

Report to the Council of The Corporation of the City of London

To: The Council of the Corporation of the City of London

From: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager
Environment and Infrastructure

Subject: Expropriation of Lands
Wellington Gateway Project - Phase 3 & 4

Date: July 25, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Construction and Infrastructure Services, on the advice of the Director, Realty Services, with respect to the expropriation of lands as may be required for the project known as the Wellington Gateway Project, the following actions be taken:

- a) the Council of The Corporation of the City of London as Approving Authority pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, as amended, **HEREBY APPROVES** the proposed expropriation of lands, as described in Schedule "A" attached hereto, in the City of London, County of Middlesex, it being noted that the reasons for making this decision are as follows:
 - i) the subject lands are required by The Corporation of the City of London for the Wellington Gateway Project;
 - ii) the design of the project will address the current and future transportation demands along the corridor;
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study recommendations for the Wellington Gateway Project approved by Municipal Council at the meeting held on May 21, 2019; and
- b) subject to the approval of (a) above, a certificate of approval **BE ISSUED** by the City Clerk on behalf of the Approving Authority in the prescribed form.

Executive Summary

The purpose of this report is to seek Municipal Council approval for the expropriation of lands required by The Corporation of the City of London for the Wellington Gateway Project, Phase 3 & 4.

Multiple property needs have been identified to accommodate the project design and legal possession is required prior to advancing utility work and awarding the construction contract.

Forty (40) properties remain outstanding. Realty Services will continue to negotiate with the outstanding property owners in parallel with the expropriation process.

Two Hearing of Necessity Requests have been received by the City Clerk's Office, as of the date of the writing of this report, with the potential for both to be withdrawn as discussions with the owners and their legal representative's progress.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Mobility and Transportation by building new transportation infrastructure as London grows. The improvements to this corridor will enhance safety and provide convenient mobility choices for transit, automobiles, pedestrians and cyclists.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan;
- Civic Works Committee – July 21, 2014 – Rapid Transit Corridors Environmental Assessment Study Appointment of Consulting Engineer;
- Strategic Priorities and Policy Committee – July 24, 2017 – Rapid Transit Master Plan and Business Case;
- Strategic Priorities and Policy Committee – April 23, 2018 – Bus Rapid Transit Environmental Assessment Initiative;
- Civic Works Committee – March 14, 2019 – History of London's Rapid Transit Initiative; and
- Strategic Priorities and Policy Committee – March 25, 2019 – Investing in Canada Infrastructure Program, Public Transit Stream, Transportation Projects for Submission;
- Strategic Priorities and Policy Committee – October 28, 2019 – Investing in Canada Infrastructure Program, Public Transit Infrastructure Stream, Approved Projects;
- Civic Works Committee – January 7, 2020 – Downtown Loop and Municipal Infrastructure Improvements Appointment of Consulting Engineer
- Civic Works Committee – August 11, 2020 – East London Link Transit and Municipal Infrastructure Improvements – Appointment of Consulting Engineer
- Civic Works Committee – August 11, 2020 – Wellington Gateway Transit and Municipal Infrastructure Improvements – Appointment of Consulting Engineer

2.0 Discussion and Considerations

2.1 Background

The Wellington Gateway Project will revitalize approximately six kilometres of key arterial road between Downtown and Highway 401. The project will widen Wellington Road to add continuous transit-only lanes. The goal is to improve traffic capacity and increase transit frequency and reliability while also addressing necessary underground work, including replacing aging sewers and underground infrastructure.

The project has received Provincial approval of the Environmental Assessment (EA) which identified requirements for property acquisitions.

Due to the growing use of these roads and developments in the area, combined with operational needs to improve safety and support for all travel modes, the Wellington Gateway Project was identified as a priority to deliver a critical component of London's rapid transit system, a central component of London's land use and transportation policy.

Figure 1: Wellington Gateway Project Limits and Design Segments

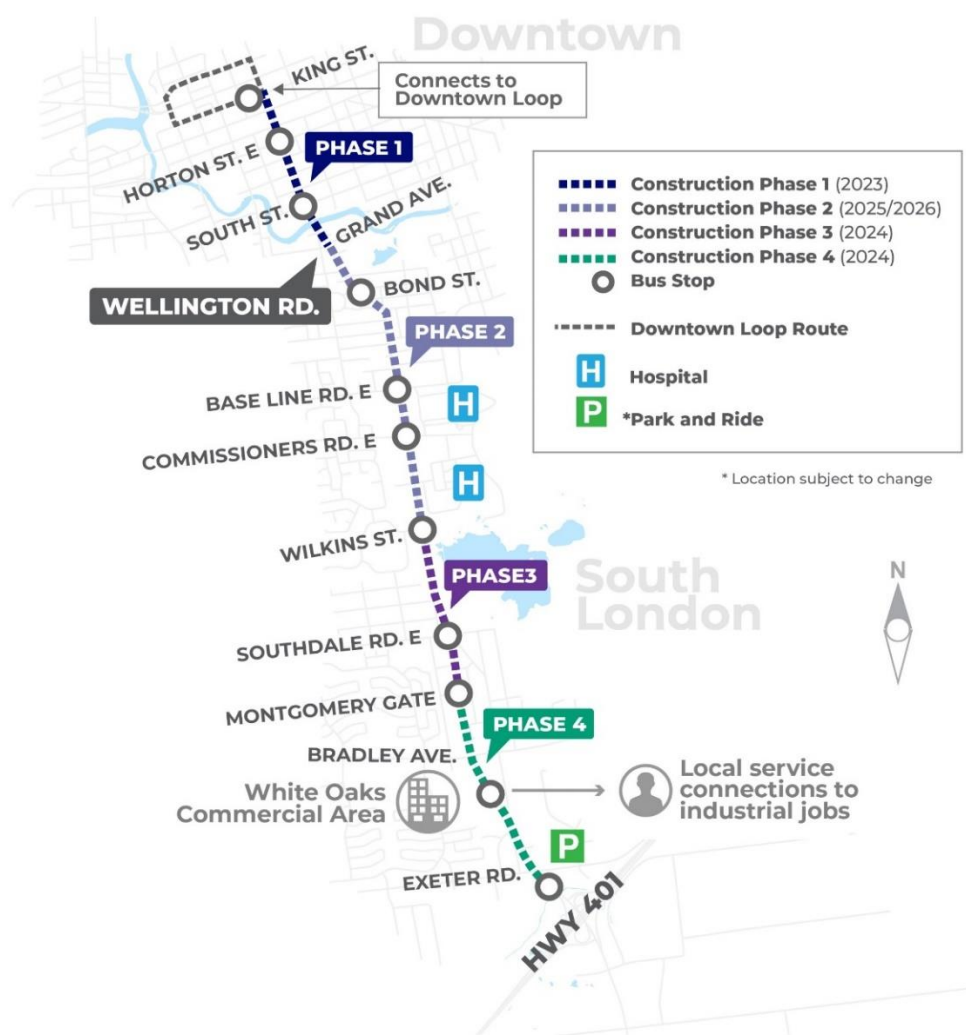


Figure 1 illustrates the limits of the Wellington Gateway project and its four construction phases.

2.2 Anticipated Construction Timeline

The Wellington Gateway is planned for construction from 2023 and 2027 with a phased approach.

The first phase of construction began this year building Wellington Street from York Street to just north of Clarks Bridge over the Thames River.

The second year of Wellington Gateway construction is scheduled to begin in 2024 subject to property acquisition and other approvals. Design Phases 3 and 4 will build Wellington Road from Exeter Road north to Wilkins Street. Some utility relocations and tree removals will be completed prior to capital construction. See Figure 1.

Negotiations with all property owners in Phases 3 and 4 have been ongoing since late spring / summer 2022. As legal possession of all property requirements will be needed to commence utility work and award a construction contract, the expropriation of all outstanding property is necessary. The legal possession requirements consist of 1 full buyout, 15 partial takings, 20 permanent easements, and 42 temporary easements.

Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process to meet the project construction timelines.

Location Maps and legal descriptions of outstanding property requirements are included as Schedule A.

3.0 Financial Implications and Considerations

3.1 Compensation for Land Acquisition

Impacted property owner's compensation is protected through the expropriation legislation and Council Property Acquisition Policy. If negotiated property compensation settlements can not be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal.

There is budget available for Wellington Gateway land acquisition costs relating to Phase 3 and 4 property acquisitions.

Conclusion

Construction of Wellington Gateway Phases 3 and 4 are scheduled for 2024 subject to property acquisition and other approvals. Property acquisitions need to be secured prior to commencing advance utility work and awarding the construction contract.

Commencement of the expropriation process is recommended at this time to ensure project timelines are achieved.

Realty Services will continue to negotiate with the outstanding property owners in parallel with the expropriation process.

Prepared by: Ron Sanderson, AACI, Manager II, Realty Services

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

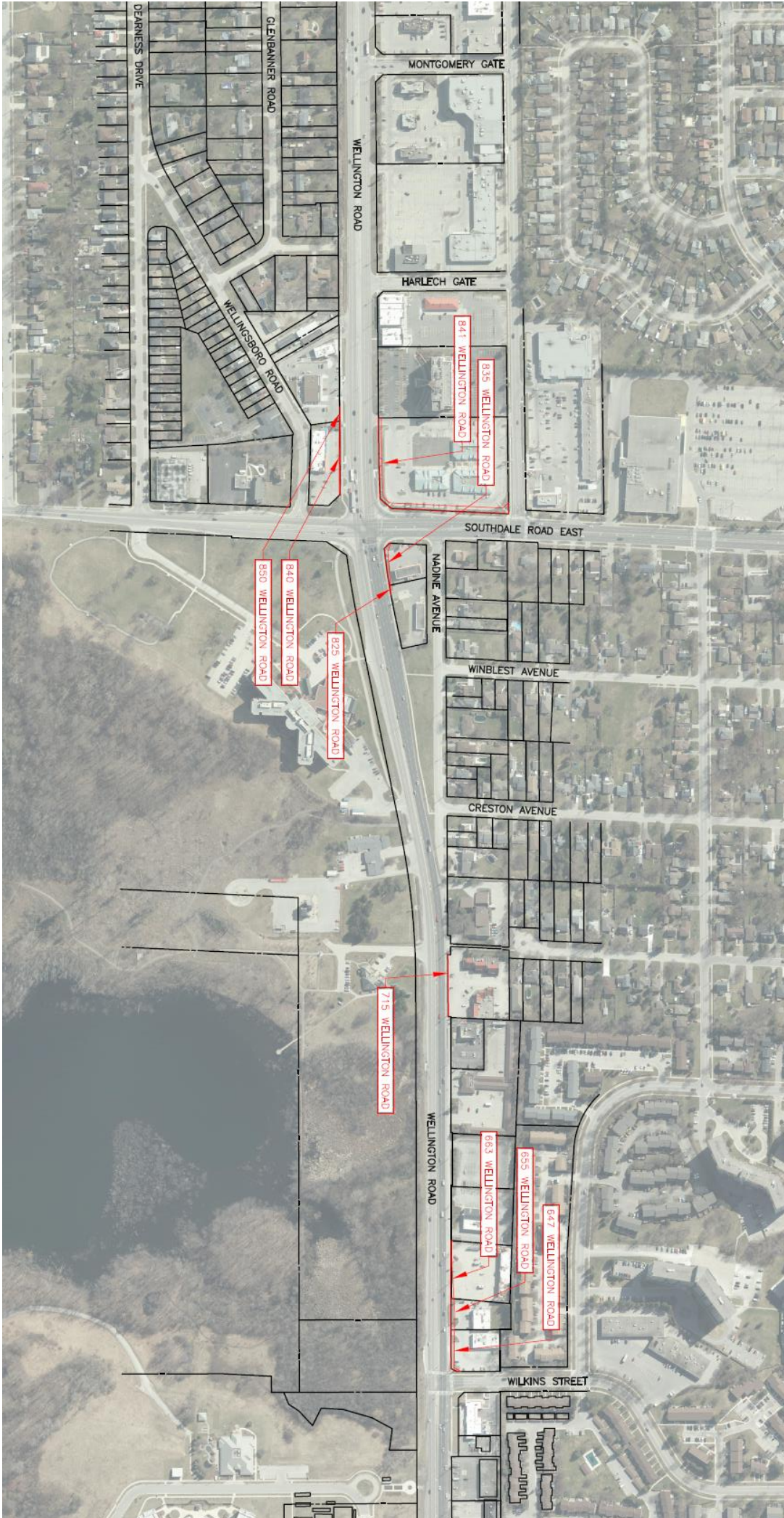
Concurred by: Jennie Dann, P. Eng., Director, Construction and Infrastructure Services

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

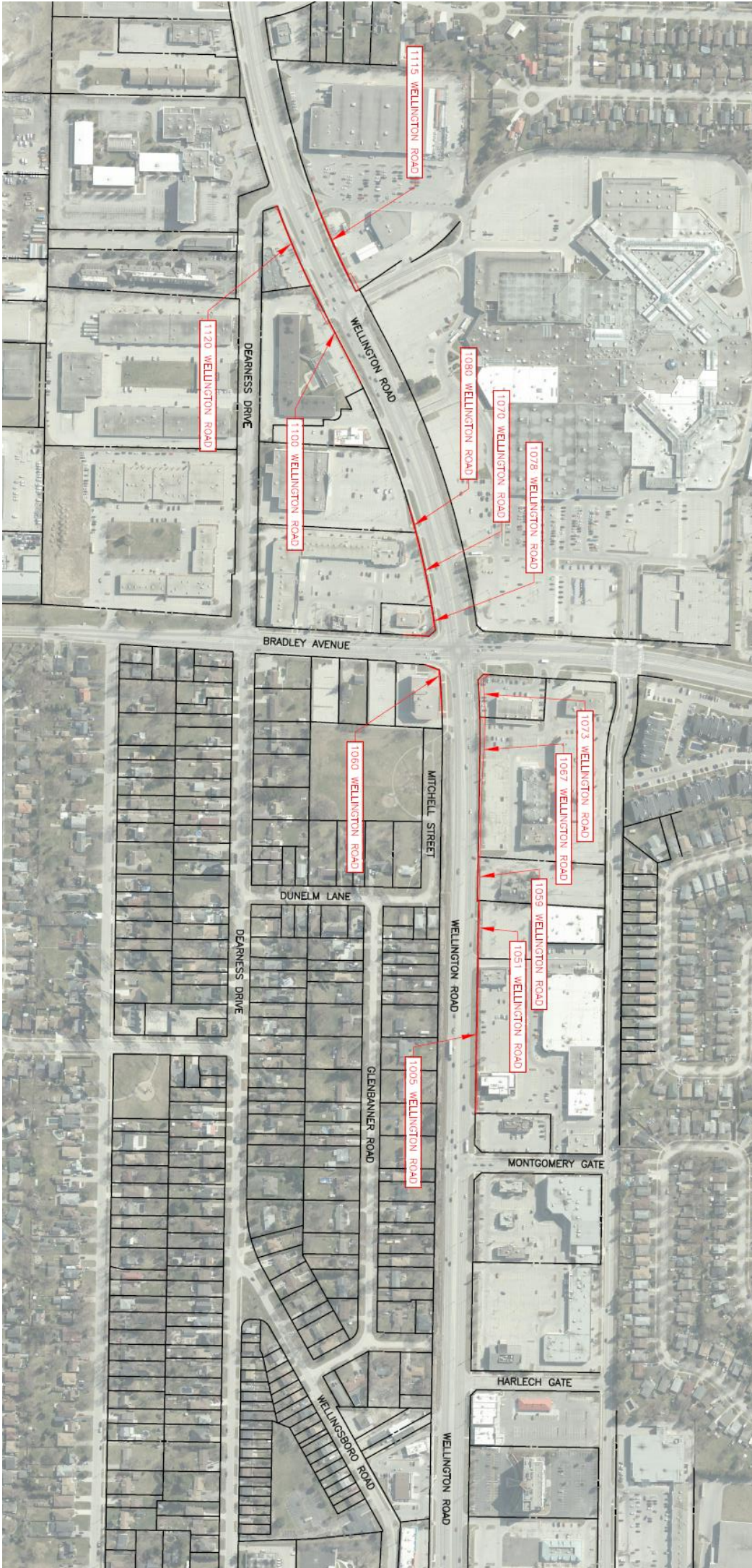
July 18, 2023

Schedule A - Location Maps

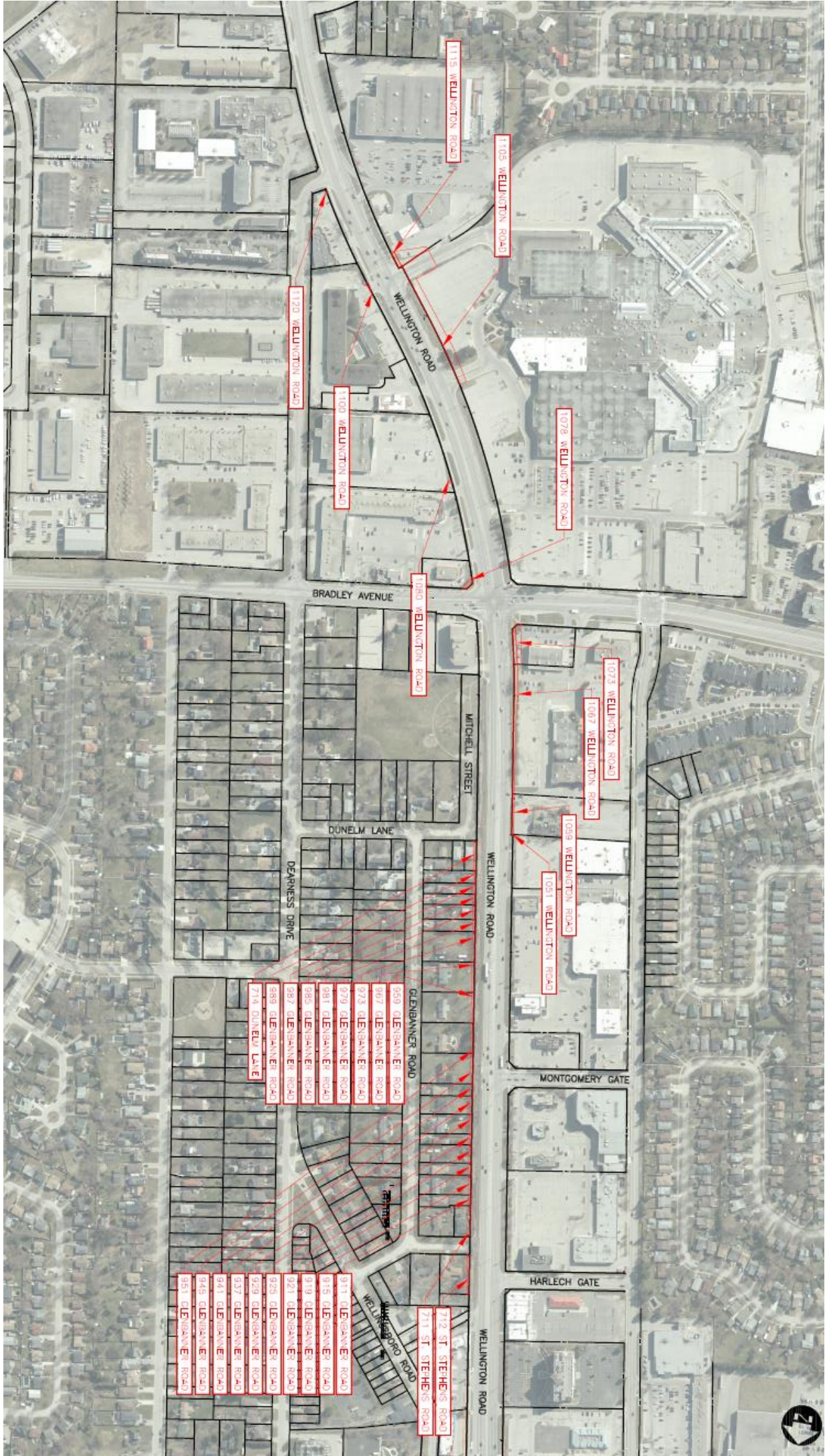
PHASE 3



PHASE 4



PHASE 4



Schedule A

Fee Simple:

615 Wellington Road:

Part of Lot 7, Registered Plan 635 in the City of London, County of Middlesex designated as Part 1, Plan 33R-21500 being part of PIN 08470-0080

647 Wellington Road:

Part of Lots 2 and 3, Registered Plan 635 in the City of London, County of Middlesex, designated as Part 3, Plan 33R-21500 being part of PIN 08466-0024 and Part of Lot 2, Registered Plan 635 in the City of London, County of Middlesex, designated as Part 5, Plan 33R-21500 being part of PIN 08466-0024

655 Wellington Road:

Part of Lots 1 & 2, on Registered Plan 635, in the City of London, County of Middlesex designated as Part 7 on Plan 33R-21500 being part of PIN 08466-0025

663 Wellington Road:

Part of Lot 25, Concession 1 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 9, Plan 33R-21500 being part of PIN 08466-0026

825 Wellington Road:

Part of Lot 24, Concession 1 (Geographic Township of Westminster) being Part of the Forced Road Allowance also known as Wellington Rd (Closed by By-Law S-1015-373, Registered as Inst. No. 236473) in the City of London, County of Middlesex, designated as Part 3, Plan 33R-21504 being part of PIN 08471-0027

835 Wellington Road:

Part of Lot 24, Concession 1 (Geographic Township of Westminster) being Part of the Forced Road Allowance also known as Wellington Rd (Closed by By-Law S-1015-373, Registered as Inst. No. 236473) in the City of London, County of Middlesex, designated as Part 1, Plan 33R-21504 being part of PIN 08471-0028

840 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 6, Plan 33R-21504 being part of PIN 08493-0002

850-870 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 8, Plan 33R-21504 being part of PIN 08493-0003

1060 Wellington Road:

Part of Mitchell Street (Closed by By-Law S-3697-586, Registered as Inst. No. LT357133), Registered Plan 746 in the City of London, County of Middlesex, designated as Part 7, Plan 33R-21522 being part of PIN 08493-0278

1070 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 11 and 12, Plan 33R-21522 being part of PIN 08485-0001

1073 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 2, Plan 33R-21519 being part of PIN 08494-0336

1078 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 8, Plan 33R-21522 being part of PIN 08485-0185

1100 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 2, Plan 33R-21516 being part of PIN 08485-0249

1105 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 20, 21, 22 and 23, Plan 33R-21547 being part of PIN 08495-0273

1115 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 8 and 15, Plan 33R-21547 being part of PIN 08485-0251

1241 Wellington Road:

Lot 4, Plan 880, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0016, Part Block A, RP 653 and Part Lot 24, Concession 2, designated as Part 1 on 33R-11797, Geographic Township of Westminster, in the City of London, County of Middlesex, being all of PIN 08485-0198.

Limited Interest (Permanent Easement):

711 St. Stephens Road:

Part of Lot 29, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 4, Plan 33R-21533 being part of PIN 08493-0011

915 Glenbanner Road:

Part of Lot 30, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 12, Plan 33R-21533 being part of PIN 08493-0014

921 Glenbanner Road:

Part of Lot 31, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 18, Plan 33R-21533 being part of PIN 08493-0016

925 Glenbanner Road:

Part of Lot 32, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 21, Plan 33R-21533 being part of PIN 08493-0017

929 Glenbanner Road:

Part of Lot 32, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 24, Plan 33R-21533 being part of PIN 08493-0018

937 Glenbanner Road:

Part of Lot 33, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 27, Plan 33R-21533 being part of PIN 08493-0019

941 Glenbanner Road:

Part of Lot 33, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 30, Plan 33R-21533 being part of PIN 08493-0020

951 Glenbanner Road:

Part of Lot 35, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 36, Plan 33R-21533 being part of PIN 08493-0022

959 Glenbanner Road:

Part of Lot 36, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 38, Plan 33R-21533 being part of PIN 08493-0023

967 Glenbanner Road:

Part of Lot 37, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 42, Plan 33R-21533 being part of PIN 08493-0024

973 Glenbanner Road:

Part of Lot 38, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 45, Plan 33R-21533 being part of PIN 08493-0025

979 Glenbanner Road:

Part of Lot 39, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 46, Plan 33R-21533 being part of PIN 08493-0281

981 Glenbanner Road:

Part of Lot 39, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 51, Plan 33R-21533 being part of PIN 08493-0282

985 Glenbanner Road:

Part of Lot 40, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 54, Plan 33R-21533 being part of PIN 08493-0283

987 Glenbanner Road:

Part of Lot 40, Registered Plan 746 in the City of London, County of Middlesex, designated as Part 57, Plan 33R-21533 being part of PIN 08493-0284

1080 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 15 and 16, Plan 33R-21522 being part of PIN 08485-0002

1105 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 2, 4 and 5 , Plan 33R-21547 being part of PIN 08495-0273

1120 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 5 Plan 33R-21516 being part of PIN 08485-0004

Limited Interest (Temporary Easement):

615 Wellington Road:

Part of Lot 7, Registered Plan 635 in the City of London, County of Middlesex designated as Part 2, Plan 33R-21500 being part of PIN 08470-0080

647 Wellington Road:

Part of Lots 2 and 3, Registered Plan 635 in the City of London, County of Middlesex, designated as Part 4, Plan 33R-21500 being part of PIN 08466-0024 and Part of Lot 2, Registered Plan 635 in the City of London, County of Middlesex, designated as Part 6, Plan 33R-21500 being part of PIN 08466-0024

655 Wellington Road:

Part of Lots 1 & 2, on Registered Plan 635, in the City of London, County of Middlesex designated as Part 8 on Plan 33R-21500 being part of PIN 08466-0025

663 Wellington Road:

Part of Lot 25, Concession 1 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 10, Plan 33R-21500 being part of PIN 08466-0026

825 Wellington Road:

Part of Lot 24, Concession 1 (Geographic Township of Westminster) being Part of the Forced Road Allowance also known as Wellington Rd (Closed by By-Law S-1015-373, Registered as Inst. No. 236473) in the City of London, County of Middlesex, designated as Part 4, Plan 33R-21504 being part of PIN 08471-0027

835 Wellington Road:

Part of Lot 24, Concession 1 (Geographic Township of Westminster) being Part of the Forced Road Allowance also known as Wellington Rd (Closed by By-Law S-1015-373, Registered as Inst. No. 236473) in the City of London, County of Middlesex, designated as Part 2, Plan 33R-21504 being part of PIN 08471-0028

840 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) being Part of the Forced Road Allowance also known as Wellington Rd (Closed by By-Law S-643-377, Registered as Inst. No. 170662) in the City of London, County of Middlesex, designated as Part 5, Plan 33R-21504 being part of PIN 08493-0001 and Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 7, Plan 33R-21504 being part of PIN 08493-0002

850-870 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Parts 9, 10 and 11, Plan 33R-21504 being part of PIN 08493-0003

855 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 2 and 3, Plan 33R-21546 being part of PIN 08494-0344

977 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 6, Plan 33R-21575 being part of PIN 08494-0342

993 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Part 7, Plan 33R-21575 being part of PIN 08494-0341

1001 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Parts 1 and 2, Plan 33R-21582 being part of PIN 08494-0340

1005 Wellington Road:

Part of Lot 25, Concession 2 (Geographic Township of Westminster) in the City of London, County of Middlesex, designated as Parts 3 and 8, Plan 33R-21582 being part of PIN 08494-0339

711 St. Stephens Road:

Part of Lot 29, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 1, 2, 3, 5 and 6, Plan 33R-21533 being part of PIN 08493-0011

712 St. Stephens Road:

Part of Lot 1, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 1 and 2, Plan 33R-21575 being part of PIN 08493-0259 and Part of Lot 1, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 3, 4 and 5, Plan 33R-21575 being part of PIN 08493-0260

915 Glenbanner Road:

Part of Lot 30, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 10 and 11, Plan 33R-21533 being part of PIN 08493-0014

921 Glenbanner Road:

Part of Lot 31, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 16 and 17, Plan 33R-21533 being part of PIN 08493-0016

925 Glenbanner Road:

Part of Lot 32, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 19 and 20, Plan 33R-21533 being part of PIN 08493-0017

937 Glenbanner Road:

Part of Lot 33, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 25 and 26, Plan 33R-21533 being part of PIN 08493-0019

941 Glenbanner Road:

Part of Lot 33, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 28 and 29, Plan 33R-21533 being part of PIN 08493-0020

951 Glenbanner Road:

Part of Lot 35, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 34 and 35, Plan 33R-21533 being part of PIN 08493-0022

959 Glenbanner Road:

Part of Lot 36, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 37 and 39, Plan 33R-21533 being part of PIN 08493-0023

967 Glenbanner Road:

Part of Lot 37, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 40 and 41, Plan 33R-21533 being part of PIN 08493-0024

973 Glenbanner Road:

Part of Lot 38, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 43 and 44, Plan 33R-21533 being part of PIN 08493-0025

979 Glenbanner Road:

Part of Lot 39, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 47 and 48, Plan 33R-21533 being part of PIN 08493-0281

981 Glenbanner Road:

Part of Lot 39, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 49 and 50, Plan 33R-21533 being part of PIN 08493-0282

985 Glenbanner Road:

Part of Lots 39 and 40, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 52 and 53, Plan 33R-21533 being part of PIN 08493-0283

987 Glenbanner Road:

Part of Lot 40, Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 55 and 56, Plan 33R-21533 being part of PIN 08493-0284

1051 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 5, Plan 33R-21582 being part of PIN 08494-0338

1059 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 6 and 7, Plan 33R-21582 being part of PIN 08494-0337

1060 Wellington Road:

Part of Mitchell Street (Closed by By-Law S-3697-586, Registered as Inst. No. LT357133), Registered Plan 746 in the City of London, County of Middlesex, designated as Parts 1, 2, 3, 4, 5 and 6, Plan 33R-21522 being part of PIN 08493-0278

1070 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 10 and 13, Plan 33R-21522 being part of PIN 08485-0001

1073 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 1, Plan 33R-21519 being part of PIN 08494-0336

1078 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 9, Plan 33R-21522 being part of PIN 08485-0185

1080 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 14, 15 and 17, Plan 33R-21522 being part of PIN 08485-0002

1090 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Part 1, Plan 33R-21580 being Plan of Survey by Callon Dietz dated March 6, 2023 Plan No. DDD-4157, being part of PIN 08485-0248

1100 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 1 and 3, Plan 33R-21516 being part of PIN 08485-0249

1105 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 1, 2, 3, 4, 5, 6 and 7, Plan 33R-21547 being part of PIN 08495-0273

1115 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 9, 10, 11, 12, 13, 14, 16, 17, 18 and 19 Plan 33R-21547 being part of PIN 08495-0251

1120 Wellington Road:

Part of Lot 25, Concessions 2 (Geographic Township of Westminster) in the City of London, County of Middlesex designated as Parts 4 and 5 Plan 33R-21516 being part of PIN 08485-0004