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File No. P-2300

<b>TO:</b>	<b>HIS WORSHIP THE MAYOR</b>  <b>MEMBERS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</b>  <b>(AS THE EXPROPRIATING AUTHORITY UNDER THE EXPROPRIATIONS ACT)</b>  <b>MEETING ON APRIL 10, 2012</b>
<b>FROM:</b>	<b>TOM JOHNSON</b> <b>MANAGING DIRECTOR – CORPORATE ASSETS</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LANDS</b> <b>SOUTHDALE ROAD WEST ROAD WIDENING PROJECT</b> <b>WHARNCLIFFE ROAD SOUTH TO WONDERLAND ROAD SOUTH</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the approval by the Council of The Corporation of the City of London, as approving authority of the proposed expropriation of lands for the Southdale Road West Road Widening Project between Wharncliffe Road South and Wonderland Road South, the following actions **BE TAKEN**:

- a) the proposed expropriation by-law attached as Appendix 'B' **BE INTRODUCED** at the Municipal Council meeting on April 10, 2012, by The Corporation of the City of London as expropriating authority, with respect to the lands described in Appendix 'A' attached hereto;
- b) the Civic Administration **BE AUTHORIZED AND DIRECTED** to prepare a plan or plans showing the lands to be expropriated for registration in the appropriate registry, or land titles office, pursuant to the *Expropriations Act*; and
- c) the Civic Administration **BE AUTHORIZED AND DIRECTED** to execute and serve the notice of expropriation required by the *Expropriations Act* and such notices of possession that may be required to obtain possession of the expropriated lands.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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October 19, 2011    ETC Report    Southdale Road West Widening Environmental Assessment

November 2, 2011    FAC Report    Application for Approval to Expropriate

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>BILL WARNER</b> <b>MANAGER REALTY SERVICES</b>	<b>TOM JOHNSON</b> <b>MANAGING DIRECTOR -CORPORATE ASSETS</b>

March 30, 2012  
Attach.

Doc. P-2300

cc: David G. Mounteer, Solicitor II  
Gary Irwin, Division Manager & Chief Surveyor

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**APPENDIX 'A'**

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR SOUTHDALE ROAD WEST  
RECONSTRUCTION  
FROM WONDERLAND ROAD SOUTH TO WHARNCLIFFE ROAD SOUTH

The following lands are required in fee simple:

1. Part of the Common Element of Middlesex Condominium Plan No. 234 in the City of London and County of Middlesex designated as Parts 2 and 3 on Plan 33R-17719 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 3 on said plan 33R-17719 as in Instrument No. 257863, all being part of PIN Block 08734.
2. Part of Block I on Registered Plan 962 in the City of London and County of Middlesex designated as Part 1 on Plan 33R-17718 subject to an easement in favour of Bell Canada and the Corporation of the City of London over Part 1 of said plan 33R-17718 as in Instrument No. 257863, all being part of PIN 08458-0055.
3. Part of Lot 3 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 7 on Plan 33R-17718 being part of PIN 08458-0167.
4. Part of Lot 6 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 10 on Plan 33R-17718 being part of PIN 08458-0170.
5. Part of Lot 33 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Parts 11, 12, 13, 14, 15, 16 and 17 on Plan 33R-17718 subject to easements in favour of Bell Canada over Parts 11 and 12 on said plan 33R-17718 as in instruments ER134942 and ER157301, and subject to easements in favour of Union Gas over Parts 11, 12, 13, 14, 15 and 16 on said plan 33R-17718 as in instruments 269026 and 322194, all being part of PIN 08209-0058.

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**APPENDIX 'B'**

Bill No.

By-law No.

A By-law to expropriate lands in the City of London, in the County of Middlesex, for the completion of the Southdale Road West Road Widening Project between Wharncliffe Road South and Wonderland Road South.

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 10, 2012, approved the expropriation of the lands and premises hereinafter described in Appendix "A" of this bylaw:

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 10, 2012, 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 bylaw 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 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

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Joe Fontana  
Mayor

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Catharine Saunders  
City Clerk

First reading -  
Second reading -  
Third reading -

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4. Part of Lot 6 on Registered Plan 630 in the City of London and County of Middlesex designated as Part 10 on Plan 33R-17718 being part of PIN 08458-0170.
5. Part of Lot 33 in Concession 2 in the geographic Township of Westminster now in the City of London and County of Middlesex designated as Parts 11, 12, 13, 14, 15, 16 and 17 on Plan 33R-17718 subject to easements in favour of Bell Canada over Parts 11 and 12 on said plan 33R-17718 as in instruments ER134942 and ER157301, and subject to easements in favour of Union Gas over Parts 11, 12, 13, 14, 15 and 16 on said plan 33R-17718 as in instruments 269026 and 322194, all being part of PIN 08209-0058.