

File No. P-2450 (38)

TO:	<p>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</p> <p>AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></p> <p>MEETING ON NOVEMBER 22, 2016</p>
FROM:	<p>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL &amp; ENGINEERING SERVICES AND CITY ENGINEER</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT TS1489-1</p>

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 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) the proposed Bylaw attached as Schedule ‘B’ **BE INTRODUCED** at the Municipal Council meeting on November 22, 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 Mayor and 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

- 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 / Wharncliffe Road North Widening from Platt’s Lane to Oxford Street, Schedule ‘C’ Environmental Assessment.
- Civic Works Committee – October 22, 2015 – Western/Wharncliffe Road North Widening Environmental Study Report.

- The Council of The Corporation of the City of London as The Approving Authority under the Expropriation Act – September 6, 2016
- The Council of the Corporation of the City of London as The Approving Authority under the Expropriation Act – November 8, 2016

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 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:	
KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

October 24, 2016  
Attach.

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

**SCHEDULE "A"**  
(the Expropriated Lands)

**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).

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## SCHEDULE "B"

Bill No.  
2016

By-law No. L.S.P.-\_\_\_\_\_

A By-law to expropriate lands 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 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 November 22, 2016 approved the expropriation of the lands and premises hereinafter described in attached 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 November 22, 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 attached 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 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 November 22, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First reading – November 22, 2016  
Second reading – November 22, 2016  
Third reading – November 22, 2016

**APPENDIX "A"**

**To By-law L.S.P.-\_\_\_\_\_**

**DESCRIPTION OF THE LANDS TO BE EXPROPRIATED**

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).