

## Report to Corporate Services Committee

**To:** Chair and Members  
Corporate Services Committee

**From:** Anna Lisa Barbon, Managing Director, Corporate Services  
and City Treasurer, Chief Financial Officer

**Subject:** Portion of City Owned Huxley Street, Declare Surplus

**Date:** February 8, 2021

## Recommendation

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City owned land, being part of the Huxley Street road allowance closed and designated as Part 2, Plan 33R-20888, the following actions BE TAKEN:

- a) the subject property BE DECLARED SURPLUS; and
- b) the subject property (“Surplus Lands”) BE TRANSFERRED to the abutting property owner, in accordance with the City’s Sale and Other Disposition of Land Policy.

## Executive Summary

This report recommends that a portion of Huxley Street be declared surplus in order to sell (transfer) to the abutting owner in accordance with a Council resolution dated April 17, 2000. Despite the passage of time, the resolution is still binding. Since the intent of the resolution can be fully complied with to the satisfaction of all parties involved, on February 2, 2020 Municipal Council approved the closing of a portion of Huxley Street. As a result of the by-law to close the portion of Huxley Street adjacent to 101 and 107 Baseline Road West, City Administration recommends that the closed portion of the road allowance be declared surplus in order to allow for transfer of the property to the abutting owner, to be included with its development plans for 101 and 107 Baseline Road West.

## Linkage to the Corporate Strategic Plan

Municipal Council’s 2019-2023 Strategic Plan identifies “Building a Sustainable City” and “Growing our Economy” as strategic areas of focus. The recommendation in this report will support development while maintaining an active transportation mobility connection.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

Environment and Transportation Committee Report - April 10, 2000

Civic Works Committee Report - January 19, 2021

## 1.2 Binding Resolution

Further to the above noted report submitted by Realty Services, the following resolution was approved by Municipal Council at its meeting held on April 17, 2000, which stated the following:

That, on the recommendation of the Commissioner of Environmental Services & City Engineer, the following actions be taken with respect to the closing of part of Huxley Street:

- a) the closing of the portion of Huxley Street adjacent to 101 and 107 Base Line Road West BE APPROVED;
- b) the closed portion of the street BE SOLD to the abutting owners for an amount to be determined by the Board of Control on the recommendation of the Commissioner or Legal Services & City Solicitor; and
- c) Alan R. Patton, the solicitor for the applicants Mr. R. Saad and Ms. L. Kozman BE APPOINTED as the City's Solicitor for the purpose of obtaining the necessary Court Order on the following terms and conditions:
  - i. all costs associated with the closing, including conveyancing, being borne by the applicants;
  - ii. the applicants agreeing that the conveyance of the closed street will be subject to the retention by the City of a 10 foot strip for a walkway to connect the southerly portion of Huxley Street to Base Line Road West;
  - iii. the applicants agreeing that the conveyance of the closed street will be subject to easements for existing sewers and watermain, for Bell Canada and Union Gas services and, depending on the results of the required survey, for London Hydro; and
  - iv. the applicants and their solicitor agreeing that the application to the Court for closing shall be made in accordance with the City Street and Lane Closing Procedure. (67.3.3) (2/8/ETC)

Notwithstanding that the resolution was not previously acted upon, it remains in effect and is binding as written.

With the exception of the existing pedestrian walkway connecting the southerly travelled portion of Huxley Street to Base Line Road West, the road allowance is not travelled by motorized vehicles, nor is it required as a road connection since there are alternative road links close by.

A Location Map of the subject property is shown as Appendix A.

## 2.0 Discussion

Bluestone Properties Inc. (Bluestone) recently advised the City that they have acquired the properties known municipally as 101 and 107 Base Line Road West for a proposed re-development. In order to support their re-development plans, Bluestone requires the Huxley Street road allowance that is situated between the two properties.

Bluestone have advised the City of their intention to exercise their right to acquire the Huxley road allowance as per the terms of the April 17, 2000 council resolution subject to first acquiring title to the abutting properties being 101 and 107 Base Line Road West.

In accordance with the said resolution above and at its February 2, 2021 meeting, Municipal Council approved the resolution and passed the motion to have the Chief

Surveyor initiate the process of legally stopping up and closing the portion of Huxley road allowance referenced herein.

### **3.0 Benefits to the City**

The developer, Bluestone Properties Inc., has plans to re-develop the site directly west and east of the closed public road. The closed public road would serve to assist with the overall re-development.

The benefits in proceeding with the surplus declaration and transfer to Bluestone Properties Inc. include the following:

- Adheres to the original April 17, 2000 Bylaw which intent remains the same, to convey the road allowance to the abutting owners, which will be satisfied.
- Utility easements identified in the original resolution along with an easement for Roger's Communications will be protected along with rights protected for the City and London Hydro for any existing underground services.
- In lieu of the City retaining a ten foot (3 metre) wide strip of land for the existing walkway, the entire road allowance will be conveyed but an easement for public usage will be retained. This will ensure the walkway will be protected, but also provide an option to relocate the walkway to a more advantageous location through the site plan approval process subject to the approval of Transportation Planning and Design.
- As part of the transfer of the lands to Bluestone, revenue will be generated to the City as part of the sale and in accordance to fair market value principles.
- The surplus declaration and transfer of lands will allow Bluestone to redevelop 101 and 107 Baseline Road West which will lead to more efficient land use, increase residential unit supply in the area, and generate higher property tax revenues for the City pending the successful completion of the redevelopment project.

### **3.0 Financial Impact**

There are no significant cost implications to the City to close the road allowance by By-law. Bluestone is responsible for all costs including providing the required reference plan, their legal fees and for cost to purchase the lands as recommended by Realty Services.

## **Conclusion**

The original April 17, 2000 Council resolution to close and sell the Huxley Street road allowance was not previously acted upon but remains binding. Declaring the land surplus meets the intent of the April 17, 2000 resolution as the road allowance is not required for public transportation purposes other than the pedestrian walkway which will be retained in the form of an easement at no cost to the City.

The added benefits include reduced liability and maintenance with the land, revenue received for the sale and transfer of the property, more efficient land use, and future increased property taxes collected by the City pending the successful redevelopment of the land by Bluestone Properties Inc.

The Civic Administration is therefore recommending to proceed in declaring the land surplus and transferring to Bluestone Properties Inc. the adjacent property owner.

**Prepared by:** Adam Ostrowski, Manager II, Realty Services

**Submitted by:** Bill Warner, Manager of Realty Services

**Recommended by:** Anna Lisa Barbon, Managing Director, Corporate Services and City Treasurer, Chief Financial Officer

File No. P-2565  
February 1, 2021

# Appendix A Location Map

