

Bill No. 31
2012

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 Southdale Road West Widening Project. (from Wonderland Road South to Wharncliffe Road South)

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 Southdale Road West Widening Project (from Wonderland Road South to Wharncliffe Road South);

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 Southdale Road West Widening Project (from Wonderland Road South to Wharncliffe Road South), 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 January 10, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR SOUTHDALE ROAD WEST
RECONSTRUCTION
FROM WONDERLAND ROAD SOUTH TO WHARNCLIFFE ROAD SOUTH

The following lands are required in fee simple:

1. Part of the Common Element of Middlesex Condominium Plan No. 234 in the City of London and County of Middlesex designated as Parts 2 and 3 on Plan 33R-17719 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 3 on said plan 33R-17719 as in Instrument No. 257863, all being part of PIN Block 08734.
2. Part of Block I on Registered Plan 962 in the City of London and County of Middlesex designated as Part 1 on Plan 33R-17718 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 1 of said plan 33R-17718 as in Instrument No. 257863, all being part of PIN 08458-0055.
3. Part of Lot 3 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 7 on Plan 33R-17718 being part of PIN 08458-0167.
4. Part of Lot 4 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 8 on Plan 33R-17718 being part of PIN 08458-0168.
5. Part of Lot 5 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 9 on Plan 33R-17718 being part of PIN 08458-0169.
6. Part of Lot 6 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 10 on Plan 33R-17718 being part of PIN 08458-0170.
7. Part of Lot 33 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Parts 11, 12, 13, 14, 15, 16 and 17 on Plan 33R-17718 subject to easements in favour of Bell Canada over Parts 11 and 12 on said plan 33R-17718 as in instruments ER134942 and ER157301, and subject to easements in favour of Union Gas over Parts 11, 12, 13, 14, 15 and 16 on said plan 33R-17718 as in instruments 269026 and 322194, all be being part of PIN 08209-0058.

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

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands in the City of London in the County of Middlesex for the Southdale Road West Widening Project (from Wonderland Road South to Wharncliffe Road South).

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

1. Part of the Common Element of Middlesex Condominium Plan No. 234 in the City of London and County of Middlesex designated as Parts 2 and 3 on Plan 33R-17719 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 3 on said plan 33R-17719 as in Instrument No. 257863, all being part of PIN Block 08734.
2. Part of Block I on Registered Plan 962 in the City of London and County of Middlesex designated as Part 1 on Plan 33R-17718 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 1 of said plan 33R-17718 as in Instrument No. 257863, all being part of PIN 08458-0055.
3. Part of Lot 3 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 7 on Plan 33R-17718 being part of PIN 08458-0167.
4. Part of Lot 4 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 8 on Plan 33R-17718 being part of PIN 08458-0168.
5. Part of Lot 5 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 9 on Plan 33R-17718 being part of PIN 08458-0169.
6. Part of Lot 6 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 10 on Plan 33R-17718 being part of PIN 08458-0170.
7. Part of Lot 33 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Parts 11, 12, 13, 14, 15, 16 and 17 on Plan 33R-17718 subject to easements in favour of Bell Canada over Parts 11 and 12 on said plan 33R-17718 as in instruments ER134942 and ER157301, and subject to easements in favour of Union Gas over Parts 11, 12, 13, 14, 15 and 16 on said plan 33R-17718 as in instruments 269026 and 322194, all be being part of PIN 08209-0058.

Any owner of lands 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 Municipal Council of The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London ON N6B 1E2

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 the owner 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 14th day of January, 2012.