

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON MARCH 30, 2016</b>
<b>FROM:</b>	<b>JOHN BRAAM, P. ENG. MANAGING DIRECTOR ENVIRONMENTAL &amp; ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LANDS WONDERLAND ROAD SOUTH IMPROVEMENTS PHASE I – TS1487 PR-01</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, on the advice of the Director, Roads and Transportation and the Manager of Realty Services, approval **BE GIVEN** to the expropriation of lands as may be required for the project known as the Wonderland Road South Improvements - Phase I between Highway 401 and Highway 402, the following actions **BE TAKEN**:

- 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 Wonderland Road and Improvements - Phase I between Highway 401 and Highway 402;
- 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 on April 5, 2016 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

Civic Works Committee – June 17, 2013 Appointment of MMM Group Ltd., Wonderland Road South, Schedule “C” Environmental Assessment

Civic Works Committee – July 20, 2015 – Wonderland Road South Environmental Assessment Study

Civic Works Committee – October 6, 2015 – Detailed Design and Tendering Appointment of Consulting Engineer, Highway 401 to Highway 402

<b>BACKGROUND</b>
-------------------

At its meeting held on July 28, 2015, Municipal Council approved and accepted the Schedule “C” Municipal Class Environmental Assessment for Wonderland Road South 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 Southdale Road West to Highway 401, as well as adjacent natural areas. The entire project is to follow a phased approach.

The first phase of this project is a two-lane upgrade that requires several partial property acquisitions within the corridor between Highway 401 and Highway 402 along with easements associated with the relocation of utilities.

This construction project will include the following:

- Improvements to the existing Two-lane road to meet City's standards
- Intersection illumination at existing intersections
- Utility relocations
- Integration of landscaping and restorations
- Stormwater management and drainage design for watercourse

Negotiations commenced in the Summer of 2015 and written offers have been rejected by the property owners with exception of the ownership for 5318 Colonel Talbot Road. This property is owned by a consortium of approximately 250 owners, the majority which reside in Japan. The president is amicable to the City's offer but requires 85% investor approval. As a result, his solicitor has instructed him that the least time consuming and most cost effective way is via expropriation.

It is necessary to start the appropriate expropriation procedures for all of the outstanding 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 and avoid expropriation if possible.

Anticipated Construction Timeline

Property requirements are to be secured for Spring 2017 construction.

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

<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER, REALTY SERVICES</b>	<b>EDWARD SOLDO DIRECTOR ROADS AND TRANSPORTATION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN BRAAM, P. Eng. MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>	

March 15, 2016  
Attach.

File No. P-2431

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

Schedule "A"

Wonderland Road South Improvements – Phase I



## APPENDIX "A"

### DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR WONDERLAND ROAD IMPROVEMENTS - BETWEEN HIGHWAY 401 AND HIGHWAY 402

The following lands are required in fee simple:

- Parcel 1. Part of Lot 24, Concession 5, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19380 being part of PIN 08207-0070(LT).
- Parcel 2. Part of Lot 24, Concession 5, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 4 on Reference Plan 33R-19380 being part of PIN 08207-0074(LT).
- Parcel 3. Part of Lots 23 & 24, Concession 6, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19380 being part of PIN 08207-0159(LT).
- Parcel 4. Part of Lot 65, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 8 on Reference Plan 33R-19380 being part of PIN 08207-0005(LT).
- Parcel 5. Part of Lot 64, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 10 on Reference Plan 33R-19380 being part of PIN 08207-0009(LT).
- Parcel 6. Part of Lot 63, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 11 on Reference Plan 33R-19380 being part of PIN 08207-0015(LT).
- Parcel 7. Part of Lot 62, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 14 on Reference Plan 33R-19380 being part of PIN 08207-0020(LT).
- Parcel 8. Part of Lot 24, Concession 4, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19380 being part of PIN 08208-0108(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 lands being Part of Lots 24, Concession 5, Part of Lots 23 & 24, Concession 6; and, Part of Lots 62 to 65, East of Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex, Ontario; designated as Parts 2, 4, 5, 8, 10, 11 and 14 on Reference Plan 33R-19380 for the purpose of the Wonderland Road improvements - between Highway 401 and Highway 402

**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 5, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19380 being part of PIN 08207-0070(LT).
- Parcel 2. Part of Lot 24, Concession 5, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 4 on Reference Plan 33R-19380 being part of PIN 08207-0074(LT).
- Parcel 3. Part of Lots 23 & 24, Concession 6, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19380 being part of PIN 08207-0159(LT).
- Parcel 4. Part of Lot 65, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 8 on Reference Plan 33R-19380 being part of PIN 08207-0005(LT).
- Parcel 5. Part of Lot 64, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 10 on Reference Plan 33R-19380 being part of PIN 08207-0009(LT).
- Parcel 6. Part of Lot 63, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 11 on Reference Plan 33R-19380 being part of PIN 08207-0015(LT).
- Parcel 7. Part of Lot 62, East of the North Branch of the Talbot Road, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 14 on Reference Plan 33R-19380 being part of PIN 08207-0020(LT).
- Parcel 8. Part of Lot 24, Concession 4, in the geographic Township of Westminster, now in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19380 being part of PIN 08208-0108(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                      , 2016.

**APPENDIX "C"**

Bill No.

By-law No.

A by-law to authorize and approve an application to expropriate lands in the City of London, County of Middlesex, for the Wonderland Road South Improvements Project - Phase I between Highway 401 and Highway 402.

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 Wonderland Road improvements between Highway 401 and Highway 402;

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 Wonderland Road improvements between Highway 401 and Highway 402; 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 April 5, 2016.

---

Matt Brown  
Mayor

---

Catharine Saunders  
City Clerk

First Reading  
Second Reading  
Third Reading