

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
Dingman Drive Improvement Project

Date: March 22, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, the following actions be taken with respect to the expropriation of land as may be required for the project known as the Dingman Drive improvements project:

- 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 land, 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 Dingman Drive improvements 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 Dingman Drive improvements 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.

It being noted that a single request for a Hearing of Necessity was received but was withdrawn in February 2022.

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 Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401 and the second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight (8) property requirements have been identified to accommodate the design for improvements at this location associated with the first phase. Negotiations with all property owners has been ongoing since Fall 2020 and there are two properties outstanding. Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

In order to meet planned construction timelines for 2023, it is necessary to advance the utility relocation contracts in the Summer of 2022. The project timelines are being coordinated with planned development in the area. As legal possession of all property requirements will be needed to award the utility and construction contracts, the expropriation of all outstanding property is necessary to be advanced.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Building a Sustainable City by building new transportation infrastructure as London grows. The improvements to the Corridor will enhance safe and 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 – February 5, 2019 – Environmental Assessment Appointment of Consulting Engineer

Strategic Priorities and Policy Committee – May 21, 2019 – Approval of the 2019 Development Charges By-Law and DC Background Study

Civic Works Committee – June 29, 2020 – Environmental Study Report

Civic Works Committee – March 2, 2021 - Dingman Drive Improvements Appointment of Consulting Engineer - Detailed Design & Tendering

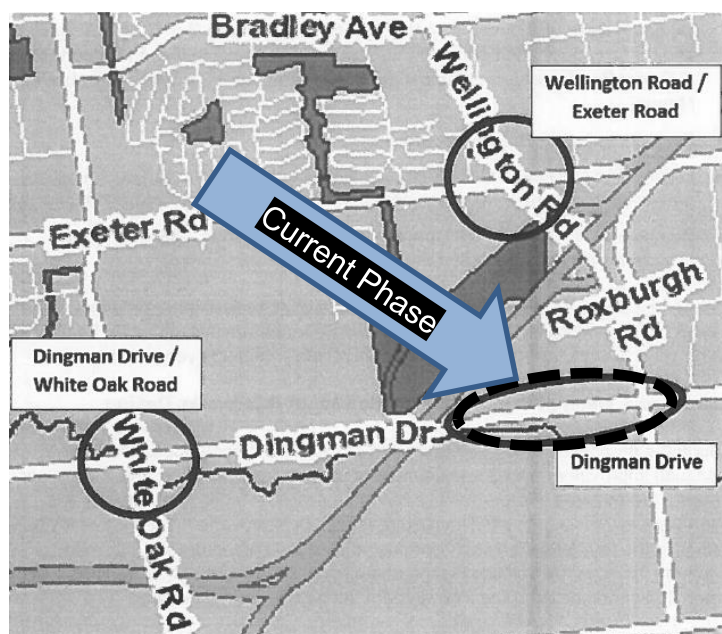
Corporate Services Committee – June 21, 2021 - Expropriation of Land the Dingman Drive Improvements Project

2.0 Discussion and Considerations

2.1 Background

The subject property is required to support the Dingman Drive improvements project.

The project limits are from Wellington Road to Highway 401 and the intersection of Dingman Drive and White Oak Road. See project limits map below. The current Phase includes Dingman Drive from Wellington Road through to the Highway 401 overpass.



Due to the traffic volumes and planned developments in the area, the Dingman Drive improvements were identified as a priority as part of the 2019 Development Charges Background Study.

Anticipated Construction Timeline

Property requirements are to be secured for 2023 road construction and to facilitate utility relocations in 2022. The project will commence with utility relocations with major road construction to follow thereafter.

Location Maps are shown in Appendix A. Legal descriptions of the properties are shown in Schedule A.

Conclusion

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study, the timing of construction has been determined in coordination with planned development in the area.

Construction of the first phase of this project is predominantly planned to take place in 2023 with commencement of utility relocations required in 2022 to facilitate the improvements. The project has received approval as part of the Dingman Drive Improvements Project Class EA which identified the required property acquisitions.

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

Impacted Property Owner's property 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 (OLT).

Prepared by: Bryan Baar, Manager II, Realty Services

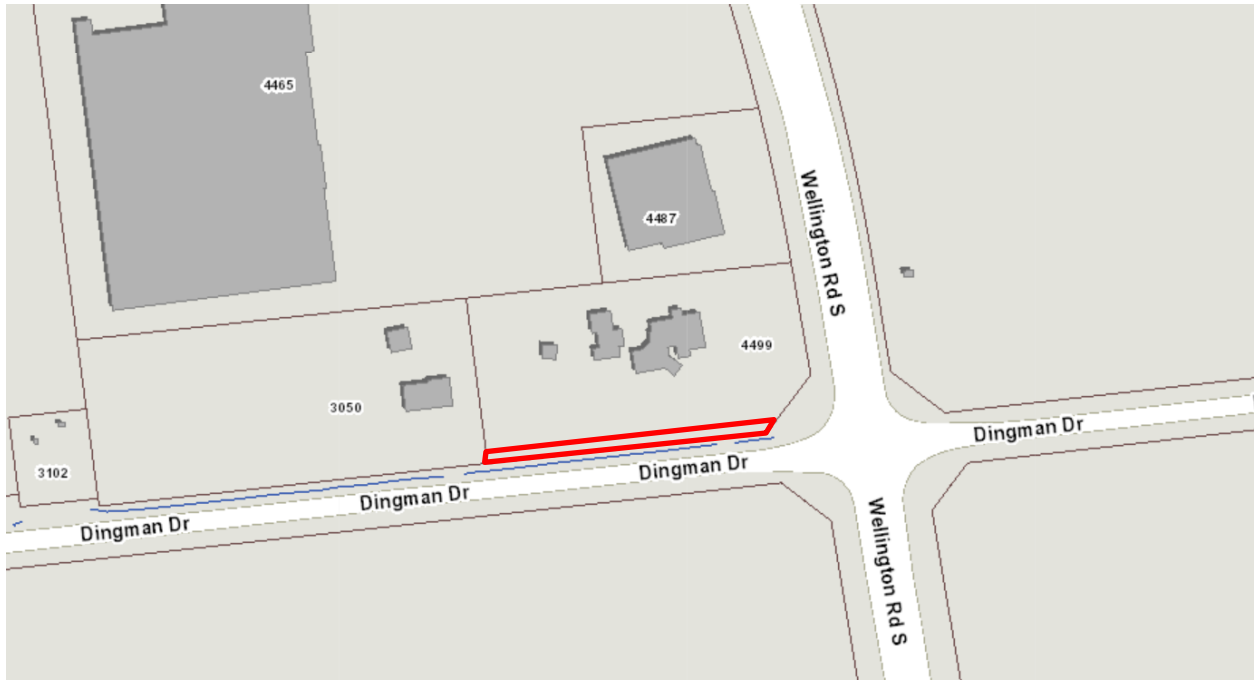
Submitted by: Bill Warner, AACI, Director, Realty Services

Concurred by: Doug MacRae, P. Eng., Director, Transportation and Mobility

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

Appendix A Location Maps

PARCEL 1



PARCEL 2



Schedule “A” Continued

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)