

Bill No. 135
2015

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

A by-law to authorize and approve an application to expropriate lands in the City of London, County of Middlesex, for the Fanshawe Park Road East Road Widening and Improvements Project, between Adelaide Street North and McLean Drive.

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 Fanshawe Park Rd. E. road widening and improvements between Adelaide Street North and McLean Drive;

NOW 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 Fanshawe Park Road East Road Widening and improvements Project between Adelaide Street North and McLean Drive, which lands are more particularly described in Appendix "A" attached this bylaw.
2. The Corporation of the City of London serve and publish notice of the application referred to in Section 1 of this bylaw 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 Inquiry 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 bylaw comes into force on the day it is passed.

PASSED in Open Council on March 31, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - March 31, 2015
Second Reading – March 31, 2015
Third Reading – March 31, 2015

APPENDIX "A"

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR FANSHAWE PARK ROAD EAST WIDENING AND IMPROVEMENTS - BETWEEN ADELAIDE STREET NORTH AND MCLEAN DRIVE

The following lands are required in fee simple:

- Parcel 1. Part of Lot 9, Concession 5, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 7 on Plan 33R-17525 being part of PIN 08085-0037(LT).
- Parcel 2. Part of Lot 9, Concession 5, in the geographic Township of London, now in the City of London, County of Middlesex designated as Parts 10, 11 & 12 on Plan 33R-17525 being part of PIN 08085-0036(LT).
- Parcel 3. All of Block '1', Registered Plan No. 996 in the City of London, County of Middlesex being all of PIN 08085-0594(LT).

APPENDIX "B"

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 Part of Lot 9, Concession 5 in the geographic Township of London, now in the City of London, County of Middlesex, Ontario; designated as Parts 7 and 10 to 12 Reference Plan 33R-17525; and all of Block 'I', Registered Plan No. 996 in the City of London, County of Middlesex. These properties are for the purpose of the Fanshawe Park Road East road widening and improvements between Adelaide Street North and McLean Drive.

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

- Parcel 1. Part of Lot 9, Concession 5, in the geographic Township of London, now in the City of London, County of Middlesex designated as Part 7 on Plan 33R-17525 being part of PIN 08085-0037(LT).
- Parcel 2. Part of Lot 9, Concession 5, in the geographic Township of London, now in the City of London, County of Middlesex designated as Parts 10, 11 & 12 on Plan 33R-17525 being part of PIN 08085-0036(LT).
- Parcel 3. All of Block 'I', Registered Plan No. 996 in the City of London, County of Middlesex being all of PIN 08085-0594(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 , 2015.