

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 - East London Link Project Phase 3

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 East London Link 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 East London Link Project;
 - ii) the design of the project will address the current and future transportation demands along the corridor; and,
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study recommendations for the East London Link 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 East London Link Project.

Multiple property needs have been identified to accommodate the project design and legal possession is required to construct the project in accordance with approved plans and standards.

Multiple properties remain outstanding for the East London Link Project. Realty Services will continue to negotiate with the property owner in parallel with the expropriation process in efforts to achieve an amicable settlement subject to Council approval.

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 – East London Link Transit and Municipal Infrastructure Improvements – Appointment of Consulting Engineer
- Corporate Services Committee – May 23, 2023 – Expropriation of Lands – East London Link Project Phase 3

2.0 Discussion and Considerations

2.1 Background

The East London Link will revitalize more than 6 km of road from Downtown to Fanshawe College. The project will add rapid transit and transportation improvements including transit links to the City's eastern industrial employment areas. At the same time, the City will repair and replace aging sewers and watermains. 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 East London Link 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 A1 illustrates the limits of the East London Link and its four construction phases.

2.2 Anticipated Construction Timeline

In 2022, the City of London constructed Phase 1 of the East London Link on King Street between Wellington Street and Lyle Street. In March 2023 construction began on Phase 2 of the East London Link. The proposed project limits for 2024 construction include Dundas Street from Egerton Street to Highbury Avenue, and Highbury Avenue from Dundas Street to Oxford Street. Final phase of the East London Link will be built along Oxford Street in 2025.

Negotiations with all property owners have been ongoing since Fall of 2022 and there are several properties outstanding. 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.

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. This report includes (23) twenty-three different outstanding properties being expropriated for different property rights including fee simple, temporary and permanent easements. Of the (23) twenty-three properties (2) two are currently under agreement pending close. Agreements that have already closed in support of Phase 3 total (15) fifteen.

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 cannot be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal.

There is budget available for East London Link Project land acquisition costs.

Conclusion

Construction of the East London Link Project Phase 3 is scheduled for 2024 subject to property acquisition and other approvals. Property acquisitions need to be secured to construct the project in accordance with approved plans and standards.

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 owner in parallel with the expropriation process.

Prepared by: Bryan Baar, Manager II, Realty Services

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

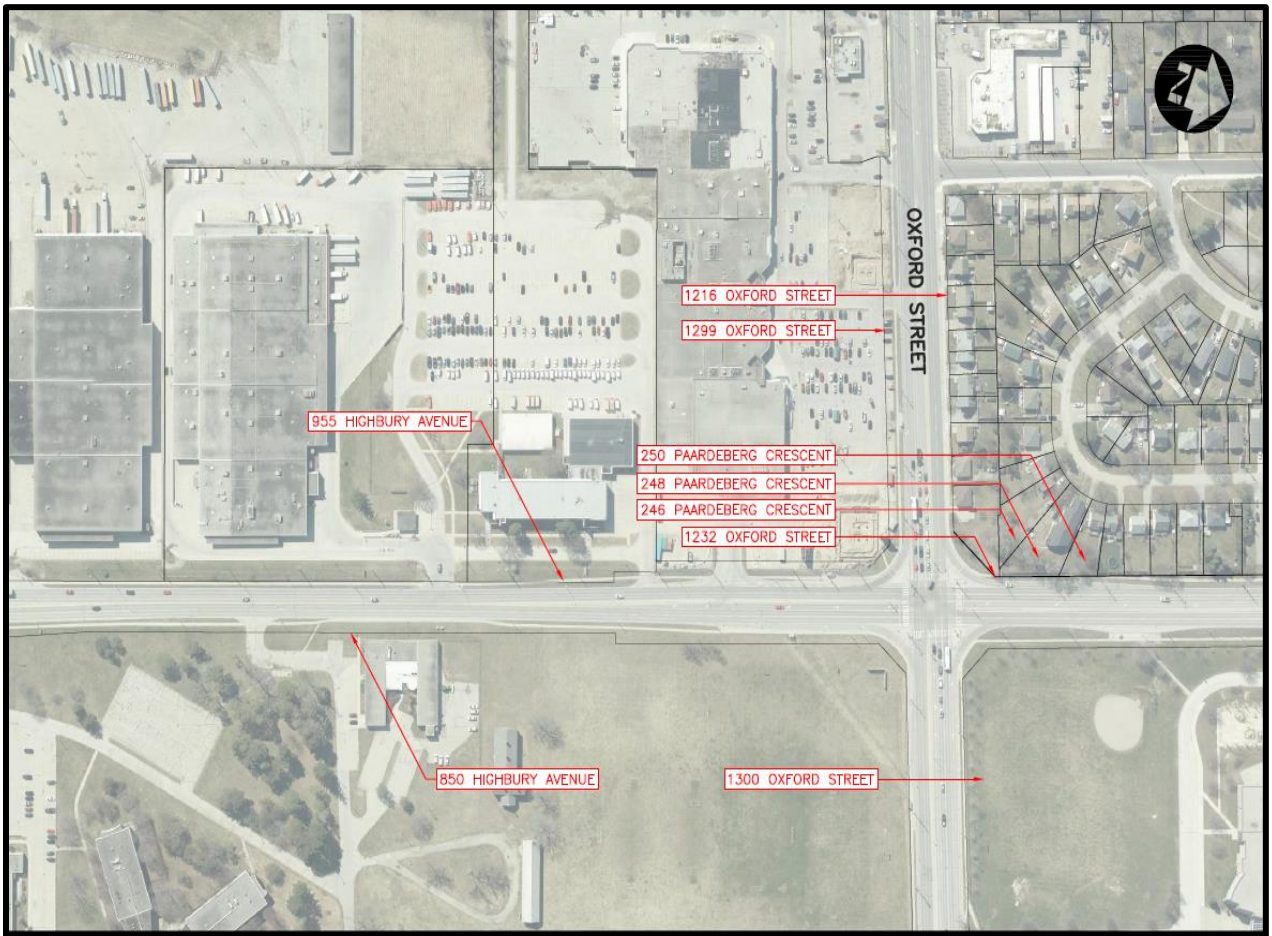
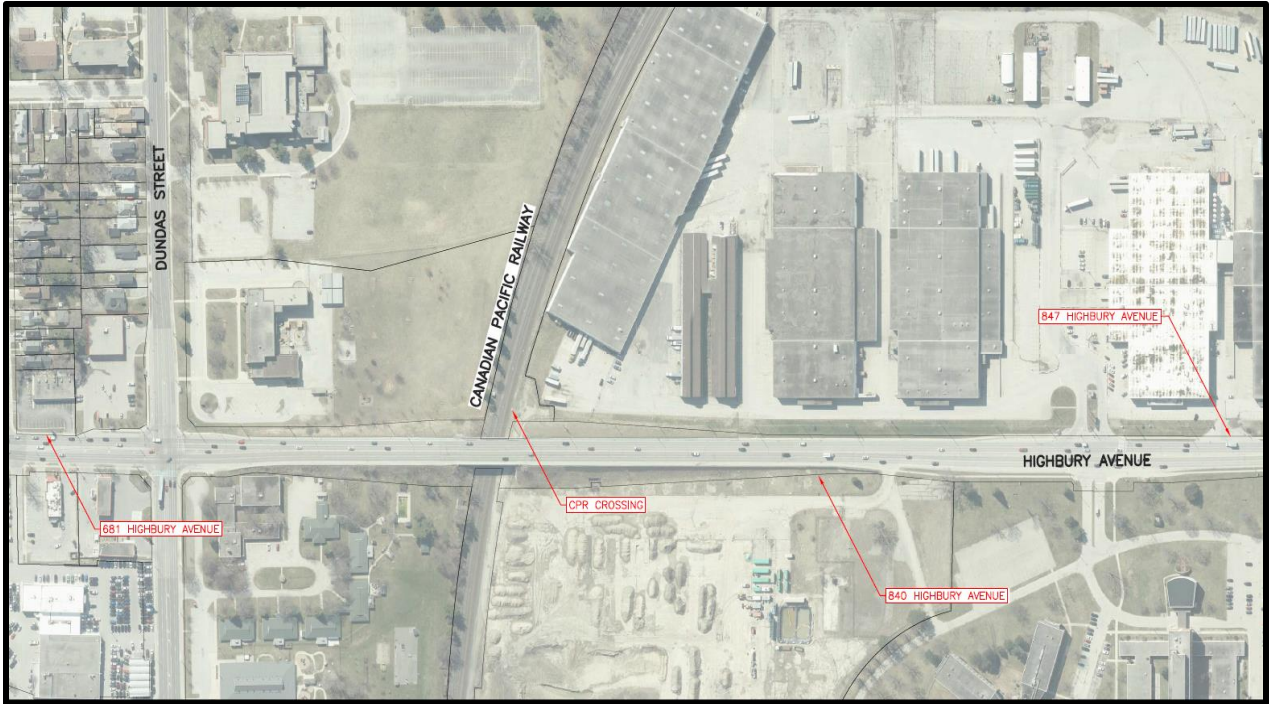
Concurred by: Jennie Dann, P. Eng., Director, Construction and Infrastructure Services

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

July 18, 2023

Schedule A - Location Map





Schedule A

Fee Simple:

1015-1019 Dundas Street

Part of Lot 17 South of Dundas Street Registered Plan 320 (3) in the City of London, County of Middlesex, designated as Part 3 Plan 33R-21423 being Part of PIN 08303-0094

1080 Dundas Street

Part of Lots 1, 2, 3 and 4, (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 1 on Reference Plan 33R-21631, being part of PIN 08288-0325

1140 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 3 Plan 33R-21499 being part of PIN 08289-0017

1144 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 5 Plan 33R-21499 being part of PIN 08289-0057

1152 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 7 Plan 33R-21499 being part of PIN 08289-0013

1153 - 1155 Dundas Street

Part of Lots 9 and 10, Registered Plan 398 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 11 Plan 33R-21499 being part of PIN 08301-0001

1220 Dundas Street

Part of Lots 9 and 10, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 2 Plan 33R-21509 being part of PIN 08290-0175

1230 Dundas Street

Part of Lot 5, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 11 Plan 33R-21509 being part of PIN 08290-0179

1240 Dundas Street

Part of Lot 3, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 15 Plan 33R-21509 being part of PIN 08290-0181

1242 Dundas Street

Part of Lot 2, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 17 Plan 33R-21509 being part of PIN 08290-0182

1260 Dundas Street

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 7 on Reference Plan 33R-21638, being part of PIN 08290-0233

1232 Oxford Street

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 18, 19, 20, 21, 27, and 28 Plan 33R-21583 being part of PIN 08099-0444

1287 Dundas Street

Part of Lot 12 Registered Plan 413 (C) (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 1 Plan 33R-21510 being Part of PIN 08290-0028

847 Highbury Avenue

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 3, 4, 5 and 9 Plan 33R-21586 being part of PIN 08290-0220

1340 Dundas Street

Part of Lot 8, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex, designated as Parts 4 and 5 on Reference Plan 33R-21638, being part of PIN 08106-0137

246 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 25 and 29 Plan 33R-21583 being part of PIN 08099-0468

248 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 24, 30, and 31 Plan 33R-21583 being part of PIN 08099-0467 and Part 16, 32, 33 and 34 Plan 33R-21583 being part of PIN 08099-0446

1300 Oxford Street

Part of Lot 8, Concession 2 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 6, 7, 8, 12, and 13 Plan 33R-21587 being part of PIN 08105-0052

Limited Interest (Temporary Easement):

1015-1019 Dundas Street

Part of Lots 14,15,16, and 17 South of Dundas Street Registered Plan 320 (3) in the City of London, County of Middlesex, designated as Part 2 Plan 33R-21423 being Part of PIN 08303-0094

1080 Dundas Street

Part of Lots 1, 2, 3 and 4, (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 2 on Reference Plan 33R-21631, being part of PIN 08288-0325

1140 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 4 Plan 33R-21499 being part of PIN 08289-0017

1144 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 6 Plan 33R-21499 being part of PIN 08289-0057

1152 Dundas Street

Part of Block D, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 8 Plan 33R-21499 being part of PIN 08289-0013

1153 - 1155 Dundas Street

Part of Lots 9 and 10, Registered Plan 398 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 10 and 12 Plan 33R-21499 being part of PIN 08301-0001

1220 Dundas Street

Part of Lots 9 and 10, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 1 Plan 33R-21509 being part of PIN 08290-0175

1230 Dundas Street

Part of Lot 5, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 10 Plan 33R-21509 being part of PIN 08290-0179

1240 Dundas Street

Part of Lot 3, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 14 Plan 33R-21509 being part of PIN 08290-0181

1242 Dundas Street

Part of Lot 2, Registered Plan 494 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 16 Plan 33R-21509 being part of PIN 08290-0182

1232 Oxford Street

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 6 and 7 Plan 33R-21583 being part of PIN 08099-0444

1299 Oxford Street

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1 and 2 Plan 33R-21588 being part of PIN 08290-0220

847 Highbury Avenue

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1,8,10,13, and 14 Plan 33R-21586 being part of PIN 08290-0220

1340 Dundas Street

Part of Lot 8, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex, designated as Parts 3 and 6 on Reference Plan 33R-21638, being part of PIN 08106-0137

246 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 5 Plan 33R-21583 being part of PIN 08099-0468

248 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 10 and 11 Plan 33R-21583 being part of PIN 08099-0467 and Part 12, 35 and 36 Plan 33R-21583 being part of PIN 08099-0446

1300 Oxford Street

Part of Lot 8, Concession 2 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 2, 3, 9, 10, 11, 14, and 15 Plan 33R-21587 being part of PIN 08105-0052

Limited Interest (Permanent Easement):

1153 - 1155 Dundas Street

Part of Lot 9, Registered Plan 398 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 9 and 10 Plan 33R-21499 being part of PIN 08301-0001

1181 Dundas Street

Part of Lot 2, Registered Plan 413 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 13 Plan 33R-21499 being part of PIN 08301-0003

1260 Dundas Street

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex, designated as Parts 8, 9, 10 and 11 on Reference Plan 33R-21638, being part of PIN 08290-0233

1299 Oxford Street

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 2, 3, and 5 Plan 33R-21588 being part of PIN 08290-0240 and designated as Parts 4 and 6 Plan 33R-21588 being part of PIN 08290-0212

1305 Dundas Street

Part of Lots 1 and 6, Registered Plan 432 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 4 Plan 33R-21527 being part of PIN 08291-0205

1331 Dundas Street

Part of Lots 4, 5, 10 and 13 and part of Block C, Registered Plan 457 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-21527 being part of PIN 08292-0001

847 Highbury Avenue

Part of Lot 9, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 2, 6, 7, 10, 11 and 12 Plan 33R-21586 being part of PIN 08290-0220

1340 Dundas Street

Part of Lot 8, Concession 1 (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 2 on Reference Plan 33R-21638, being part of PIN 08106-0137

246 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1, 2, 3, 4, and 5 33R-21583 being part of PIN 08099-0468

248 Paardeberg Crescent

Part of Lot 1, Registered Plan 369 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 10 Plan 33R-21583 being part of PIN 08099-0467 and Part 35 Plan 33R-21583 being part of PIN 08099-0446

1300 Oxford Street

Part of Lot 8, Concession 2 (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1, 4, 14 and 16 Plan 33R-21587 being part of PIN 08105-0052

681 Highbury Avenue

Part of Lot 7, Registered Plan 432 (C) (Geographic Township of London) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-21527 being part of PIN 08290-0035