

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON DECEMBER 10, 2013
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	EXPROPRIATION OF LANDS VETERANS MEMORIAL PARKWAY SOUTH EXTENSION - TS1325

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of lands as may be required for a project known as Veterans Memorial Parkway South Extension, between Highway 401 and Wilton Grove Road, 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 lands required for Veterans Memorial Parkway South Extension between Highway 401 and Wilton Grove Road;
- 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 By-law **BE INTRODUCED** at the Municipal Council meeting on December 17, 2013 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Built and Natural Environment Committee – March 28, 2011 – Veterans Memorial Parkway Extension to Wilton Grove Road

Built and Natural Environment Committee – August 15, 2011 –Class Environmental Assessment for Veterans Memorial Parkway South Extension - Appointment of Consulting Engineer

Civic Works Committee – April 23, 2012 - Veterans Memorial Parkway South Extension Environmental Assessment - Consultant Assignment Scope Change

Civic Works Committee – February 4, 2013 – Highway 401 Interchange Projects - Agreement with Ministry of Transportation

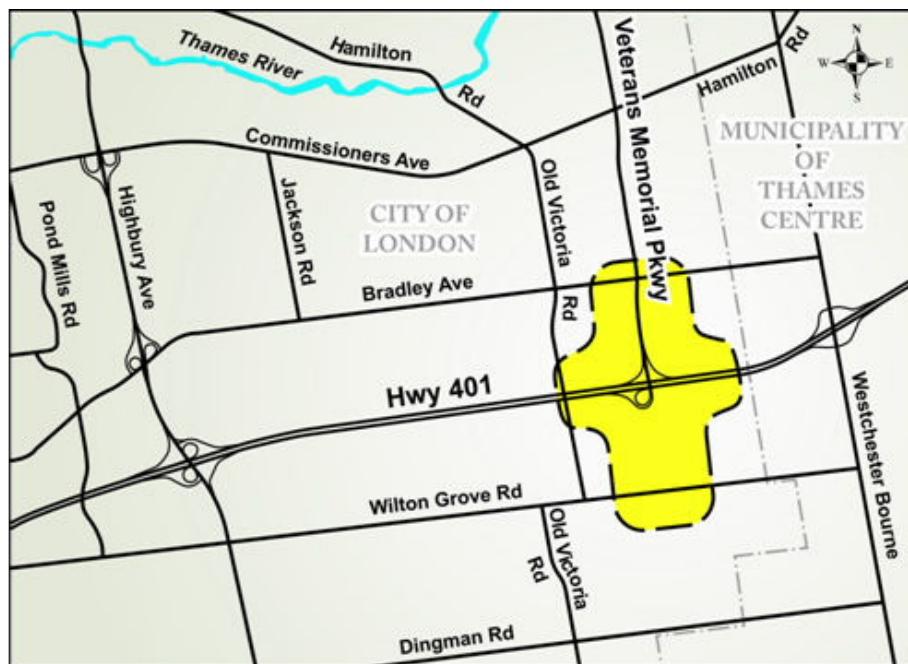
Civic Works Committee - May 6, 2013 - Veterans Memorial Parkway South Extension and Highway 401 Interchange Improvements Transportation Environmental Study Report

Planning and Environment Committee – August 20, 2013 – Veterans Memorial Parkway South Extension – Official Plan Amendment and Zoning Bylaw Amendment

BACKGROUND

At its meeting held on May 14, 2013, Municipal Council approved and accepted the Environmental Assessment (EA) for the Veterans Memorial Parkway (VMP) South Extension and Highway 401 Interchange Improvements. The study met the requirements of both the Schedule "C" Municipal Class EA and the Provincial Group 'B' Class Environmental EA. The Transportation Environmental Study Report was subsequently placed on public record for a 30-day review period during which no Part 2 Orders were received. The project EA is thereby complete.

The primary study area extends from the Veterans Memorial Parkway/Highway 401 Interchange south to Wilton Grove Road. However, the study area also includes a broader area, extending north to Bradley Avenue and east and west along Highway 401 to encompass the Veterans Memorial Parkway extension and the Highway 401 Interchange improvements. The below map shows the extent of the study area.



The associated Official Plan Amendment and Zoning Bylaw Amendment incorporating the recommendations of the EA were the subject of a public participation meeting before Planning and Environment Committee on August 20, 2013. No comments were received. The future VMP Extension and will have a future right-of-way (ROW) width of 60 m. The recommended plan will impact 5 properties. No residences or business will be directly impacted.

Ministry of Transportation Ontario (MTO) will acquire the land required for the VMP interchange improvements and the City of London will acquire the land for the VMP Extension as outlined in the project delivery agreement. The unique arrangement for the VMP project is based on which agency is the long-term property owner and may leverage synergies with City industrial land acquisition.

Negotiations were commenced by the MTO/City with no current indications of reaching amicable agreements with any of the parties. It is necessary to start the appropriate expropriation procedures for the properties in order for the project to proceed and meet the prescribed timelines. MTO will commence Expropriation concurrent with the City in order to address their respective interests. Realty Services will continue to review negotiations with the property owners in an effort to amicably acquire these properties to avoid expropriation if possible.

Anticipated Construction Timeline

Property requirements for award of an MTO Design-Build contract and utility relocation to be secured for Fall 2014.

A location map is attached as Schedule "A" for the Committee's information.

PREPARED BY:	CONCURRED BY:
BILL WARNER MANAGER OF REALTY SERVICES	EDWARD SOLDO, P. ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
JOHN BRAAM, P. ENG. MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

November 27, 2013

File No. P-2368

Attach: Bylaw
Schedule "A" – Location Map

cc: Doug MacRae, Division Manager, Transportation Planning & Design
David G. Munteer, Solicitor II

Schedule "A" Location Map



**Bill No.
2014**

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

A by-law to authorize an application to expropriate lands in the City of London in the County of Middlesex for the Veterans Memorial Parkway South Extension between Highway 401 and Wilton Grove Road.

WHEREAS The Corporation of the City of London has made application to the Municipal Council of The Corporation of the City of London for approval to expropriate lands for the Veterans Memorial Parkway South Extension - between Highway 401 and Wilton Grove Road;

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 Veterans Memorial Parkway South Extension - between Highway 401 and Wilton Grove Road, which lands are more particularly described in Appendix "A" of this by-law.
2. The Corporation of the City of London 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 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 December 17, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – December 17, 2013
Second Reading – December 17, 2013
Third Reading – December 17, 2013

APPENDIX "A"
To By-law L.S.P.-_____

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR VETERANS MEMORIAL PARKWAY
SOUTH EXTENSION - BETWEEN HIGHWAY 401 AND WILTON GROVE ROAD

The following lands are required in fee simple:

- Parcel 1. Part of Lot 5 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Part 4 on Plan 33R-18721 being part of PIN 08197-0003(LT).
- Parcel 2. Part of Lot 5 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Part 8 on Plan 33R-18721 being part of PIN 08197-0004(LT).
- Parcel 3. Part of Lot 4 in Concession 3 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Part 9 on Plan 33R-18721 being part of PIN 08196-0083(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 land being Parts of Lot(s) 4 and 5, Concession(s) 2 and 3 in the geographic Township of Westminister, now in the City of London in the County of Middlesex designated as Parts 4, 8, and 9 on Plan 33R-18721 for the purpose Veterans Memorial Parkway South Extension - between Highway 401 and Wilton Grove Road

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

- Parcel 1. Part of Lot 5 in Concession 2 in the geographic Township of Westminister now in the City of London and County of Middlesex designated as Part 4 on Plan 33R-18721 being part of PIN 08197-0003(LT).
- Parcel 2. Part of Lot 5 in Concession 2 in the geographic Township of Westminister now in the City of London and County of Middlesex designated as Part 8 on Plan 33R-18721 being part of PIN 08197-0004(LT).
- Parcel 3. Part of Lot 4 in Concession 3 in the geographic Township of Westminister now in the City of London and County of Middlesex designated as Part 9 on Plan 33R-18721 being part of PIN 08196-0083(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

CATHARINE SAUNDERS
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 , 2013.