

<b>TO:</b>	<b>CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE  MEETING ON JUNE 18, 2012</b>
<b>FROM:</b>	<b>TOM JOHNSON MANAGING DIRECTOR - CORPORATE ASSETS</b>
<b>SUBJECT:</b>	<b>DECLARE PROPERTY SURPLUS AND SALE PORTION OF S/E CORNER EMPRESS AND WHARNCLIFFE RD</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to a portion of the City owned vacant land on the southeast corner of Empress Avenue and Wharncliffe Road North, measuring approximately 4 meters X 12 meters, containing an area of approximately 45 square meters (480 square feet), being Part 1, Reference Plan 33R-18266, as shown on Schedule "A", the following actions be taken:

- a) declare the subject property surplus;
- b) accept the offer from Ian Lave, the owner of the adjacent property, to purchase the subject lands from the City, for the sum of \$2,900.00; and
- d) the attached proposed By-law be introduced at the Municipal Council meeting to be held on June 26, 2012 to approve the sale and to authorize the Mayor and City Clerk to execute the Agreement of Purchase and Sale.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>BACKGROUND</b>
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**PURPOSE**

The purpose of this report is to obtain Council approval to declare the subject parcel of land surplus and to approve the sale to the abutting property owner.

**BACKGROUND**

Realty Services was approached by the abutting property owner as to the possibility of purchasing the abutting vacant lot owned by the City. After an internal review, it was determined that the lot could not be sold in its entirety, but only a small portion that abuts his property. The intended use of the lands is to accommodate a separate driveway for the residence at 82 Empress Avenue. The Purchaser is responsible for the cost of a reference plan and any disbursements incurred by the City.

Further to this, an in-house appraisal of the lands has been completed and an Agreement of Purchase and Sale has been received from the abutting land owner to the east to purchase the subject property. Civic Departments were canvassed for review of this request and only Transportation has identified a continued need for the portion of the land for a future daylight sight triangle.

The form of the agreement has been approved by the City Solicitor's Office.

A location map is attached for the Committee's information.

**Acknowledgement**

This report was prepared with the assistance of Robert Steinberg, Property Appraiser & Negotiator.

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

June 4, 2012  
Attach.

File No. P-2322

cc: Gary Irwin, Division Manager and Chief Surveyor  
David G. Mounteer, Solicitor

Bill No.

By-law No.

A By-law to declare the subject property surplus and to authorize an Agreement of Purchase and Sale between The Corporation of the City of London and Ian Lave to purchase the subject property being Part 1, Reference Plan 18266, and to authorize the Mayor and City Clerk to execute the Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into an Agreement of Purchase and Sale with Ian Lave (the "Agreement");

AND WHEREAS it is appropriate to authorize the Mayor and City Clerk to execute the Agreement on behalf of the City;

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

1. The Agreement attached as Schedule "A" to this By-law, being an Agreement of Purchase and Sale between the City and Ian Lave is hereby AUTHORIZED AND APPROVED.
2. The Mayor and City Clerk are authorized to execute the Agreement authorized and approved under Section 1 of this By-law.
3. This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council

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Joe Fontana  
Mayor

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Catharine Saunders  
City Clerk

First reading -  
Second reading –  
Third reading –

SCHEDULE "A"

