

TO:	CHAIR AND MEMBERS FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE MEETING ON NOVEMBER 5, 2012
FROM:	BILL WARNER MANAGER REALTY SERVICES
SUBJECT:	DECLARE SURPLUS AND TRANSFER CITY OWNED LAND BETWEEN 3182 AND 3130 DINGMAN DR NO LONGER REQUIRED FOR SECONDARY COLLECTOR ROAD

RECOMMENDATION

That, on the recommendation of the Manager Realty Services, with respect to the vacant City owned parcel located between 3182 and 3130 Dingman Drive, legally described as Part of Lot 16, Concession 3, being all of Parts 3 and 4, Plan 33R-15458, measuring approximately 35' x 1,255', containing an area of approximately 44,387 square feet (1.02 acres), as shown on Schedule "A" attached, the following actions **BE TAKEN**:

- a) the subject property **BE DECLARED SURPLUS**; and
- b) the subject surplus City owned property, no longer anticipated to be required for a future secondary collector road allowance, **BE TRANSFERRED** back to the former owner, 1135427 Ontario Limited (formerly Nesan Holdings Limited), for a consideration of \$2.00, subject to the following condition:
 - i) this transfer is conditional on the former owner, 1135427 Ontario Limited (formerly Nesan Holdings Limited), entering into and completing an Agreement of Purchase and Sale with the adjacent land owner Goal Ventures Inc. (c/o Joel Albin) for the parcel legally described as Part of Lot 16, Concession 3, being all of Part 1, Plan 33R-15458, measuring approximately 1256' x 499', containing an area of approximately 617,268 square feet (14.17 acres), failing which this transfer becomes null and void.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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London Consent Authority Application No. B.27/03

BACKGROUND

Location:	North side Dingman Drive west of Wellington Road between 3182 and 3130 Dingman Drive
Area:	44,387 square feet (35' x 1,255') or 1.02 acres, being Parts 3 and 4, Plan 33R-15458
Zoning:	Restricted Service Commercial – RSC1(9), RSC5; Light Industrial (LI6); Holding Provision (h)
Official Plan:	New Format Regional Commercial Node

In 2003, Nesan Holdings Limited applied to the City to sever its rear lands under application number B.27/03. As a condition of that consent the applicant was to convey: firstly, a parcel of land 35' wide (10.75 metres), on the west side of the proposed severed parcel, being Part 4, Plan 33R-15458; and secondly, a 20' (6m x 6m) sight triangle at the southwest corner of the proposed severed parcel along Dingman Drive, being Part 3, Plan 33R-15458.

The purpose of these conveyances was for the creation of a future secondary collector road connecting Dingman Drive in the south to Roxburgh Road in the north. The conveyance only provided a portion of the anticipated collector road.

A development proposal is anticipated, which suggests that the connection of Dingman Drive to Roxburgh Road will no longer be required, as access to the commercial node will be satisfied by a private road and therefore the aforementioned City owned lands will no longer be required for public right of way purposes.

As the property has only 35' of frontage and given the Official Plan and Zoning By-law land use designations, this parcel is not considered viable and only has value to an abutting land owner.

At the time of the severance and the transfer of the partial road allowance lands to the City pursuant to the Consent Agreement, the lands owned by Nesan Holdings Limited were legally transferred to a Consortium including the original parties of the severance and then to 1135425 Ontario Limited.

An internal liaison process has concluded that no Civic need exists for the subject property given the anticipated development.

Conclusion

The subject property is not required for any municipal purposes and specifically not for the purpose that it was acquired. It is recommended that the parcel be transferred back to the original owner, 1135427 Ontario Limited (formerly Nesan Holdings Limited).

A plan is attached for the Committee's information.

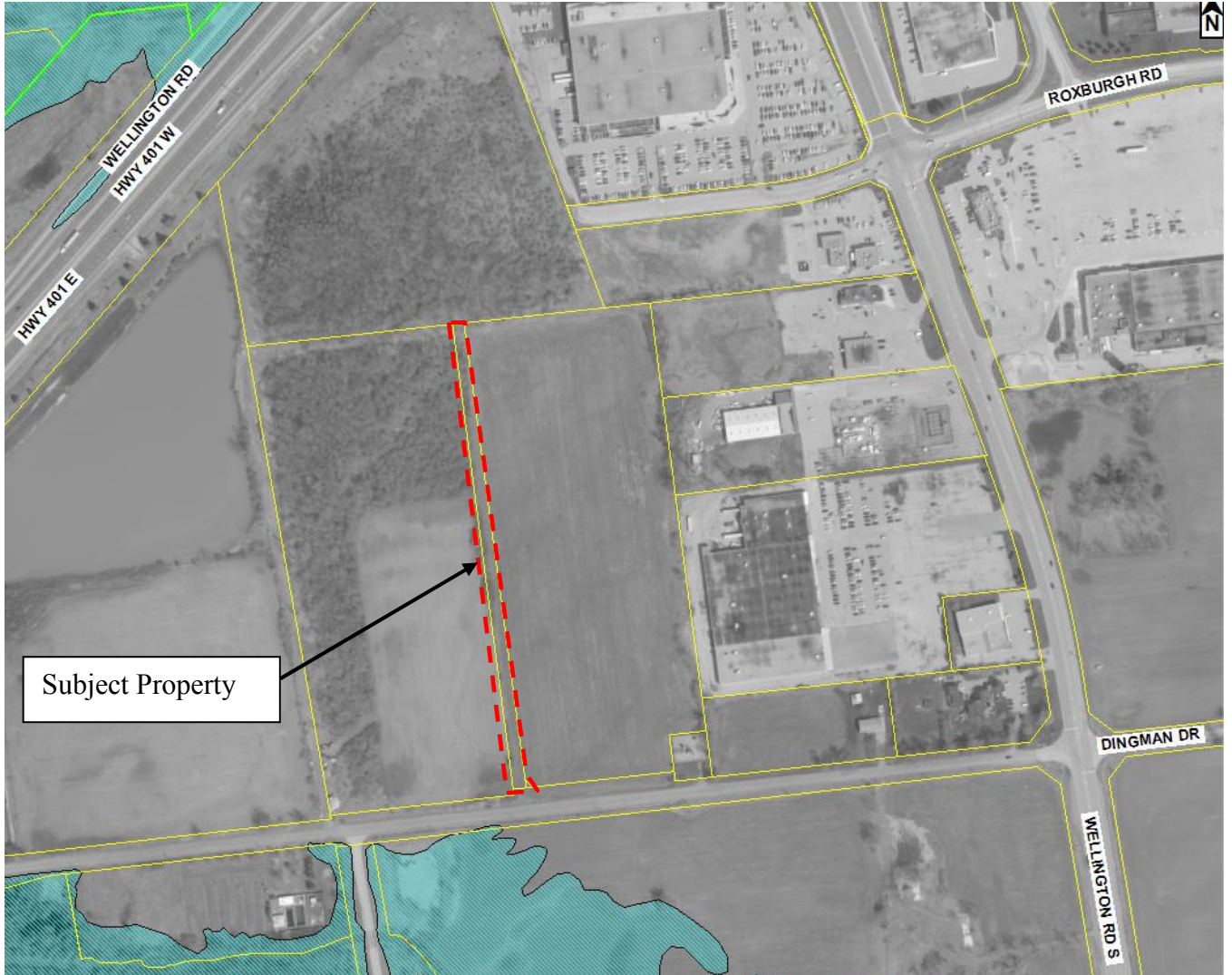
PREPARED BY:	RECOMMENDED BY:
BRYAN BAAR MANAGER REALTY OPERATIONS	BILL WARNER MANAGER REALTY SERVICES

October 25, 2012
Attach.

File No. P-2319 (1)

cc: Harvey Filger, Director of Corporate Investments & Partnership
Gary Irwin, Chief Surveyor
David G. Munteer, Solicitor II
Edward Soldo, Director of Roads and Transportation

Schedule "A"



Subject property hatched above