

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON APRIL 3, 2018
FROM:	DAVID G. MOUNTEER ASSISTANT CITY SOLICITOR
SUBJECT:	FORMER LEGENDARY DRIVE ROAD ALLOWANCE DECLARE SURPLUS AND TRANSFER

RECOMMENDATION

That, on the advice and recommendation of the Assistant City Solicitor, with respect to the City owned former Legendary Drive road allowance, containing an area of approximately 0.652 acres, the following actions **BE TAKEN**:

- a) the subject property **BE DECLARED SURPLUS**, and
- b) the subject property ("Surplus Lands") **BE TRANSFERED** to Wonderland Power Centre Inc. to fulfil the Corporation's obligations in an agreement dated the 21st day of January 2004 between The Corporation of the City of London and Home Depot Holdings Inc.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

September 30, 2009 - Confidential Board of Control – Legendary Drive Re-Alignment.

BACKGROUND

In 2004 the City acquired title to the former Legendary Drive road allowance from Home Depot Inc. The location of the original road allowance is shown on the attached diagram. At the time the original road allowance was acquired, the City entered into an agreement with Home Depot Inc., to the effect that if the road allowance was ever declared surplus to the City's needs, ownership of the surplus road allowance would be returned to Home Depot as the owner of the abutting land, or its successor in title. Wonderland Power Centre Inc. is the successor in title to Home Depot Holdings Inc. the original property owner.


In October of 2009 Council passed the following resolution:

"That, on the recommendation of the Director of Development Planning, the following actions be taken with respect to the Legendary Drive road allowance:

- a) subject to the allocation of capital funding, the construction schedule for the realignment of Legendary Dive **BE CONFIRMED** as being in the 2010 construction season; it being noted that municipal services (sanitary and storm sewers and watermain) will not be relocated from their position in the existing Legendary Drive road allowance; and
- b) upon completion of the physical realignment of Legendary Drive, the Civic Administration **BE REQUESTED** to initiate the process to permanently close the existing Legendary Drive road allowance on notice to the affected persons".

The Legendary Drive realignment project was completed in 2010 and the new road allowance is also shown on the attached diagram. The former road alignment was stopped up and closed by By-law S.-5305-289 passed by Council on November 15, 2010. However, due to a dispute between the abutting property owners, the former Legendary Drive road allowance was not declared surplus at that time.

The abutting property owners have now resolved their disagreement. It is therefore appropriate to declare the former Legendary Drive road allowance surplus to the needs of the municipality in accordance with the City's Sale and Other Disposition of Land Policy, and to transfer title to Wonderland Power Centre Inc. to fulfil the Corporation's obligations in an agreement dated the 21st day of January 2004 between The Corporation of the City of London and Home Depot Holdings Inc.

<p>PREPARED AND RECOMMENDED BY:</p> 
<p>DAVID G. MOUNTEER ASSISTANT CITY SOLICITOR</p>

March 23, 2018
Attach.

cc: Bill Warner, Division Manager, Realty Services
Gary Irwin, Division Manager and Chief Surveyor, Geomatics

