

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON JANUARY 8, 2013</b>
<b>FROM:</b>	<b>BILL WARNER  MANAGER REALTY SERVICES</b>
<b>SUBJECT:</b>	<b>PROPERTY ACQUISITION  PORTION OF 600 - 650 INDUSTRIAL ROAD  POTTERSBURG CREEK</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager Realty Services, with respect to the vacant property consisting of a portion of Pottersburg Creek and the adjacent floodplain land owned by Elron Developments Limited, municipally known as 600-650 Industrial Road, the following actions **BE TAKEN**:

- a) accept the offer submitted by Elron Developments Limited to sell to the City land municipally known as 600 and 650 Industrial Road, located on the south side of Oxford Street East north of Industrial Road, further described in the draft Reference Plan as Parts 3, 4, 10 and 11 (shown in yellow on Schedule "A" attached), containing an area of approximately 4 acres, for the purpose of the protection and addition of floodplain lands and the watercourse in perpetuity, for a nominal sum of \$2.00, subject to the following conditions:
  - i) the City and Elron Developments Limited agree to split the total cost in preparing and depositing a reference plan on title (a cost of approximately \$15,000.00) setting out the lands to be conveyed, as well as the lands for the multi-purpose easement for municipal services;
  - ii) the City agreeing to pay Elron Developments Limited's legal fees of approximately \$2,500.00 plus disbursements to close this transaction, subject to assessment;
- b) the financing for this acquisition be approved as set out in the Source of Financing Report attached hereto as Appendix "A"; and
- c) a By-law be introduced at the Municipal Council meeting to be held on January 15, 2013 to approve this acquisition and to authorize the Mayor and City Clerk to execute the Agreement of Purchase and Sale and Grant of Easement agreement.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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October 9, 2012 – Municipal Council

February 10, 2010 – Board of Control – Contract Award – Tender No. 10-17 Pottersburg Creek Remediation Phase 2 and Sanitary Sewer Replacement Project.

July 14, 2008 - Environment and Transportation Committee - Appointment of Consulting Engineer for Engineering Services Related to the Pottersburg Creek Erosion and Remediation Phase 2 Project.

October 29, 2003 - Board of Control - approval of the lowest tender bid as submitted by BlueCon Construction Inc. in the amount of \$1,143,721.27 for the construction of the Pottersburg Creek Storm/Drainage and SWM, Flood Control and remediation works and approval of Cumming Cockburn Limited Consulting Engineers to carry out the supervision and general administration of this project at a cost of \$ 74,739.55.

April 29, 2003 - Environment and Transportation Committee - Approval of the Environmental Study report of a Municipal Class EA, for Pottersburg Creek Storm/Drainage and Channel Remediation Study.

## **BACKGROUND**

### **Purpose**

At its session held on October 9, 2012, Municipal Council asked the Civic Administration to report back regarding the environmental integrity of the subject property after the environmental report has been completed, it being noted that in the meantime, the Civic Administration seek an Agreement of Purchase and Sale with an irrevocable date that provides sufficient time for the environmental investigation and analysis.

The subject parcel of land owned by Elron Developments Limited is a remnant parcel of land having no development capabilities and has been in private ownership while the City made the channel improvements. In that the City has been working on the subject property for excess of a year, the City will be acquiring the lands as a donation on a "as is" basis.

As indicated above, the project involved a long stretch of Pottersburg Creek which has taken place on several privately owned properties.

The donation of this parcel will be added to the City's inventory of floodplain lands and would have the potential for future use as a trail system along the watercourse. Parks Planning and Design are agreeable to the donation of the lands as Natural Heritage Areas. The City has carried out the channel improvements with the permission of the owner during 2011 and will be completed in 2012. In addition, a municipal sewer was relocated to the east of the area where the City will require an easement (shown in green on the attached plan). No additional costs will be incurred by the City in maintaining the site as it represents a small addition to the existing passive use parkland and will remain in its natural state with no additional City liability with respect to environmental issues.

Golder Associates Limited was retained by the City to carry out a limited environmental site investigation of the Pottersburg Creek Floodplain on the Elron lands to address issues of potential environmental concern associated with the site. Based on the results of the investigative work, it is considered that there are no significant issues of environmental concern identified with the site.

### **Context**

The Pottersburg Creek Stormwater Management and Drainage Project involved the works to be carried out on several privately owned properties from Industrial Road up stream to Crumlin Road. This was done by a way of either authorization of the owners, or by the City acquiring an easement over the lands. The low flow channel and floodway channel which the subject property is a part of are being modified to convey up to the 250 year regional storm event, and are to have a total catchment area of 2600 hectares.

In this case, the lands that have been part of this project are to be acquired in fee simple and are surplus to the owner. Elron Developments Limited will be selling the abutting lands (approximately 50 acres), which are currently listed through MLS and consist of several industrial zoned parcels. Elron Developments Limited therefore have no interest in retaining ownership of the subject lands on which the channel improvements have been made, in the future. The acquisition by the City will also accomplish the automatic severance of lands located on the east and west side of the channel, which will help facilitate the sale of Elron Developments Limited lands for industrial use.

An in-house appraisal has valued the subject lands at the historical rate paid by the City for floodplain lands of this nature at \$5,500.00 per acre.

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

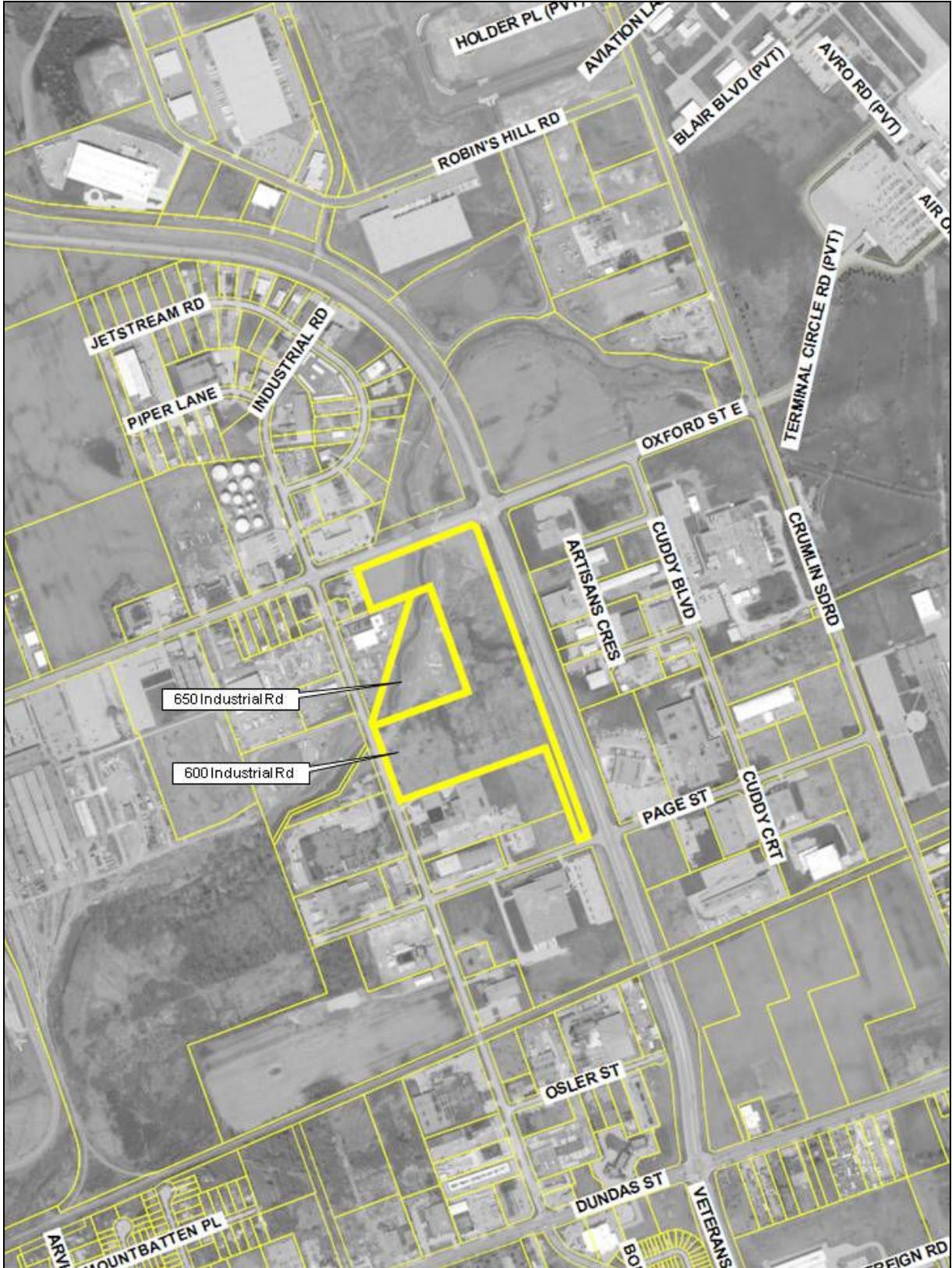
<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>ROBERT STEINBERG PROPERTY APPRAISER / NEGOTIATOR</b>	<b>BILL WARNER MANAGER REALTY SERVICES</b>

December 18, 2012  
Attach.

File No. P-2372

cc: John Braam, Managing Director, Engineering and City Engineer  
Bert Krichker, Manager of Stormwater  
Andrew Macpherson, Manager, Parks Planning & Design  
David G. Munteer, Solicitor II

# LOCATION MAP



**APPENDIX “B”**

Bill No.

By-law No

A By-law to authorize an Agreement of Purchase and Sale and Grant of Easement Agreement between The Corporation of the City of London and Elron Developments Limited, for the acquisition of property located at 600 - 650 Industrial Road, and to authorize the Mayor and the 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 an Agreement of Purchase and Sale and Grant of Easement Agreement with Elron Developments Limited (the “Agreements”);

AND WHEREAS it is appropriate to authorize the Mayor and the 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 an Agreement of Purchase and Sale and Grant of Easement Agreement between the City and Elron Developments Limited, In Trust is hereby authorized and approved.
2. The Mayor and the 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 on January 15, 2013

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Joe Fontana  
Mayor

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Catharine Saunders  
City Clerk

First reading – January 15, 2013  
Second reading – January 15, 2013  
Third reading – January 15, 2013