

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

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

Subject: Expropriation of Lands – East London Link Project Phase 4

Date: April 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Construction and Infrastructure Services, and on the advice of the Director, Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the East London Link Project Phase 4, and that the following actions **BE TAKEN** in connection therewith:

- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority, for the approval to expropriate the land required for the East London Link project Phase 4;
- b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the *Expropriations Act*;
- c) The Corporation of the City of London forward to the Ontario Land Tribunal any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and
- d) the attached Bylaw (Schedule “B”) **BE INTRODUCED** at the Council meeting on April 15, 2024, to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

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 Phase 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.

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

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
- Corporate Services Committee – May 23, 2023 – Expropriation of Lands – East London Link Project Phase 3
- Corporate Services Committee – July 25, 2023 – Expropriation of Lands – East London Link Project Phase 3

2.0 Discussion and Considerations

2.1 Background

The East London Link is a multi-year project that will revitalize more than 6 km of road from Downtown to Fanshawe College. The project will add transportation and transit improvements above ground, while repairing and replacing aging sewers, watermains and other underground infrastructure. The East London Link has received funding commitments from the Government of Canada and the Province of Ontario to support 10 transit and transit-supportive projects. The project has received Provincial approval of the Environmental Assessment (EA) which identified requirements for property acquisitions.

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 Construction Timeline

Construction of East London Link began in 2022. Phase 1 reconstructed King Street from Wellington Street to Lyle Street with Phase 2 continuing east in 2023 along King Street, Ontario Street and Dundas Street as far as Egerton Street.

Phase 3 is a large project that will be constructed in three sub-phases. Phase 3C on Highbury Avenue and Phase 3Awest on Dundas Street will be construction in 2024 with the Highbury Bridge widening and deck replacement to be tendered later this year with for construction over 2025 and 2026.

The focus of this report is on the property needs for Phase 4 construction on Oxford Street, planned for construction in 2025.

2.2 Property Negotiations

Negotiations have been ongoing with all property owners along the Oxford Street Phase 4 segment of East London Link since the beginning of 2023. Several properties remain 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 (11) eleven different outstanding properties being expropriated for different property rights including fee simple, temporary and permanent easements. Of the (11) eleven properties (2) two are currently under agreement pending close. Three (3) agreements previously achieved have already closed in support of Phase 4.

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 East London Link Project land acquisition costs relating to Phase 4 property acquisitions.

Conclusion

Construction of East London Link Phase 4 is scheduled for 2025, 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: 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

March 25, 2024

Schedule A

Fee Simple:

1374 Oxford Street East

Part of Lot 35, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21810 being Part of PIN 08105-0038(LT)

1376 Oxford Street East

Part South 1/2 Lot 8, Concession 2 (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21810 being Part of PIN 08105-0040(LT)

1380 Oxford Street East

Part of Lot 24, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-21810 being part of Part of PIN 08105-0027(LT)

1384 Oxford Street East

Part of Lot 23, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-21810 being Part of PIN 08105-0026(LT)

1388 Oxford Street East

Part of Lot 22, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-21810 being part of Part of PIN 08105-0025(LT)

1390 Oxford Street East

Part of Lot 21, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-21810 being Part of PIN 08105-0024(LT)

1449 Oxford Street East

Part of Lot 1, Registered Plan 703 in the City of London, County of Middlesex, designated as Part 35 on Plan 33R-21810 being Part of PIN 08106-0010(LT)

1451 Oxford Street East

Part of Lot 2, Registered Plan 703 in the City of London, County of Middlesex, designated as Part 34 on Plan 33R-21810 being Part of PIN 08106-0011(LT)

1635 Oxford Street East

Part of Lot 73, Registered Plan 19(C) (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 19 on Plan 33R-21810 being Part of PIN 08108-0001 (LT)

670 First Street

Part of Lot 69, Registered Plan 19(C) (Geographic Township of London), in the City of London, County of Middlesex, designated as Part 24 on Plan 33R-21810 being Part of PIN 08107-0001 (LT)

1001 Fanshawe College Boulevard

Part of South 1/2 Lot 7, Concession 2 (Geographic Township of London), in the City of London, County of Middlesex, designated as Parts 12, 38, 39, 41, 42, and 49 on Plan 33R-21810 being Part of PIN 08105-0390(LT)

Limited Interest (Temporary Easement):

1384 Oxford Street East

Part of Lot 23, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-21810 being Part of PIN 08105-0026(LT)

1390 Oxford Street East

Part of Lot 21, Registered Plan 696 in the City of London, County of Middlesex, designated as Parts 10 and 11 on Plan 33R-21810 being Part of PIN 08105-0024(LT)

1449 Oxford Street East

Part of Lot 1, Registered Plan 703 in the City of London, County of Middlesex, designated as Part 36 on Plan 33R-21810 being Part of PIN 08106-0010(LT)

1451 Oxford Street East

Part of Lot 2, Registered Plan 703 in the City of London, County of Middlesex, designated as Part 33 on Plan 33R-21810 being Part of PIN 08106-0011(LT)

1635 Oxford Street East

Part of Lot 73, Registered Plan 19(C) (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 46 on Plan 33R-21810 being Part of PIN 08108-0001 (LT)

670 First Street

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1001 Fanshawe College Boulevard

Part Of South 1/2 Lot 7, Concession 2 (Geographic Township of London), in the City of London, County of Middlesex, designated as Parts 13, 14, 15, 16, 37, 40, 44, 45 and 48 on Plan 33R-21810 being Part of PIN 08105-0390(LT)

Limited Interest (Permanent Easement):

1390 Oxford Street East

Part of Lot 21, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 11 on Plan 33R-21810 being Part of PIN 08105-0024(LT)

1001 Fanshawe College Boulevard

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Schedule B - By-law

Bill No.
2021

By-law No. L.S.P.-

A By-law to authorize and approve an application to expropriate land in the City of London, in the County of Middlesex, for the Rapid Transit East London Link Project Phase 4.

WHEREAS The Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate lands for the East London Link Project Phase 4;

THEREFORE The Corporation of the City of London, as the expropriating authority, enacts as follows:

1. An application be made by The Corporation of the City of London as Expropriating Authority, to the Council of The Corporation of the City of London as approving authority, for approval to expropriate lands for the Rapid Transit East London Link Project Phase 4; which land is more particularly described in attached Appendix "A" of this by-law.
2. The Corporation of the City of London as Expropriating Authority serve and publish notice of the application referred to in section 1 of this by-law in the form attached hereto as Appendix "B", being the "Notice of Application for Approval to Expropriate Lands," in accordance with the requirements of the *Expropriations Act*.
3. The Corporation of the City of London as Expropriating Authority forward to the Ontario Land Tribunal, any requests for a hearing that may be received in connection with the notice of this expropriation and report such to the Council of The Corporation of the City of London for its information.
4. The Civic Administration be hereby authorized to carry out all necessary administrative actions in respect of the said expropriation.
5. This by-law comes into force on the day it is passed.

PASSED in Open Council on

Josh Morgan, Mayor

Michael Schulthess, City Clerk

First Reading
Second Reading
Third Reading

APPENDIX "A"

To By-law L.S.P.-_____

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE EAST LONDON LINK PROJECT

Fee Simple:

1374 Oxford Street East

Part of Lot 35, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21810 being Part of PIN 08105-0038(LT)

1376 Oxford Street East

Part South 1/2 Lot 8, Concession 2 (Geographic Township of London) in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21810 being Part of PIN 08105-0040(LT)

1380 Oxford Street East

Part of Lot 24, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-21810 being part of Part of PIN 08105-0027(LT)

1384 Oxford Street East

Part of Lot 23, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-21810 being Part of PIN 08105-0026(LT)

1388 Oxford Street East

Part of Lot 22, Registered Plan 696 in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-21810 being part of Part of PIN 08105-0025(LT)

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1635 Oxford Street East

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670 First Street

Part of Lot 69, Registered Plan 19(C) (Geographic Township of London), in the City of London, County of Middlesex, designated as Part 24 on Plan 33R-21810 being Part of PIN 08107-0001 (LT)

1001 Fanshawe College Boulevard

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1390 Oxford Street East

Part of Lot 21, Registered Plan 696 in the City of London, County of Middlesex, designated as Parts 10 and 11 on Plan 33R-21810 being Part of PIN 08105-0024(LT)

1449 Oxford Street East

Part of Lot 1, Registered Plan 703 in the City of London, County of Middlesex, designated as Part 36 on Plan 33R-21810 being Part of PIN 08106-0010(LT)

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APPENDIX "B"

To By-law L.S.P.- _____

EXPROPRIATIONS ACT, R.S.O. 1990, CHAPTER E.26

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND
Expropriations Act

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands being all of the lands listed below for the purpose of the Rapid Transit East London Link Project Phase 4.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the following lands described as follows:

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1376 Oxford Street East

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Any owner of land in respect of which notice is given who desires a hearing into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The Council of The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London ON N6A 4L9

The expropriating authority is:

THE CORPORATION OF THE CITY OF LONDON

MICHAEL SCHULTHESS
CITY CLERK

