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| TO: | CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON NOVEMBER 15, 2016 |
| FROM: | KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER |
| SUBJECT: | EXPROPRIATION OF LAND WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT TS 1489-1 |

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| RECOMMENDATION |
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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:

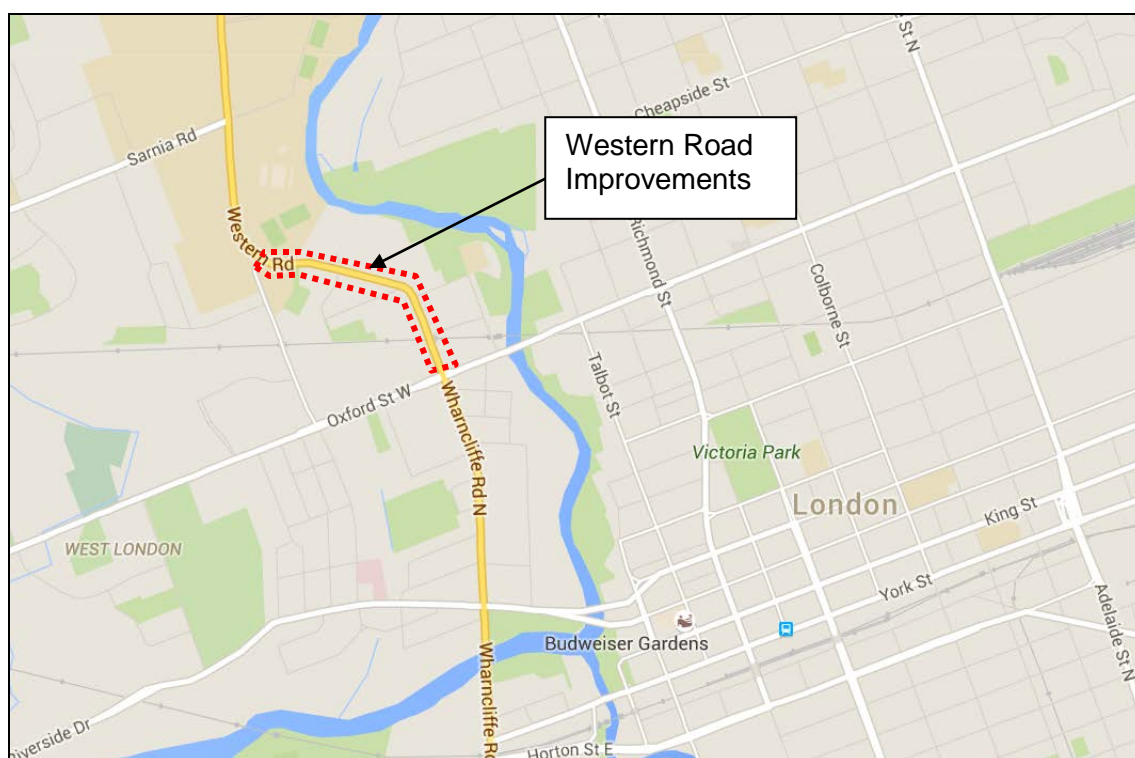
- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the land required for Western Road Widening and Improvements between Oxford Street W. and Platt's 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 November 22, 2016 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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- 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 map below shows the study area.



The subject properties are required in support of the Western Road EA. More specifically, the properties are required for the road widening and improvements that are scheduled to be completed in 2018, and as shown in the Environmental Study Report. These properties will accommodate the proposed works and improvements along the project route.

There are 32 fee simple property requirements one of which was a full buyout, the balance requiring partial acquisition. Negotiations commenced in early 2016 with the current outstanding requirements standing at 22. Of the 22 outstanding properties 6 signed agreements have been achieved and await close between mid-November and early December 2016.

Within the remaining 16 requirements, 12 of them are represented by 3 owners. Negotiations are ongoing with all remaining owners.

The composition of the ownership interests in this area and more specifically along the corridor is of an adept and sophisticated nature. Many of the owners own multiple properties both commercial and multi-tenant residential. Further, impacts to property in some instances includes structural impacts and/or alterations along with contemplation of future development potential as projected in the recently approved Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan

The timeline for the initiation of the Expropriation process has also been accelerated by several weeks at the request of Transportation which is endeavouring to ensure property clearance is achieved in order to support the Tendering Process. As a result, it is necessary to start the appropriate expropriation procedures for the outstanding properties in order for the project to proceed and meet the prescribed timelines. Realty Services will continue to review negotiations with the property owners in an effort to achieve acceptable outcomes to all parties involved.

Anticipated Construction Timeline

Property requirements are to be secured for 2018 construction.

A location map is attached as Schedule “A” for the Committee’s information.

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| PREPARED BY: | REVIEWED AND CONCURRED BY: |
| | |
| BILL WARNER MANAGER OF REALTY SERVICES | EDWARD SOLDO DIRECTOR, ROADS AND TRANSPORTATION |
| RECOMMENDED BY: | |
| | |
| KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER | |

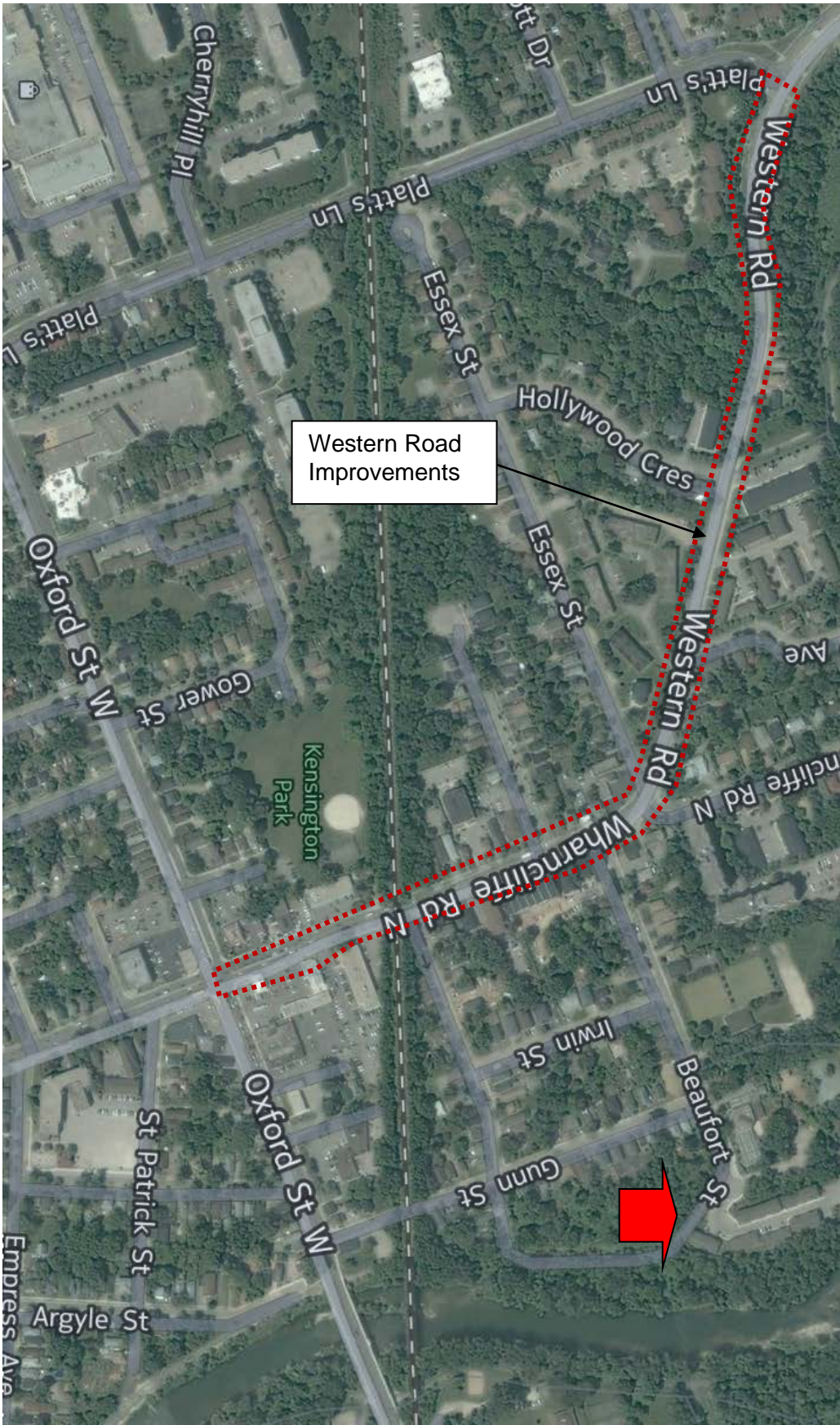
November 2, 2016
Attach.

File No. P-2450

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;

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

Matt Brown, Mayor

Catharine Saunders, City Clerk

First Reading
Second Reading
Third Reading

APPENDIX "A"

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

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

The following lands are required in fee simple:

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| Parcel 1. | Part of Lot 21, Registrar's Compiled Plan No. 450(W), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19520 being part of PIN 08248-0077(LT). |
| Parcel 2. | Part of Lots 4 & 5, East of Wharncliffe Road, Registered Plan No. 5(W), Part of Wharncliffe Road North (Closed by By-Law S-470-26, Registered as Inst. No. LC91666) in the City of London, County of Middlesex designated as Part 15 on Reference Plan 33R-19520 being part of PIN 08247-0038(LT). |
| Parcel 3. | Part of Lot 17, Registrar's Compiled Plan 450(W), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19520 being part of PIN 08248-0073(LT). |
| Parcel 4. | Part of Lot 1, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19516 being part of PIN 08248-0172(LT). |
| Parcel 5. | Part of Lot 2, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19516 being part of PIN 08248-0174(LT). |
| Parcel 6. | Part of Lot 3, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 3 on Reference Plan 33R-19516 being part of PIN 08248-0056(LT). |
| Parcel 7. | Part of Lot 4, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 4 on Reference Plan 33R-19516 being part of PIN 08248-0171(LT). |
| Parcel 8. | Part of Lots 4 & 5, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19516 being part of PIN 08248-0170(LT). |
| Parcel 9. | Part of Lots 5, 6 & 7, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19516 being part of PIN 08248-0053(LT). |
| Parcel 10. | Part of Lot 3, North of Beaufort Street, Registered Plan 5(W) and Part of Wharncliffe Road North (Closed by By-Law S-1182-305 Registered as Inst. No. LC139589, Amended by By-Law S-1182-(A)127 Registered as Inst. No. 863010) in the City of London, County of Middlesex designated as Part 7 on Reference Plan 33R-19516 being part of PIN 08247-0018(LT). |
| Parcel 11. | Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 9 on Reference Plan 33R-19516 being part of PIN 08078-0067(LT). |

- Parcel 12. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 10 on Reference Plan 33R-19516 being part of PIN 08078-0066(LT).
- Parcel 13. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 11 on Reference Plan 33R-19516 being part of PIN 08078-0082(LT).
- Parcel 14. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-19516 being part of PIN 08078-0063(LT).
- Parcel 15. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 13 on Reference Plan 33R-19516 being part of PIN 08078-0106(LT).
- Parcel 16. Part of Park Lot 3, South of Victoria Street and Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1, 3 and 8 on Reference Plan 33R-19517 being part of PIN 08078-0010(LT).
- Parcel 17. Part of Park Lot 3, South of Victoria Street, in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19517 being part of PIN 08078-0012(LT).
- Parcel 18. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 7 on Reference Plan 33R-19517 being part of PIN 08078-0007(LT).
- Parcel 19. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19517 being part of PIN 08078-0004(LT).
- Parcel 20. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19517 being part of PIN 08078-0005(LT).
- Parcel 21. Part of Park Lots 2 & 3, North of Grosvenor Street, in the City of London, County of Middlesex designated as Part 9 on Reference Plan 33R-19517 being part of PIN 08078-0019(LT).
- Parcel 22. Part of Park Lot 3, North of Grosvenor Street, in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-19517 being part of PIN 08078-0152(LT).
- Part of Park Lot 3, North of Grosvenor Street, and Part of Park Lot 3, South of Victoria Street, in the City of London, County of Middlesex designated as Part 13 on Reference Plan 33R-19517 being part of PIN 08078-0153(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 Part of Lots 17 & 21, Registrar's Compiled Plan 450(W); Part of Lots 1, 2, 3, 4, 5, 6, & 7, Registrar's Compiled Plan 434(W); Part of Lot 3, North of Beaufort Street, Registered Plan 5(W) and Part of Wharnccliffe Road North (Closed by By-Law S-1182-305 Registered as Inst. No. LC139589, Amended by By-Law S-1182-(A) 127 Registered as Inst. No. 863010); Part of Lots 4 & 5, East of Wharnccliffe Road, Registered Plan No. 5(W), Part of Wharnccliffe Road North (Closed by By-Law S-470-26, Registered as Inst. No. LC91666), Part of Park Lots 1 & 2, North of Wharnccliffe Highway (Geographic Township of London); Part of Park Lot 3, South of Victoria Street; and Part of Park Lots 2 & 3, North of Grosvenor Street, in the City of London, County of Middlesex; designated as Parts 1 to 7 (both inclusive), and 9 to 13 (both inclusive) on Reference Plan 33R-19516; 1, 2, 3, 5 to 9 (both inclusive), 12 and 13 on Reference Plan 33R-19517 and Parts 1, 6 and 15 on Reference Plan 33R-19520; and, being part of PIN's 08248-0077(LT); 08247-0038(LT); 08248-0073(LT); 08248-0172(LT); 08248-0174(LT); 08248-0056(LT); 08248-0171(LT); 08248-0170(LT); 08248-0053(LT); 08247-0018(LT); 08078-0067(LT); 08078-0066(LT); 08078-0082(LT); 08078-0063(LT); 08078-0106(LT); 08078-0010(LT); 08078-0012(LT); 08078-0007(LT); 08078-0004(LT); 08078-0005(LT); 08078-0019(LT); 08078-0152(LT); and 08078-0153(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 following lands described as follows:

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| Parcel 1. | Part of Lot 21, Registrar's Compiled Plan No. 450(W), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19520 being part of PIN 08248-0077(LT). |
| Parcel 2. | Part of Lots 4 & 5, East of Wharnccliffe Road, Registered Plan No. 5(W), Part of Wharnccliffe Road North (Closed by By-Law S-470-26, Registered as Inst. No. LC91666) in the City of London, County of Middlesex designated as Part 15 on Reference Plan 33R-19520 being part of PIN 08247-0038(LT). |
| Parcel 3. | Part of Lot 17, Registrar's Compiled Plan 450(W), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19520 being part of PIN 08248-0073(LT). |
| Parcel 4. | Part of Lot 1, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 1 on Reference Plan 33R-19516 being part of PIN 08248-0172(LT). |
| Parcel 5. | Part of Lot 2, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19516 being part of PIN 08248-0174(LT). |
| Parcel 6. | Part of Lot 3, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 3 on Reference Plan 33R-19516 being part of PIN 08248-0056(LT). |

- Parcel 7. Part of Lot 4, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 4 on Reference Plan 33R-19516 being part of PIN 08248-0171(LT).
- Parcel 8. Part of Lots 4 & 5, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19516 being part of PIN 08248-0170(LT).
- Parcel 9. Part of Lots 5, 6 & 7, Registrar's Compiled Plan 434(W), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19516 being part of PIN 08248-0053(LT).
- Parcel 10. Part of Lot 3, North of Beaufort Street, Registered Plan 5(W) and Part of Wharncliffe Road North (Closed by By-Law S-1182-305 Registered as Inst. No. LC139589, Amended by By-Law S-1182-(A)127 Registered as Inst. No. 863010) in the City of London, County of Middlesex designated as Part 7 on Reference Plan 33R-19516 being part of PIN 08247-0018(LT).
- Parcel 11. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 9 on Reference Plan 33R-19516 being part of PIN 08078-0067(LT).
- Parcel 12. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 10 on Reference Plan 33R-19516 being part of PIN 08078-0066(LT).
- Parcel 13. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 11 on Reference Plan 33R-19516 being part of PIN 08078-0082(LT).
- Parcel 14. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-19516 being part of PIN 08078-0063(LT).
- Parcel 15. Part of Park Lot 1, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 13 on Reference Plan 33R-19516 being part of PIN 08078-0106(LT).
- Parcel 16. Part of Park Lot 3, South of Victoria Street and Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London) in the City of London, County of Middlesex designated as Parts 1, 3 and 8 on Reference Plan 33R-19517 being part of PIN 08078-0010(LT).
- Parcel 17. Part of Park Lot 3, South of Victoria Street, in the City of London, County of Middlesex designated as Part 2 on Reference Plan 33R-19517 being part of PIN 08078-0012(LT).
- Parcel 18. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 7 on Reference Plan 33R-19517 being part of PIN 08078-0007(LT).
- Parcel 19. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 6 on Reference Plan 33R-19517 being part of PIN 08078-0004(LT).
- Parcel 20. Part of Park Lot 2, North of Wharncliffe Highway (Geographic Township of London), in the City of London, County of Middlesex designated as Part 5 on Reference Plan 33R-19517 being part of PIN 08078-0005(LT).

Parcel 21. Part of Park Lots 2 & 3, North of Grosvenor Street, in the City of London, County of Middlesex designated as Part 9 on Reference Plan 33R-19517 being part of PIN 08078-0019(LT).

Parcel 22. Part of Park Lot 3, North of Grosvenor Street, in the City of London, County of Middlesex designated as Part 12 on Reference Plan 33R-19517 being part of PIN 08078-0152(LT).

Part of Park Lot 3, North of Grosvenor Street, and Part of Park Lot 3, South of Victoria Street, in the City of London, County of Middlesex designated as Part 13 on Reference Plan 33R-19517 being part of PIN 08078-0153(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.