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| <b>TO:</b>      | <b>CHAIR AND MEMBERS<br/>FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE<br/><br/>MEETING ON OCTOBER 15, 2012</b>                                      |
| <b>FROM:</b>    | <b>BILL WARNER<br/>MANAGER, REALTY SERVICES</b>  |
| <b>SUBJECT:</b> | <b>DECLARE SURPLUS AND SALE OF<br/>CITY LANDLOCKED PARCEL OFF HORTON STREET IN EXCHANGE FOR<br/>ACQUISITION OF LANDS FRONTING ON BATHURST STREET</b> |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Manager Realty Services, with respect to a portion of the City owned vacant landlocked parcel of land off Bathurst Street, measuring approximately 15.5 meters X 21.7 meters, containing an area of approximately 337 square meters, being Part 3, Plan 33R-18372, as shown on Schedule "A" attached, the following actions **BE TAKEN**:

- a) declare the subject property being Part 3 , Plan 33R-18372 surplus;
- b) accept the offer from 598419 Ontario Limited to purchase from the City, lands described as Part 3, Plan 33R-18372, for the nominal sum of \$2.00;
- c) accept the offer from 598419 Ontario Limited, the adjacent property owner, to sell to the City the lands described as Part 4, Plan 33R-18372, for the nominal sum of \$2.00; and
- d) the attached proposed By-law (Appendix A) be introduced at the Municipal Council meeting to be held on October 30, 2012 to approve the sale and acquisition and to authorize the Mayor and City Clerk to execute the Agreements of Purchase and Sale.

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

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

The purpose of this report is to obtain Municipal Council approval to declare the subject parcel of land surplus, to approve the sale to the abutting property owner and to approve the acquisition of a similar sized parcel from the abutting land owner.

**BACKGROUND**

Realty Services was approached by the abutting property owner, 598419 Ontario Limited, as to the possibility of an exchange of lands. After an internal review, it was determined that the disposition of the small City owned landlocked parcel would have no impact on the current or future use of the lands. In exchange, the City acquires a similar sized parcel of land from the abutting land owner that fronts onto Bathurst Street.

The City, by acquiring the subject parcel located between 575 and 585 Bathurst Street, will consolidate its lands at that location.

The abutting land owner by acquiring the City lands will square off its property in order to have a more useable parcel of land, which will add to the utility of their operation in conjunction with their buildings at 580 Horton Street.

Both parties will be responsible for their own legal costs in regard to this transaction and are accepting the lands as an "as is" condition with no environmental representations or warranties. The City will be responsible for the cost of the reference plan and 598419 Ontario Limited will be responsible for the removal of the fencing that now secures its property they are disposing of.

Further, an in-house appraisal of the lands has been completed and Agreements of Purchase and Sale have been received from the abutting land owner in regard to the acquisition of the property (296 square meters) owned by 598419 Ontario Limited and the disposition of the City landlocked parcel.

The net result will be that the City will now have consolidated two parcels of land with frontage on Bathurst Street East and 598419 Ontario Limited will have a squared off parcel of land (337 square meters) that will increase the utility for its business.

An internal liaison process has concluded that no Civic need exists for the subject City owned property being proposed for land exchange.

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

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

| <b>PREPARED BY:</b>   | <b>RECOMMENDED BY:</b>                          |
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| <b>ROBERT STEINBERG<br/>PROPERTY APPRAISER &amp;<br/>NEGOTIATOR</b> | <b>BILL WARNER<br/>MANAGER, REALTY SERVICES</b> |

September 28, 2012  
Attach.

File No. P-2080

cc: Bill Campbell, Division Manager, Facilities  
Harvey Filger, Director of Corporate Investments & Partnerships  
Gary Irwin, Division Manager and Chief Surveyor, Geomatics  
David G. Mounteer, Solicitor

APPENDIX A

Bill No.

By-law No.

A By-law to declare Part 3, Plan 33R-18372 surplus, and to authorize the Agreements of Purchase and Sale between The Corporation of the City of London and 598419 Ontario Limited for the sale of Part 3, Plan 33R-18372 and the acquisition Part 4, Plan 33R-18372, and to authorize the Mayor and City Clerk to execute the Agreements.

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 the Agreements of Purchase and Sale with 598419 Ontario Limited (the "Agreement");

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

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

1. The Agreements attached as Schedule "B" to this By-law, being Agreements of Purchase and Sale between the City and 598419 Ontario Limited is hereby AUTHORIZED AND APPROVED.
2. The Mayor and City Clerk are authorized to execute the Agreements 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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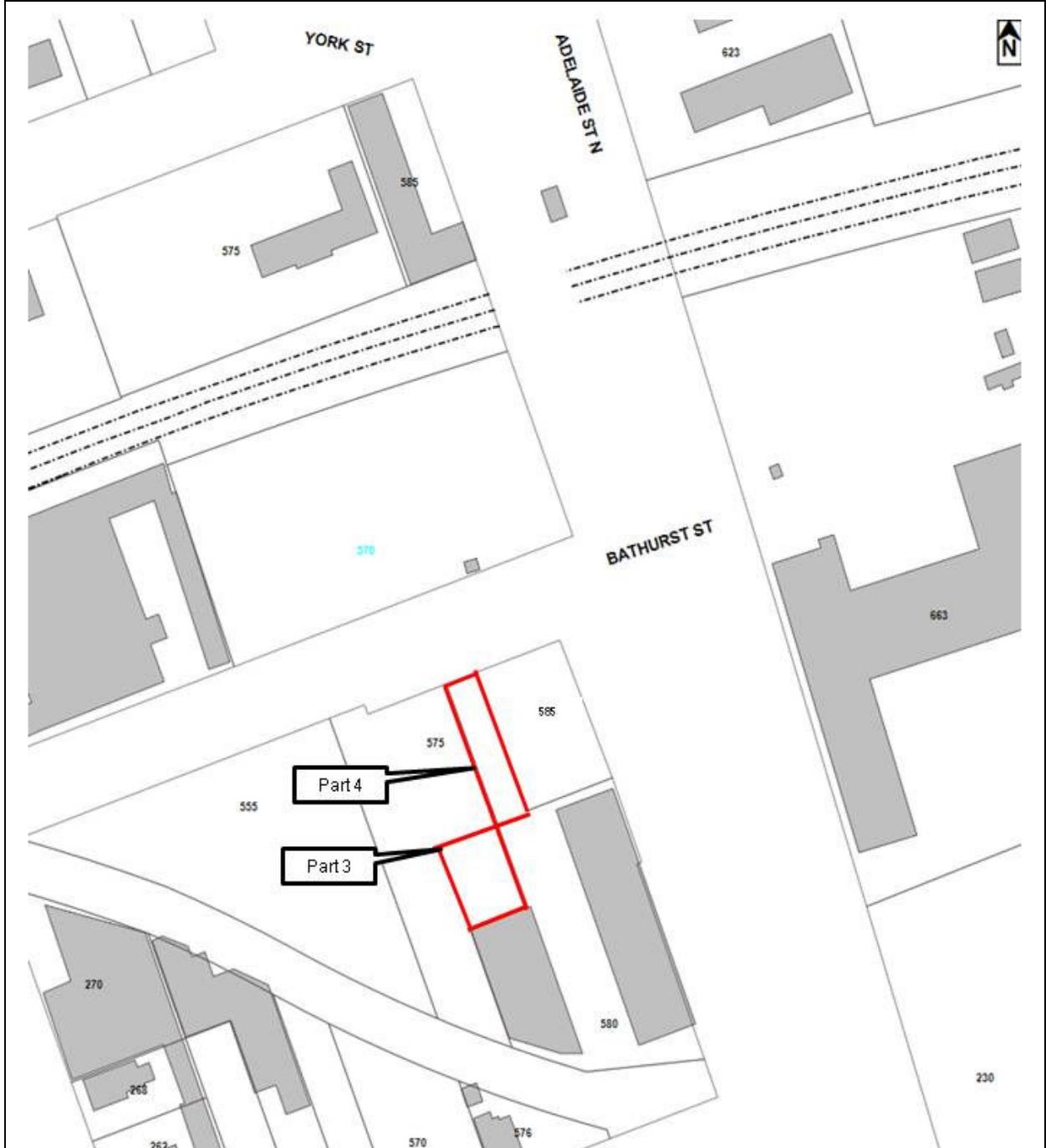
Joe Fontana  
Mayor

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Catharine Saunders  
City Clerk

First reading -  
Second reading -  
Third reading -

SCHEDULE "A"



# LOCATION MAP

