

- a) All development as defined "development" in Section 41 of the *Planning Act*, R.S.O. 1990, and By-law C.P.-1213-340 which implements it, or a Consent as defined in Section 53 (1) of the *Planning Act*, R.S.O. 1990, where the subject property is impacted by a road widening identified by the Official Plan and as implemented by Z-1 Zoning Bylaw, the widening will be conveyed immediately as a condition of development approval or Consent, as the case may be, other than land occupied by buildings or structures that will not otherwise be removed as part of the development, with the intent that the widening lands be conveyed unencumbered and at no cost to the City.

Use of Dedicated Land by Donor

- b) Where the conveyance of a road widening creates a parking or other encroachment, the City may consider entering into an agreement with the owner allowing for the continued use of the widening lands until such time as the widening is needed for Municipal purposes. Any such agreement will be made in accordance with City's bylaws, policies and practices at the time of the application or subsequent renewal.
- c) Upon receipt and acceptance of the road widening, a dedication bylaw will be passed as soon as practically possible. During the interim, the owner may continue to use the widening lands for ingress and egress to their property provided the access existed prior to the transfer.

Outstanding Deferred Road Widening Agreements

- d) In regards to outstanding deferred widening agreements currently registered on title, the City will be responsible for all technical requirements and have ultimate approval of the required widening and will provide the reference plan, if required, to convey the widening; In the case of residential properties or properties owned by registered non-profit organizations, the City will offer limited cost contribution not to exceed \$500 for the legal costs upon acceptance of the road widening and proof of legal expenses being paid; In all other cases the property owner shall be responsible for all costs of the conveyance of the widening in accordance with the terms of the agreement.

2. This By-Law shall come into force on the day it is passed.

PASSED in Open Council on April 10, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – April 10, 2012
Second Reading – April 10, 2012
Third Reading – April 10, 2012