

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON SEPTEMBER 6, 2016
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	EXPROPRIATION OF LAND WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT TS 1489-1

RECOMMENDATION

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 land as may be required for the Western Road Widening and Improvements Project between Oxford Street West and Platt's Lane, and that the following actions **BE TAKEN** in connection therewith:

- 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 land required for Western Road Widening and Improvements between Oxford Street W. and Platt's Lane;
- 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 Bylaw (Schedule B) **BE INTRODUCED** at the Council meeting on September 13, 2016 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan
- Civic Works Committee - July 22, 2013 – Reprioritization of Growth Management Implementation Strategy (GMIS) Transportation Projects.
- Civic Works Committee – January 6, 2014 – Appointment of AECOM Canada Limited, Western / Wharnccliffe Road North Widening from Platt's Lane to Oxford Street, Schedule 'C' Environmental Assessment.
- Civic Works Committee – October 22, 2015 – Western/Wharnccliffe Road North Widening Environmental Study Report.

BACKGROUND

Council approved and accepted the Schedule “C” Municipal Class Environmental Assessment and Western Road Improvements Environmental Study Report. The Environmental Study Report was subsequently placed on public record for a thirty (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 onto the road allowance throughout the length of the corridor from Oxford Street West to Platt’s Lane. The entire project is to follow a phased approach. The first phase of the project in 2017 involves the construction of a rail diversion. This will be followed by land acquisitions within the corridor along with easements associated with the relocation of utilities.

The subject property is required in support of the Western Road EA. More specifically, the property is required for both the CP rail diversion in 2017 and road widening in 2018, as shown in the Environmental Study Report. This property will accommodate the proposed works and improvements along this section of the project.

The property is shown to have been last purchased in 1880 by a Mr. George Fernley. Subsequently, the current owner(s) can’t be located and it has become necessary to start the appropriate expropriation procedures in order for the project to proceed. To address this title issue the City Solicitor’s office recommended expropriation.

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.

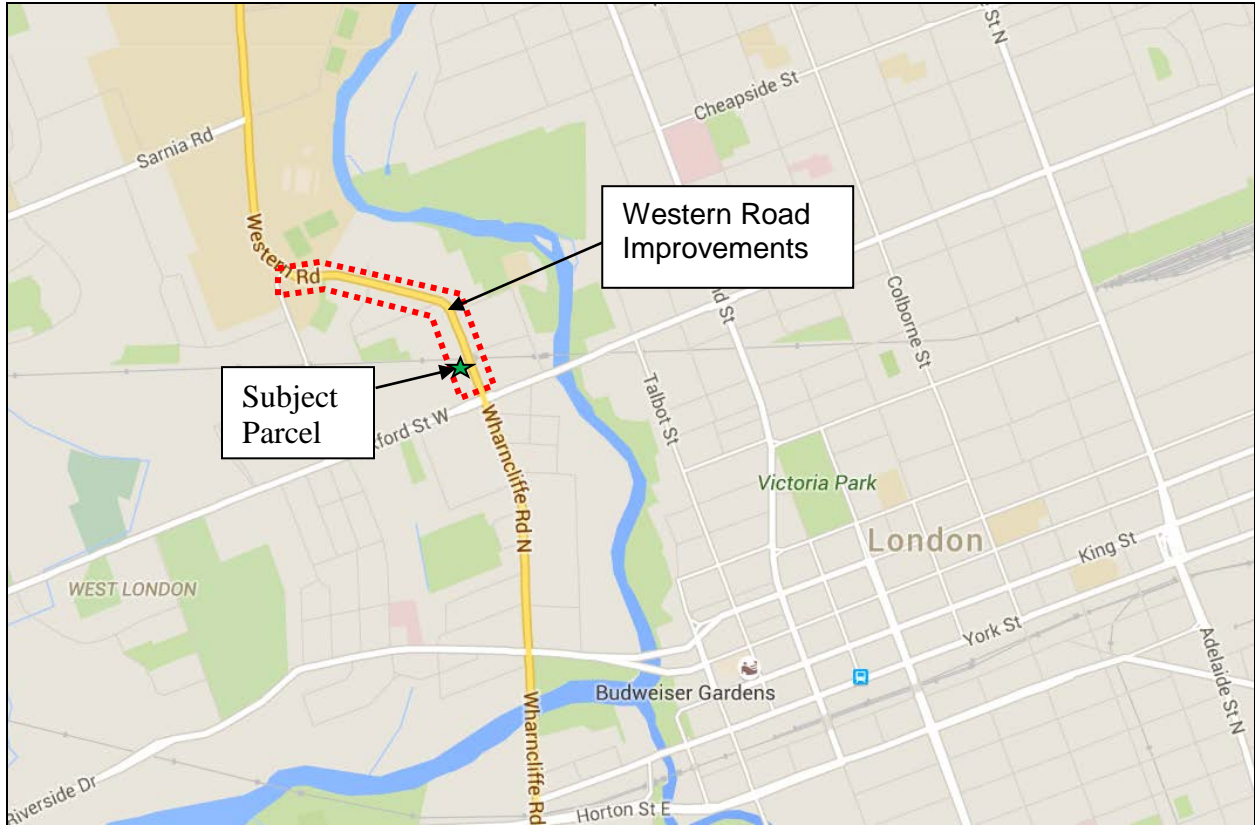
PREPARED BY:	REVIEWED AND CONCURRED BY:
BILL WARNER MANAGER of REALTY SERVICES	EDWARD SOLDO DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
JOHN BRAAM. P. ENG. MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

August 25, 2016
Attach.

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

Schedule "A"

Western Road Widening and Improvements Project



SCHEDULE "B"

Bill No.
2016

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

A by-law to authorize and approve an application to expropriate land in the City of London in the County of Middlesex for the Western Road Widening and improvements Project between Oxford Street West and Platt's Lane.

WHEREAS The Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate lands for the Western Road Widening and Improvements Project between Oxford Street West and Platt's Lane;

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 Western Road Widening and Improvements Project between Oxford Street West and Platt's Lane; which land is more particularly described in attached Appendix "A" of this by-law.
2. The Corporation of the City of London as Expropriating Authority 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 as Expropriating Authority 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 September 13, 2016

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – September 13, 2016
Second Reading - September 13, 2016
Third Reading - September 13, 2016

APPENDIX "A"

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

DESCRIPTION OF LAND TO BE EXPROPRIATED FOR WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT - BETWEEN OXFORD STREET WEST AND PLATTS LANE

The following parcel is required in fee simple:

All of Lot 61, Registrar's Compiled Plan 450 (W), in the City of London, County of Middlesex; designated as Parts 8 and 22 on Reference Plan 33R-19520; and, being all of PIN 08248-0158 (LT).

APPENDIX "B"

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

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 all of Lot 61, Registrar's Compiled Plan 450 (W), in the City of London, County of Middlesex; designated as Parts 8 and 22 on Reference Plan 33R-19520; and, being all of PIN 08248-0158 (LT); for the purpose of the Western Road Widening and Improvements Project between Oxford Street West and Platt's Lane.

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

All of Lot 61, Registrar's Compiled Plan 450 (W), in the City of London, County of Middlesex; designated as Parts 8 and 22 on Reference Plan 33R-19520; and, being all of PIN 08248-0158 (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.