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File No. P-2350

TO:	THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i> MEETING ON MAY 20, 2014
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR AND CITY ENGINEER ENVIRONMENTAL & 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 review and concurrence of the Director, Roads and Transportation, with respect to the expropriation of lands for the project known as the Hyde Park Road Widening and Improvements Project - Phase II, between South Carriage Road and Fanshawe Park Road, the following actions be taken:

- a) the proposed by-law attached as Schedule 'B' **BE INTRODUCED** at the Municipal Council meeting on May 20, 2014 by The Corporation of the City of London as Expropriating Authority, with respect to the lands described in Schedule 'A' attached hereto (the "Expropriated Lands");
- b) the Civic Administration **BE DIRECTED** to take all necessary steps to prepare a plan or plans showing the Expropriated Lands and to register such plan or plans in the appropriate registry or land titles office, pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, within three (3) months of the Approving Authority granting approval of the said expropriation;
- c) the City Clerk **BE AUTHORIZED** to sign on behalf of the Expropriating Authority, the plan or plans as signed by an Ontario Land Surveyor showing the Expropriated Lands; and,
- d) the City Clerk **BE AUTHORIZED AND DIRECTED** to execute and serve the notices of expropriation required by the *Expropriations Act, R.S.O. 1990, c. E.26* and such notices of possession that may be required to obtain possession of the Expropriated Lands.

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

Corporate Services Committee – March 4, 2014 – Expropriation of Lands Hyde Park Road Widening – Phase II – TS1477-2

The Council of The Corporation of the City of London as The Approving Authority under the Expropriations Act – May 20, 2014

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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 north of Oxford Street to south 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 acquisitions within the corridor along with easements associated with the relocation of utilities.

Negotiations commenced in the summer of 2013 and written offers have been rejected by several property owners. In March of 2014 the expropriation procedures were initiated and the outstanding owners were subsequently provided with the Notice of Expropriation. None of the affected owners of the parcels included on Appendix "A" have requested a Hearing of Necessity. It is necessary to continue with the appropriate expropriation procedures for the outstanding properties in order for the project to proceed.

Anticipated Construction Timeline

Property requirements for utility relocation to be secured for fall 2014. The balance of property requirements are to be secured for spring 2015 construction.

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

May 7, 2014
Attach.

File No. P-2350

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

Agenda Item # Page #

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SCHEDULE 'A'

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 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 2. 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 3. 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 4. 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 5. 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).

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SCHEDULE 'B'

Bill No.
2014

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

A By-law 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 West.

WHEREAS the Municipal Council of The Corporation of the City of London, as Approving Authority, pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, at its meeting held on March 4, 2014 approved the expropriation of the lands and premises hereinafter described in Appendix "A" of this by-law:

AND WHEREAS the said Approving Authority has directed that its Certificate of Approval be issued in the prescribed form;

AND WHEREAS The Corporation of the City of London, as Expropriating Authority, at its meeting held on May 20, 2014 accepted the recommendation of Approving Authority;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London, as follows:

1. The lands described in Appendix 'A' of this by-law be, and the same, are hereby expropriated pursuant to the *Expropriations Act, R.S.O. 1990, c. E. 26*, and the *Municipal Act, 2001*, as amended.
2. The appropriate municipal officials are authorized and directed to take all proper and necessary steps and proceedings including the employment of valuers, to settle by arbitration or otherwise, the amount of compensation to be paid in respect of the expropriation of the said lands, providing that the amount of compensation shall not be reached by agreement unless adopted and approved by the Municipal Council of The Corporation of the City of London.
3. The appropriate municipal officials are authorized and directed to prepare a plan or plans, as necessary, showing the lands to be expropriated for registration in the appropriate Registry of Land Titles Office, and the Mayor and the Clerk are authorized and directed to sign the plan of expropriation, all pursuant to the *Expropriations Act*.
4. The appropriate municipal officials are authorized and directed to execute and serve the Notice of Expropriation and the Notice of Possession pursuant to the *Expropriations Act*.
5. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – May 20, 2014
Second reading – May 20, 2014
Third reading – May 20, 2014

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APPENDIX 'A'

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

DESCRIPTION OF THE LANDS TO BE EXPROPRIATED

1. 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).
2. 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.
3. 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).
4. 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).
5. 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).