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File No. P-2269

TO:	<p>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</p> <p>AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></p> <p>MEETING ON JUNE 25, 2015</p>
FROM:	<p>JOHN BRAAM, P. ENG. MANAGING DIRECTOR AND CITY ENGINEER ENVIRONMENTAL & ENGINEERING SERVICES</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS FANSHAWE PARK ROAD WIDENING PROJECT – PHASE II – TS1475-2</p>

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 Fanshawe Park Road East Widening and Improvements Project-Phase II, between Adelaide Street North and Highbury Avenue, the following actions be taken:

- a) the proposed by-law attached as Schedule 'B' **BE INTRODUCED** at the Municipal Council meeting on June 25, 2015 by The Corporation of the City of London as Expropriating Authority, with respect to the land 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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Environmental and Transportation Committee – April 6, 2009 – Addendum to Environmental Study Report

Environment and Transportation Committee – July 20, 2009 - Appointment of Design Engineer

Civic Works Committee – August 25, 2014 –Detailed Design and Tendering Appointment of Consulting Engineer, Fanshawe P ark Road Widening – Adelaide Street North to McLean Drive

Corporate Services Committee – March 24, 2015 – Expropriation of Lands Fanshawe Park Road Widening – Phase II – TS1475-2

The Council of The Corporation of the City of London as The Approving Authority under the Expropriations Act – June 16, 2015

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BACKGROUND

At its meeting held on April 2, 2009, Municipal Council approved and accepted the Schedule “C” Municipal Class Environmental Assessment and Fanshawe 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 east of Adelaide Street North to Highbury Avenue. The entire project is to follow a phased approach. The second phase of this project requires several partial property acquisitions within the corridor between Adelaide Street North and McLean Drive, along with easements associated with the relocation of utilities.

Negotiations commenced in the summer of 2014 and after several meetings and subsequent written offers an amicable agreement was not achieved. In March of 2015 the expropriation procedures were initiated and the owner was subsequently provided with the Notice of Expropriation.

Therefore, it is necessary to continue with the expropriation procedures for these properties in order for the project to proceed.

The entire project called for requirements from 39 individual land owners. These requirements included 12 fee simple land acquisitions, 5 permanent easements rights, and 35 temporary easements rights. All property rights required to meet project timelines have now been secured with the exception of those detailed in this report.

Anticipated Construction Timeline

Property requirements for utility relocation to be secured for fall 2015. The balance of property requirements are to be secured for spring 2016 construction.

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	

May 20, 2015
Attach.

File No. P-2269

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

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SCHEDULE 'A'

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

The following land is required in fee simple:

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| 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 | All of Block 'I', Registered Plan No. 996 in the City of London, County of Middlesex being all of PIN 08085-0594(LT). |

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SCHEDULE 'B'

Bill No.
2015

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

A By-law to expropriate lands in the City of London, in the County of Middlesex, for the Fanshawe Park Road Widening and Improvements Project - Phase II, between Adelaide Street North and McLean Drive.

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 June 25, 2015 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 June 25, 2015 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

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – June 25, 2015
Second reading – June 25, 2015
Third reading – June 25, 2015

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APPENDIX 'A'

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

DESCRIPTION OF THE LANDS TO BE EXPROPRIATED

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|----------|--|
| 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 | All of Block '1', Registered Plan No. 996 in the City of London, County of Middlesex being all of PIN 08085-0594(LT). |