

ITEM 18

MANAGER'S REPORT NO. 61

COUNCIL MEETING Sept. 23/74

Re: Request to Cancel the Tender on
Lot 297, D.L. 86/91, Plan 46431 (Woods)

On August 19, 1974, Council authorized acceptance of a bid in the amount of \$42,200 from Mr. Stan H. Woods for Lot 297 in D.L. 86/91. Mr. Woods in a letter dated September 10, 1974 advised the Manager that he wishes to be relieved of his obligation to purchase this property because his observations have revealed the existence of a run-off:

"On your Hydrology Report of this lot it stated: 'Ground water discharge for most of the year', which I feel is misrepresented. It appears to be springs that run continually from this lot on to lot 306. I do not feel I can make arrangements to purchase this lot and be held responsible for this continuous run-off.

If satisfactory arrangements or compensation cannot be made I feel my deposit should be returned."

The Land Agent reports as follows:

"Mr. Woods' objection to the purchase of this lot is, in my opinion, not valid owing to the fact that there is an adequate storm sewer which is contained in an easement which traverses the rear 15 feet of this lot, and further, this property is no different than the majority of other lots which have been sold adjacent and in the immediate area. If Mr. Woods had any misgivings about the drainage conditions there was no restriction preventing him from making a bid on a lot where the condition did not exist. Mr. Woods represented himself to me as a builder with over 20 years experience.

I feel the drainage problem is being introduced as an excuse to terminate the transaction, but I can see little point in insisting that it be carried through, as, in my opinion, there should be no difficulty in disposing of this property."

The Manager, Solicitor and Land Agent are of the opinion that the bid to purchase Lot 297 should be cancelled, and the deposit refunded accordingly, because it is not desirable or worthwhile to force a person to purchase property if there are any doubts in that person's mind about the validity of the proposed transaction.

RECOMMENDATIONS:

THAT the bid from Mr. Stan Woods in the amount of \$42,200 be cancelled, and the deposit refunded; and

THAT lot 297 be offered for sale together with the seven unsold lots in D.L. 86/91 with negotiation for sale to proceed as recommended in Item 10 on page 114.