

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON MARCH 4, 2014
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR AND CITY ENGINEER ENVIRONMENTAL AND ENGINEERING SERVICES
SUBJECT:	EXPROPRIATION OF LANDS HYDE PARK ROAD WIDENING PROJECT – PHASE II – TS1477-2

RECOMMENDATION

That, on the recommendation of the Managing Director and City Engineer, Environmental and Engineering Services, on the advice of the Manager of Realty Services, with the concurrence of the Director, Roads and Transportation, approval **BE GIVEN** to the expropriation of lands as may be required for the Hyde Park Road Widening and Improvements Project, Phase II, between South Carriage Road and Fanshawe Park 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 Hyde Park Road Widening and Improvements Project Phase II between South Carriage Road and Fanshawe Park 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 to be held on March 18, 2014 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Environment and Transportation Committee - June 22, 2009 - Appointment of Consulting Engineers; Class Environmental Assessments for Hyde Park Road, Sarnia Road, Sunningdale Road

Civic Works Committee - December 19, 2011 - Hyde Park Road Environmental Study Report, Notice of Completion

Civic Works Committee – August 21, 2012 – Hyde Park Road Widening Phase 1 Design Appointment of Consulting Engineer

BACKGROUND

At its meeting held on January 10, 2012, Municipal Council approved and accepted the Schedule “C” Municipal Class Environmental Assessment and Hyde Park Road Improvements Environmental Study Report. The 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 environmental assessment is thereby complete. The report study area included properties fronting and backing onto the road allowance throughout the length of the corridor from south of Oxford Street to north of Sunningdale Road, as well as adjacent natural areas.

The entire project is to follow a phased approach. The second phase of this project requires several partial property acquisitions within the corridor along with easements associated with the relocation of utilities.

Negotiations commenced in the Summer of 2013 for the acquisition of 25 property interests including 11 fee-simple partial acquisitions, 8 temporary limited interests for working easements, 2 permanent easements, 1 dedication and 3 easements for hydro utilities. To date 11 agreements have been completed with 14 agreements outstanding. It is necessary to start the appropriate expropriation procedures for seven (7) of the properties in order for the project to proceed. Realty Services will continue negotiations with the property owners in an effort to amicably acquire these properties to avoid expropriation if possible.

Anticipated Construction Timeline

Property requirements for utility relocation to be secured for the Fall 2014. The balance of the property requirements are to be secured for Spring 2015 construction.

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

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

February 18, 2014
Attach.

File No. P-2350

cc: David G. Mounteer, Solicitor II
Doug MacRae, Division Manager
Gary Irwin, Division Manager and Chief Surveyor

Hyde Park Road – Phase II



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 Hyde Park Road Widening and Improvements Project, Phase II, between South Carriage Road and Fanshawe Park 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 Hyde Park Rd. road widening and improvements between South Carriage Rd. and Fanshawe Park Rd.;

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 Hyde Park Rd. road widening and improvements between South Carriage Rd. and Fanshawe Park Rd.; which lands are more particularly described in Appendix "A" attached to 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 March 18, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – March 18, 2014
Second Reading- March 18, 2014
Third Reading – March 18, 2014

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

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR HYDE PARK ROAD WIDENING
AND IMPROVEMENTS - BETWEEN SOUTH CARRIAGE ROAD AND FANSHAWE PARK
ROAD

The following lands are required in fee simple:

- Parcel 1. Part of Lot 24, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 16 on Reference Plan 33R-18316 being part of PIN 08064-0009(LT).
- Parcel 2. Part of Lot 24, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-18316 being part of PIN 08064-0003(LT).
- Parcel 3. Part of Lot 25, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 8 on Reference Plan 33R-18316 being part of PIN 08053-0508(LT).
- Parcel 4. Part of Lot 25, Concession 4, in the geographic Township of London, now in the City of London, County of Middlesex designated as Parts 4, 5 & 6 on Reference Plan 33R-18316 being part of PINs 08137-0194(LT), 08137-0195(LT) and 08137-0196(LT) respectively.
- Parcel 5. Part of Lot 25, Concession 4, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 3 on Reference Plan 33R-18316 being part of PIN 08137-0245(LT).
- Parcel 6. Part of Lot 15, Registered Plan 416(C), in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-18316 being part of PIN 08137-0191(LT).
- Parcel 7. Part of Lot 14, Registered Plan 416(C), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-18316 being part of PIN 08137-0192(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) 14, 24 and 25, Concession(s) 3 and 4 in the geographic Township of London, now in the City of London, County of Middlesex, Ontario; designated as Parts 1 to 6, 8, 12 and 16 on Reference Plan 33R-18316 for the purpose Hyde Park Rd. road widening and improvements - between South Carriage Rd. and Fanshawe park Rd.

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

- Parcel 1. Part of Lot 24, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 16 on Reference Plan 33R-18316 being part of PIN 08064-0009(LT).
- Parcel 2. Part of Lot 24, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-18316 being part of PIN 08064-0003(LT).
- Parcel 3. Part of Lot 25, Concession 3, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 8 on Reference Plan 33R-18316 being part of PIN 08053-0508(LT).
- Parcel 4. Part of Lot 25, Concession 4, in the geographic Township of London, now in the City of London, County of Middlesex designated as Parts 4, 5 & 6 on Reference Plan 33R-18316 being part of PINs 08137-0194(LT), 08137-0195(LT) and 08137-0196(LT) respectively.
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- Parcel 6. Part of Lot 15, Registered Plan 416(C), in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-18316 being part of PIN 08137-0191(LT).
- Parcel 7. Part of Lot 14, Registered Plan 416(C), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-18316 being part of PIN 08137-0192(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 , 2014.