

## Report to Corporate Services Committee

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

**From:** Anna Lisa Barbon, Deputy City Manager, Finance Supports

**Subject:** Declare Surplus - City Owned Property  
Part of Emerson Avenue at Baseline Road East

**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to City owned property described as a portion of the cul-de-sac at the south end of Emerson Avenue at Baseline Road East, described as the cul-de-sac fronting on 229, 230, 233 and 238 Emerson Avenue, Plan 914 London / Westminster, more particularly described as Parts 1 and 2, Plan 33R-21319, in the City of London (the “Subject Property”), the following actions **BE TAKEN**:

- a) the subject property **BE DECLARED SURPLUS**; and,
- b) the subject property **BE TRANSFERRED** to the abutting property owner, London Youth for Christ, in accordance with the City’s Sale and Other Disposition of Land Policy.

## Executive Summary

This report recommends that a portion of the City owned cul-de-sac located at the south end of Emerson Avenue at Baseline Road East be declared surplus and disposed of in accordance with the City’s Sale and Other Disposition of Land Policy.

The abutting owner London Youth for Christ (YFC) is proposing to build a youth sports centre on land it owns abutting the subject property. The subject property would assist YFC in carrying out its plans.

The subject property is a cul-de-sac and is no longer required for a municipal purpose.

The subject property has observed a formal road closing process that has been approved by Council.

## Linkage to the Corporate Strategic Plan

Municipal Council’s 2019-2023 Strategic Plan identifies “Building a Sustainable City” and “Strengthening our Community” as strategic areas of focus.

### Strengthening our Community

- Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city
- London’s neighbourhoods have a strong character and sense of place

### Building a Sustainable City

- Londoners can move around the city safely and easily in a manner that meets their needs

- Build infrastructure to support future development and protect the environment

The recommendation will support the forementioned strategic areas by declaring the subject property surplus as the first step in ultimately transferring ownership to the abutting owner 1028198 Ontario Limited represented by London Youth for Christ (YFC) in order to support a community building project (indoor sports facility) proposed by the organization.

A property liaison was completed and responses are further detailed in this report.

The land will be disposed of in accordance with the City's Sale and Other Disposition of Land Policy.

## **Analysis**

### **1.0 Background Information**

#### **1.1 Previous Reports Related to this Matter**

Civic Works Committee – September 13, 2022 – Closing Emerson Avenue Cul-de-sac

#### **1.2 Summary**

The subject property is a cul-de-sac at the south end of Emerson Avenue at Baseline Road East and is legally described as Emerson Avenue, Plan 914 London / Westminster in the City of London, County of Middlesex.

The property is an irregularly shaped lot, approximately 9,127.79 square feet in size. The land is currently part of the City's right of way and is zoned as RSC3 RSC5(9) - Restricted Service Commercial. A formal road closing application and the associated process has been put forward by the Geomatics Division and approved by Council prior to the subject property being made surplus to municipal needs.

The abutting owner YFC reached out to Realty Services stating an interest in purchasing and closing off the cul-de-sac at the south end of Emerson Avenue. YFC is proposing to build a youth sports centre on lands it owns abutting the subject property.

The land will be transferred to the abutting owner at fair market value in accordance with the City's Sale of Other Disposition of Land Policy.

### **2.0 Discussion**

Realty Services received a formal inquiry from London Youth for Christ in 2009 stating an interest in purchasing and closing the cul-de-sac at the south end of Emerson Avenue as they are proposing to build a youth sports centre on land.

A liaison process initiated by YFC was circulated in 2009 and again in 2021.

In the circulation, the following was determined:

1. The existing municipal sanitary sewer and maintenance hole, storm sewer and maintenance hole located within the proposed lands to be transferred should either be:
  - a. Removed and properly rebuilt within the existing Base Line Road right-of-way (outside the lands to be transferred) to City standards and at no expense to the City;
  - b. Retained in their existing locations with adequate easements registered on title in favour of the City over the existing municipal infrastructure within

the lands to be transferred; and adequate maintenance accesses constructed over the existing municipal infrastructure within the lands to be transferred (from the existing Base Line Road right-of-way to the infrastructure) all to City standards and at no expense to the City. The easement agreement should also have a condition for the owner to provide the City with a means of access should the future owners erect a fence or other barrier between the existing Base Line Road right-of-way and the infrastructure (e.g. a gate); or

- c. Retained in their existing locations with the City retaining a sufficient portion of the proposed land to be transferred to contain the existing municipal infrastructure at least equivalent to the area of standard easements to allow the City to access the infrastructure for operational, maintenance, repair and replacement purposes.
2. The Environmental Services City Map identifies the subject lands to be in the vicinity of or within a former land fill site. On that basis, there may be a potential for this site to contain refuse, contaminants and/or methane gas.
3. That portion of Emerson Avenue that is shown as the subject property will have to be closed by By-law before ownership can be transferred.

The City Sale and Other Disposition of Land policy under Section 4 Methods of Sale allows for the disposition of lands to abutting property owners through direct negotiation.

Any future land transfer will be subject to the above considerations which have been shared in their entirety with the proponent's representative.

Internal discussions have occurred with the Solid Waste Management and Legal Services. The risk associated with potential land remediation requirements is deemed to be acceptably low for this small portion of land. Further, the proponent is further exploring its proposed future use, inclusive of this portion of City owned land, and may be required to carry out associated due diligence during the development process. This may include consideration of environmental investigations and may potentially include a record of site condition.

The subject property is to be sold on an AS IS basis.

The subject property will be sold subject to the retention of an easement for existing infrastructure in the form of a sanitary and storm sewer. Area to be subject to retained easement is Part 1, Plan 33R-21319.

The subject property has been closed by bylaw.

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

As part of the transfer of the lands to the abutting owner, realization of the proponent's community driven project will be realized in support of its not for profit mandate.

### **4.0 Financial Impact**

There are no significant cost implications to the City to declare this property surplus and transfer ownership to London Youth for Christ in accordance with the City's Sale and Other Disposition of Land Policy. YFC will be responsible for their own costs in terms of due diligence, legal and conveyancing.

## **Conclusion**

The benefits in declaring the subject land surplus include releasing the City from further maintenance costs. The project being led and initiated by a member of the not for profit community will provide benefit to the community at large.

It is therefore recommended that the subject property be declared surplus and transferred to London Youth of Christ in accordance with the City's Sale and Other Disposition of Land Policy

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

**Prepared by:**                      **Bryan Baar, Manager II, Realty Services**

**Submitted by:**                      **Bill Warner, Director, Realty Services**

**Recommended by:**              **Anna Lisa Barbon, Deputy City Manager, Finance Support**

cc:              Gary Irwin, Division Manager and Chief Surveyor, Geomatics  
                 Sachit Tataavarti, Solicitor

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October 31, 2022

Appendix A - Location Map – Area to be Declared Surplus





