

--	--

<b>TO:</b>	<b>CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON MONDAY, MARCH 18<sup>TH</sup>, 2013</b>
<b>FROM:</b>	<b>EDWARD SOLDO, P.ENG. DIRECTOR OF ROADS AND TRANSPORTATION</b>
<b>SUBJECT</b>	<b>CLOSING OF PART OF THE ORIGINAL ROAD ALLOWANCE LYING WEST OF STAFFORDSHIRE PLACE</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Director of Roads and Transportation, the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held March 26<sup>th</sup>, 2013, for the purpose of closing a portion of the original road allowance lying west of Staffordshire Place as public highway.

<b>BACKGROUND</b>
-------------------

**Purpose:**

The purpose of this report is to obtain Council approval to legally close a portion of the original road allowance lying west of Staffordshire Place as public highway in order to correct a property title defect.

**Context:**

The Corporation of the Township of London conveyed part of the untraveled original road allowance between Lot 26 Concession 2 and Lot 26 Concession 3 of the geographic Township of London to the owner at that time by deed dated May 16, 1933 registered as instrument No. LY59499. The lands have since been annexed by the City of London. Unfortunately there is no record of a closing bylaw which is a prerequisite when selling road allowances, which leaves a "defect" on the property's title.

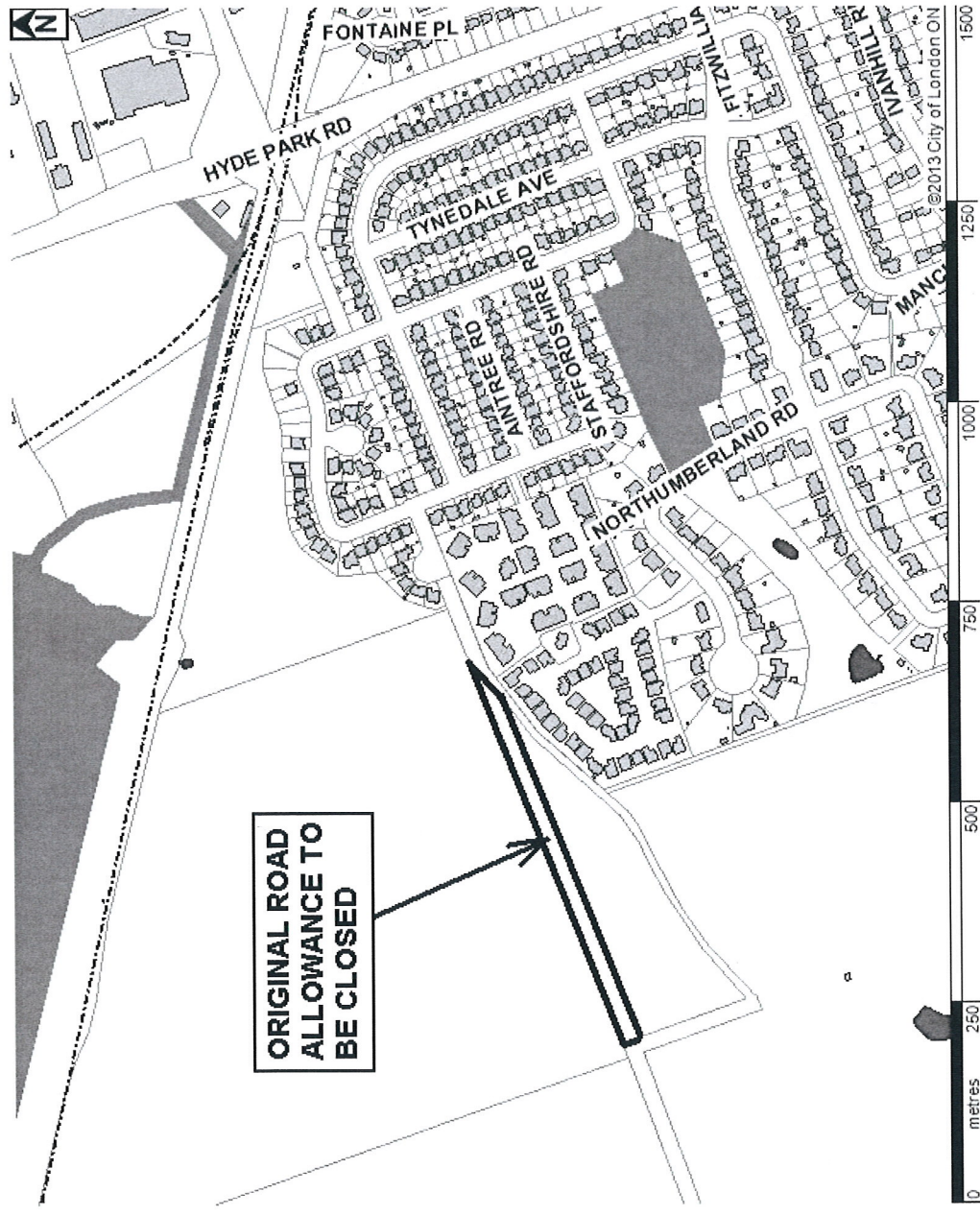
<b>DISCUSSION</b>
-------------------

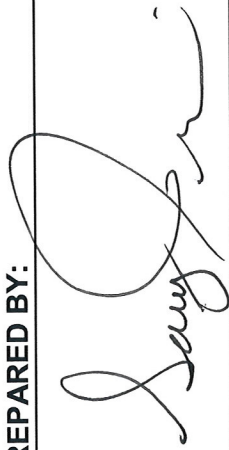


Ayerswood Development Limited, the owner of a vacant parcel of land in the City of London lying west of Staffordshire Place, is preparing to make an application to the Land Registry Office to convert their property from Registry to Land Titles Absolute. Their lands comprise a portion of the untraveled original road allowance lying west of what is now Staffordshire Place which was previously sold by the Township of London to a predecessor in title in 1933. In preparation of the application for title conversion, it was discovered that the road allowance had never been properly closed as public highway prior to being sold which is a prerequisite in such matters. Hence, the applicant has requested that the City now pass the requisite closing bylaw which, once registered, will remove the title defect and help clear the way for the land title conversion process. Although this matter originated from a land sale completed some 80 years old, this is a requirement and the Land Registrar has confirmed the Registry Office will accept a current closing bylaw.

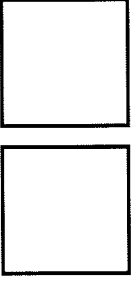
For the purposes of clarity, the City no longer owns and has no legal or other interest in the road allowance. Once the bylaw is passed and registered, no further action by the City will be required in the matter.

<b>CONCLUSION</b>
-------------------

Due to an apparent oversight by the Municipality having jurisdiction to ensure the necessary road closing bylaw was passed and registered on title, it is recommended the bylaw now be passed in order to help clear the current owners title.



<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>	
		
<b>A. GARY IRWIN, O.L.S., O.L.I.P. DIVISION MANAGER, GEOMATICS AND CHIEF SURVEYOR</b>	<b>EDWARD SOLDI, P.ENG. DIRECTOR OF ROADS AND TRANSPORTATION</b>	
<b>REVIEWED AND CONCURRED BY:</b>		
		
<b>JOHN M. BRAAM, P.ENG. MANAGING DIRECTOR ENVIRONMENTAL SERVICES AND CITY ENGINEER</b>		

**APPENDIX 'A'**

Bill No.  
2013

By-law No. S -

A by-law to stop up and close part of the original Road Allowance lying west of Staffordshire Place.

WHEREAS the Corporation of the Township of London conveyed part of the untraveled original road allowance between Lot 26 Concession 2 and Lot 26 Concession 3 of the geographic Township of London to the London Health Association by deed dated May 16, 1933 registered in the Middlesex County Land Registry Office on September 6, 1951 as instrument No. LY59499, being lands that have since been annexed by the City of London; and

WHEREAS there is no record of the road allowance being legally closed as public highway by bylaw prior to being sold; and

WHEREAS the current owner of the road allowance has requested that the City of London now pass the requisite closing bylaw in order to clear title to their property;

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

1. The following portion of the original Road Allowance lying west of Staffordshire Place shall be stopped up and forever closed and cease to be and form public highway:

“Part of the original Road Allowance between Lot 26 Concession 2 and Lot 26 Concession 3 of the geographic Township of London as in Instrument LY59499 now in the City of London and County of Middlesex being part of PIN 08053-0002(R).”

2. This By-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 26, 2013  
Second Reading – March 26, 2013  
Third Reading – March 26, 2013