

Public 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 - Wellington Gateway Project
Clark's Bridge Civil Works

Date: May 27, 2024

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, approval **BE GIVEN** to the expropriation of land as may be required for the Wellington Gateway Project, 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 Wellington Gateway project Clark's Bridge Civil Works;
- 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 Chief Inquiry Officer 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 June 4, 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 Wellington Gateway project Clark's Bridge Civil Works.

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.

Five (5) properties remain outstanding. Realty Services will continue to negotiate with the outstanding property owners in parallel the expropriation process.

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 this corridor will enhance safe 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 – November 28, 2022 – Expropriation of Lands – Wellington Gateway Project Phase 1
- Corporate Services Committee – April 23, 2023 – Expropriation of Lands – Wellington Gateway Project Phase 1
- Corporate Services Committee – April 23, 2023 – Expropriation of Lands – Wellington Gateway Project Phase 1
- Corporate Services Committee – May 23, 2023 – Expropriation of Lands – Wellington Gateway Project Phase 3&4
- Corporate Services Committee – July 25, 2023 – Expropriation of Lands – Wellington Gateway Project Phase 3 & 4
- Corporate Services Committee – July 25, 2023 – Expropriation of Lands – Wellington Gateway Project Phase 3 & 4

2.0 Discussion and Considerations

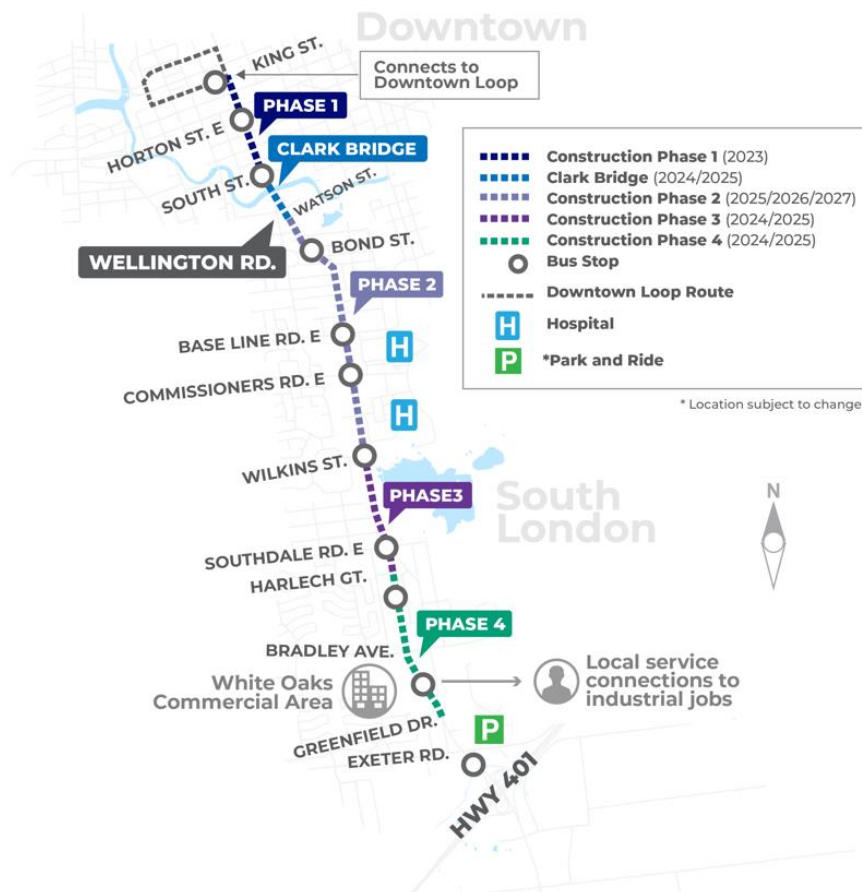
2.1 Background

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.

The full limits of the Wellington Gateway project are Figure 1 below.

Figure 1: Wellington Gateway project limits

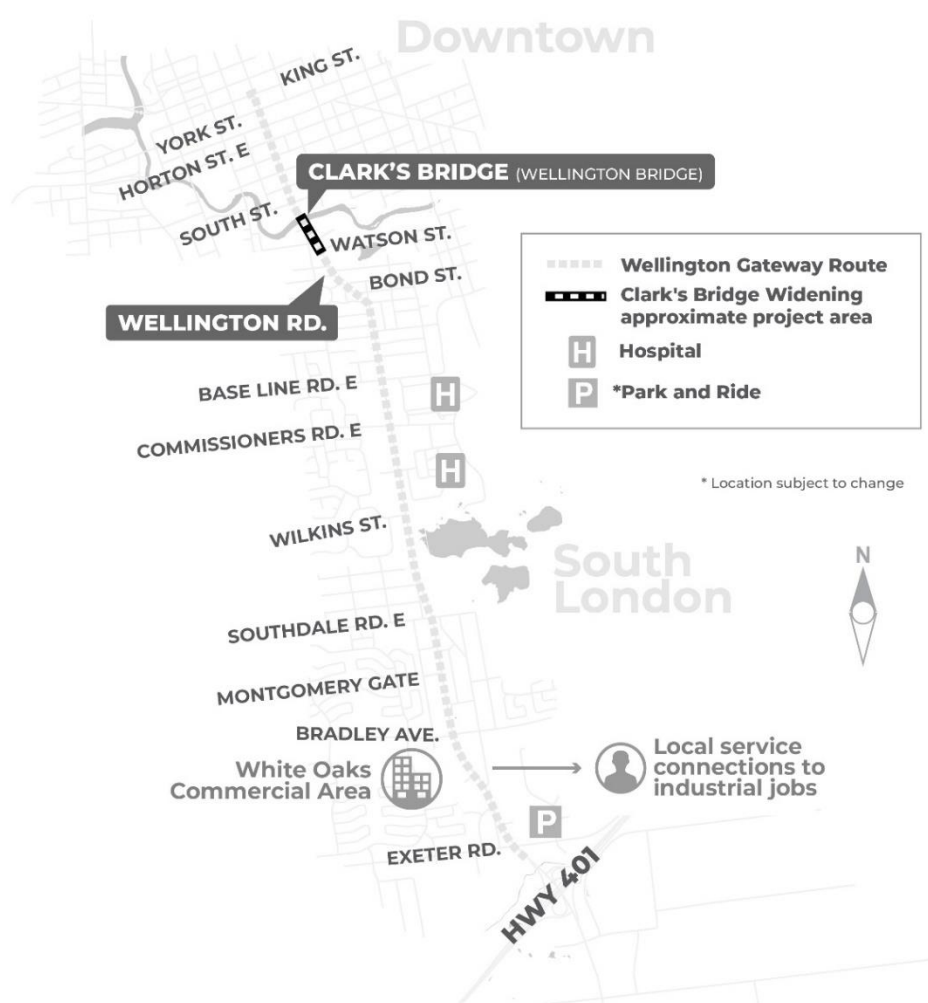


Due to the growing use of these roads and developments in the area, combined with operational needs to improve safety and support for all travel modes, the Wellington Gateway Project was identified as a priority to deliver a critical component of London's rapid transit system, a central component of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

2.2 Anticipated Construction Timeline

The Wellington Gateway Project is planned for construction from 2023 and 2027 with a phased approach as shown above in Figure 1. The second phase of Wellington Gateway construction will rebuild Wellington Road from Wilkins Street to Grand Avenue. The portion of Phase 2 Civil Works from Grand Avenue to Watson Street is being advanced at this time for 2025 construction as part of the Clark's Bridge construction contract as depicted in the Figure 2 below.

Figure 2: Limits of Clark’s Bridge Construction contract including Civil Works to Watson Street



Construction is subject to property acquisition and other approvals. Some utility relocations and tree removals will be completed prior to capital construction.

Negotiations with all property owners have been ongoing since Fall of 2023 and there are five properties outstanding. As legal possession of all property requirements will be needed to commence utility work and construct the 2025 civil works identified in the Clark’s Bridge 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.

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.

Conclusion

Construction of Wellington Gateway Clark's Bridge Civil Works is scheduled for 2025, subject to property acquisition and other approvals. Property acquisitions need to be secured prior to commencing advance utility work and this component of the Clark's Bridge 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

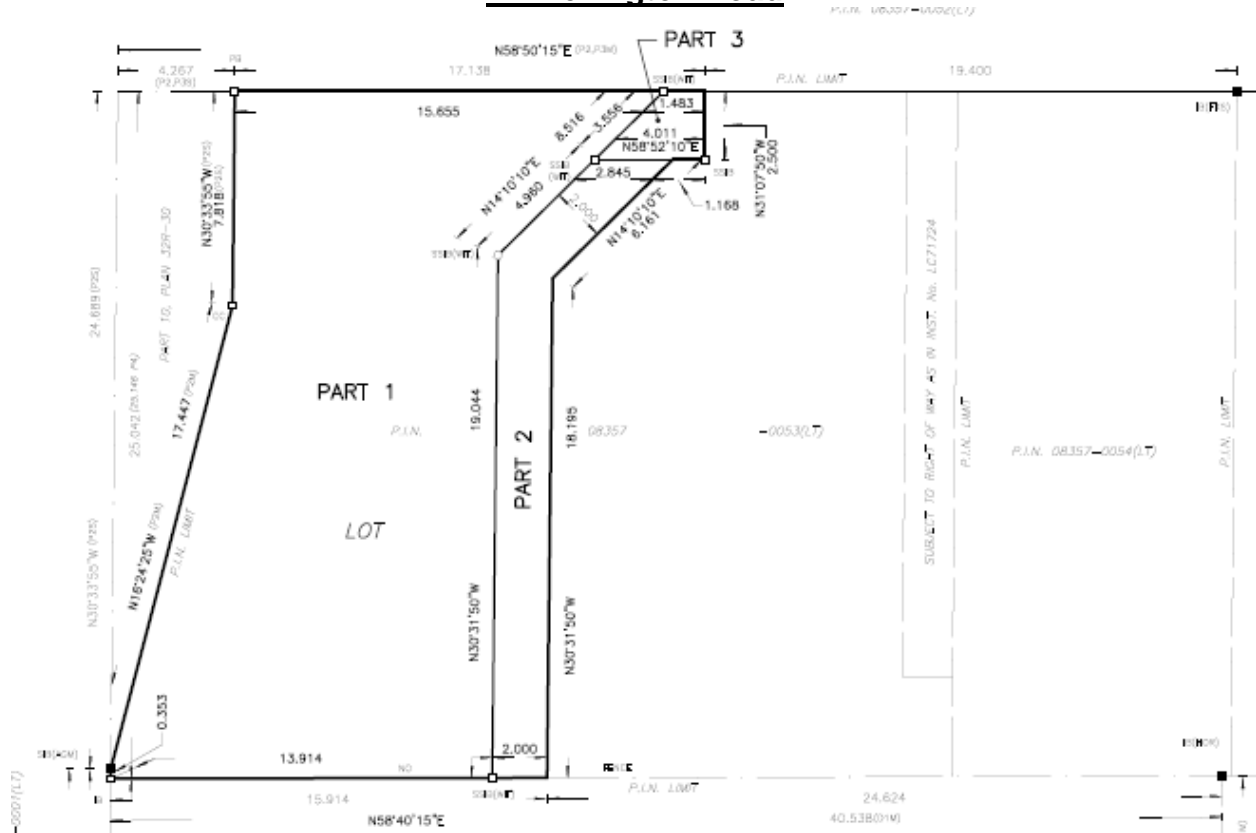
May 16, 2024

Schedule A - Location Maps and Legal Descriptions



PARCEL 1

22 Wellington Road



Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Parts 1, 2, and 3 on Plan 33R-21868 being part of PIN 08357-0053(LT)

Fee Simple:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-21868 being part of PIN 08357-0053(LT)

Limited Interest (Temporary Easement):

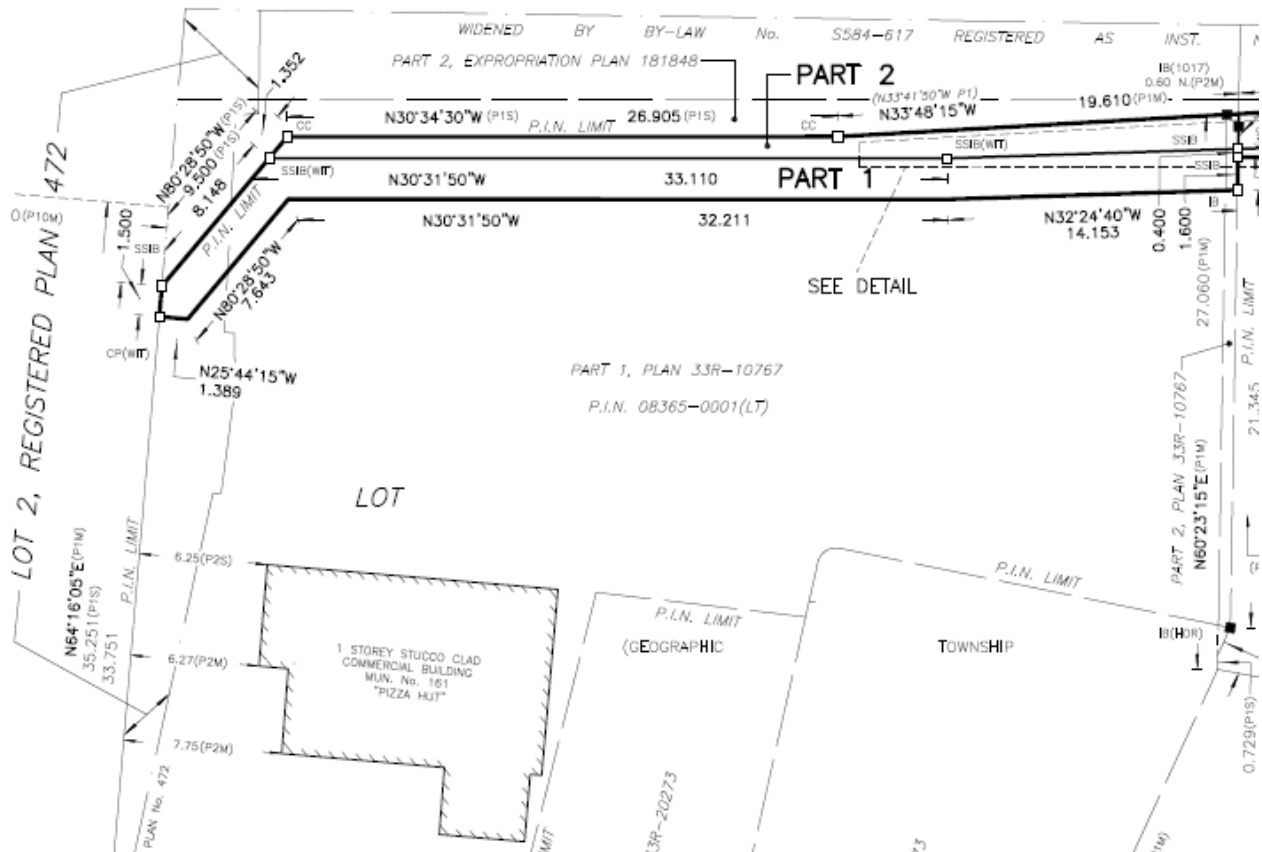
Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21868 being part of PIN 08357-0053(LT)

Limited Interest (Permanent Easement):

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21868 being part of PIN 08357-0053(LT)

PARCEL 2

161 Grand Avenue



Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Parts 1 and 2 on Plan 33R-21870 being part of PIN 08365-0001(LT)

Fee Simple:

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21870 being part of PIN 08365-0001(LT)

Limited Interest (Temporary Easement):

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Parts 1 on Plan 33R-21870 being part of PIN 08365-0001(LT)

PARCEL 3

57 Wellington Road



Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Parts 3 and 4 on Plan 33R-21870 being part of PIN 08365-0005(LT)

Fee Simple:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21870 being part of PIN 08365-0005(LT)

Limited Interest (Temporary Easement):

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-21870 being part of PIN 08365-0005(LT)

PARCEL 4

63 Wellington Road



Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Parts 5 and 6 on Plan 33R-21870 being part of PIN 08365-0008(LT)

Fee Simple:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-21870 being part of PIN 08365-0008(LT)

Limited Interest (Temporary Easement):

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-21870 being part of PIN 08365-0008(LT)

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 Wellington Gateway Project Clark's Bridge Civil Works.

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 Wellington Gateway Project Clark's Bridge Civil Works;

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 Wellington Gateway Project Clark's Bridge Civil Works; 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 Chief Enquiry Officer, 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 WELLINGTON GATEWAY PROJECT

Fee Simple:

22 Wellington Road

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-21868 being part of PIN 08357-0053(LT)

161 Grand Avenue

Parcel 2:

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21870 being part of PIN 08365-0001(LT)

57 Wellington Road

Parcel 3:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21870 being part of PIN 08365-0005(LT)

63 Wellington Road

Parcel 4:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-21870 being part of PIN 08365-0008(LT)

75 Wellington Road

Parcel 5:

Part of Lot 9, Plan 33 (4th) in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-21870 being part of PIN 08365-0010(LT)

Limited Interest (Temporary Easement):

22 Wellington Road

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21868 being part of PIN 08357-0053(LT)

161 Grand Avenue

Parcel 2:

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Parts 1 on Plan 33R-21870 being part of PIN 08365-0001(LT)

57 Wellington Road

Parcel 3:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-21870 being part of PIN 08365-0005(LT)

63 Wellington Road

Parcel 4:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-21870 being part of PIN 08365-0008(LT)

75 Wellington Road

Parcel 5:

Part of Lot 9, Plan 33 (4th) in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-21870 being part of PIN 08365-0010(LT)

Limited Interest (Permanent Easement):

22 Wellington Road

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21868 being part of PIN 08357-0053(LT)

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 Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Parts 1, 2, and 3 on Plan 33R-21868 being part of PIN 08357-0053(LT); Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Parts 1 and 2 on Plan 33R-21870 being part of PIN 08365-0001(LT); Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Parts 3 and 4 on Plan 33R-21870 being part of PIN 08365-0005(LT); Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Parts 5 and 6 on Plan 33R-21870 being part of PIN 08365-0008(LT); Part of Lot 9, Plan 33 (4th) in the City of London, County of Middlesex, designated as Parts 7 and 8 on Plan 33R-21870 being part of PIN 08365-0010(LT) for the purpose of the Wellington Gateway Project.

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

Fee Simple:

22 Wellington

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-21868 being part of PIN 08357-0053(LT)

161 Grand Avenue

Parcel 2:

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21870 being part of PIN 08365-0001(LT)

57 Wellington Road

Parcel 3:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21870 being part of PIN 08365-0005(LT)

63 Wellington Road

Parcel 4:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-21870 being part of PIN 08365-0008(LT)

75 Wellington Road

Parcel 5:

Part of Lot 9, Plan 33 (4th) in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-21870 being part of PIN 08365-0010(LT)

Limited Interest (Temporary Easement):

22 Wellington Road

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-21868 being part of PIN 08357-0053(LT)

161 Grand Avenue

Parcel 2:

Part of Lot 2, Plan 472 in the City of London, County of Middlesex, designated as Parts 1 on Plan 33R-21870 being part of PIN 08365-0001(LT)

57 Wellington Road

Parcel 3:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-21870 being part of PIN 08365-0005(LT)

63 Wellington Road

Parcel 4:

Part of Lot 25, Broken Front Concession (Geographic Township of Westminster), in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-21870 being part of PIN 08365-0008(LT)

75 Wellington Road

Parcel 5:

Part of Lot 9, Plan 33 (4th) in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-21870 being part of PIN 08365-0010(LT)

Limited Interest (Permanent Easement):

22 Wellington Road

Parcel 1:

Part of Lot 18, Plan 11 (4th) in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-21868 being part of PIN 08357-0053(LT)

Any owner of land in respect of which notice is given who desires an inquiry 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

Notes:

1. The *Expropriations Act, R.S.O. 1990, c. E.26*, provides that:
 - (a) where an inquiry is requested, it shall be conducted by an Inquiry Officer appointed by the Attorney General;
 - (b) the Inquiry Officer,
 - i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
 - ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriating authority to pay such costs forthwith.
2. "Owner" and "Registered Owner" are defined in the *Act* as follows:

"Owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a guardian of property, and a guardian, executor, administrator or trustee in whom land is vested;

"Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper land registry or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;
3. The Expropriating Authority, each owner who notifies the approving authority that he desires a hearing in respect of the lands intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice first published on the _____ day of _____, 2024.