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File No. P-2431

TO:	THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i> MEETING ON JULY 26, 2016
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	EXPROPRIATION OF LANDS WONDERLAND ROAD IMPROVEMENTS – PHASE I – TS1487-01

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, 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 a project known as Wonderland Road Improvements - Phase I, between Highway 401 and Highway 402, and the following actions be taken:

- a) the proposed by-law attached as Schedule 'B' **BE INTRODUCED** at the Municipal Council meeting on July 26, 2016 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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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

Corporate Services Committee – March 30, 2016 – Expropriation of lands Wonderland Road Improvements – Phase I – TS1487 PR-01

The Council of The Corporation of the City of London as The Approving Authority under the Expropriation Act – July 26, 2016

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BACKGROUND

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. Phase 1 of this project requires several partial property acquisitions within the corridor between Highway 401 and Highway 402 along 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 with written offers provided and accepted by several owners. However, a number of the owners have rejected our multiple offers with exception of the ownership for 5318 Colonel Talbot Rd. This property is owned by a consortium of approximately 250 owners. With a required 85% investor approval the president under advisement from his solicitor has recommended that the quickest and most cost effective way is via expropriation.

It is necessary to continue with the appropriate expropriation procedures for 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 by a settlement agreement.

A hearing of necessity has been requested from a single owner on this project. Expropriation proceedings for that property will be completed at a later date.

Anticipated Construction Timeline

Property requirements for utility relocation to be secured for fall 2016. The balance of property requirements are to be secured for spring 2017 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 ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

June 27, 2016
Attach.

File No. P-2431

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

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SCHEDULE "A"

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

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, as in Instr. 409734, 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 2. Part of Lots 23 & 24, Concession 6, shown as Part 6 on reference plan 33R-2972 and except Parts 1, 2 & 3 on reference plan 33R-15991 and Parts 23 & 24 on reference plan 33R-18343, 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 3. Part Lot 65, East of Talbot Road, shown as Part 1 on Reference Plan 33R-4629 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 4. Part of Lot 64, East of Talbot Road, as in Instr. 222806, 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 5. Part of Lot 63, East of Talbot Road as in Instr. WU28828; except WU30493, WU45704, WU49601, WU80146, 299895, 106748, 88711, CM168; subject to 340398 WU45704; description in 398299 may not be acceptable in the future, 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 6. Part Lot 62, East of Talbot Road, as in Instr. 258599, together with 258599, except 299761, subject to WU53562, 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 7. Part of Lot 23 & 24, Concession 4, as in Instr. 681841, together with 112354, subject to Instrument WU47515, 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).

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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 Wonderland Road South Improvements Project Phase I between Highway 401 and Highway 402.

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 April 5, 2016 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 April 5, 2016 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 on _____.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading –
Third reading –

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APPENDIX 'A'
To By-law L.S.P.-_____

DESCRIPTION OF THE LANDS TO BE EXPROPRIATED FOR THE WONDERLAND ROAD
SOUTH IMPROVMENTS PROJECT PHASE 1 BETWEEN HIGHWAY 401 AND HIGHWAY 402

- Parcel 1. Part of Lot 24, Concession 5, as in Instr. 409734, 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).

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