

TO:	CHAIR AND MEMBERS FINANCE AND ADMINISTRATION COMMITTEE MEETING ON NOVEMBER 16, 2011
FROM:	TOM JOHNSON MANAGING DIRECTOR - CORPORATE ASSETS
SUBJECT:	DECLARE PROPERTY SURPLUS AND SALE OF PART OF BARTON STREET ROAD ALLOWANCE

RECOMMENDATION

That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the City owned Barton Street road allowance north of Central Avenue, described as Parts 1, 2 and 3, Reference Plan 33R-18052, containing an area of approximately 587 square meters, as shown on Schedule "A" attached, the Civic Administration **BE AUTHORIZED** to take the following actions:

- a) declare the subject property surplus;
- b) accept the offer from Denis Campeau, John Demarco and Anne Kirby, abutting property owners of 90 Central Avenue, to purchase the subject lands from the City, for the sum of \$3,900.00, subject to the following conditions:
 - i) Parts 2 and 3, Reference Plan 33R-18052 subject to easements in favour of City of London, Union Gas and London Hydro; and
 - ii) the completion of this transaction is conditional upon the completion of the offer to purchase from the City, Part 1, Reference Plan 33R-18052 to the abutting property owner of 639 Talbot Avenue.
- c) accept the offer from Panman Enterprises Corporation, the adjacent property owner of 639 Talbot Avenue, to purchase from the City, Part 1, Reference Plan 33R-18052, for the sum of \$3,900.00, subject to the following conditions:
 - i) Part 1, Reference 33R-18052 subject to an easement in favour of the City; and
 - ii) the completion of this transaction is conditional upon the completion of the offer from Denis Campeau, John Demarco and Anne Kirby, abutting property owners of 90 Central Avenue, purchasing from the City Parts 2 and 3, Reference Plan 33R-18052.
- d) the attached proposed By-laws be introduced at the Municipal Council meeting to be held on November 21, 2011 to approve the sale and to authorize the Mayor and City Clerk to execute the Agreements of Purchase and Sale.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 13, 2011 - Built and Natural Environment Committee (Approved Closing)

BACKGROUND

PURPOSE

The purpose of this report is to obtain Council approval to declare the road allowance surplus and to approve the sale of part of the road allowance to two abutting land owners.

DISCUSSION

At its meeting held on June 20, 2011 Municipal Council resolved:

*“That, on the recommendation of Acting Director of Roads and Transportation, the closing of the westerly 117+/- metres of Barton Street on Registered Plan 161(W), **BE APPROVED**, it being noted the closing By-Law will not be registered until the Offers to Purchase from all purchasing property owners have been accepted by Municipal Council.”*

Based on this resolution Realty Services has completed an in-house appraisal of the lands and has received Agreements of Purchase and Sale from the two abutting property owners to purchase the road allowance.

Parts of the lands are being conveyed subject to utility easements in favour of the City of London, London Hydro and Union Gas.

All parcels of land being sold will be consolidated with the abutting land owners properties.

The form of the agreement has been approved by the City Solicitors Office.

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

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

November 1, 2011
Attach.

File No. P-2274

cc: Pat McNally, Executive Director, PEES
Gary Irwin, Division Manager and Chief Surveyor
David G. Mounter, Solicitor

Bill No.

By-law No.

A By-law to authorize an Agreement of Purchase and Sale between The Corporation of the City of London and Denis Campeau, John Demarco and Anne Kirby, to purchase a portion of the City owned Barton Street road allowance, being Parts 2 and 3, Reference Plan 33R-18052, 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 Denis Campeau, John Demarco and Anne Kirby (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 Denis Campeau, John Demarco, and Anne Kirby 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

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading –
Third reading –

Bill No.

By-law No.

A By-law to authorize an Agreement of Purchase and Sale between The Corporation of the City of London and Panman Enterprises Corporation, to purchase a portion of the City owned Barton Street road allowance, being Part 1, Registered Plan 33R-18052, 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 Panman Enterprises Corporation (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:

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

PASSED in Open Council

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -