

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON JANUARY 24, 2017
FROM:	KELLY SCHERR 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, with the concurrence of the Director, Roads and Transportation and on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of a Temporary Limited Interest (TLI) certain to be fully completed on the 30th day of May, 2020, for land as may be required for the Western Road Widening and Improvements Project between Oxford Street West and Platt's Lane, the following actions **BE TAKEN**:

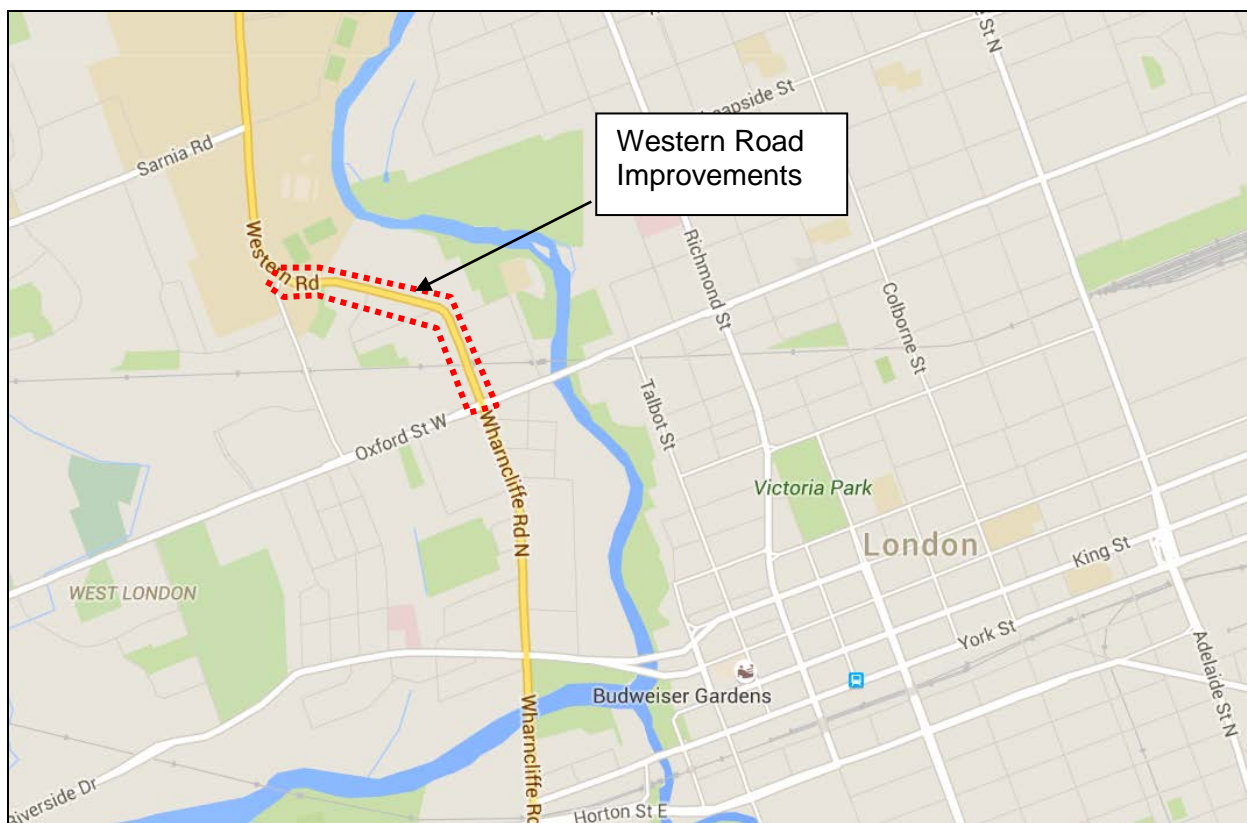
- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the land required for Western Road Widening and Improvements between Oxford Street W. and Platt's 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 January 31, 2017 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

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 Temporary Limited Interest required of the subject property certain to be fully completed on the 30th day of May 2020 is in support of the Western Road EA. More specifically, the property is required for the Phase 1 proposed works and improvements relating to the CP rail overpass. This work is scheduled to commence in the summer of 2017 and to be completed by mid-2019, and as shown in the Environmental Study Report. This temporary limited interest will accommodate part of the proposed works and improvements along this section of the project.

The requirement was identified in late 2016 during further detailed design review being carried out by the City’s consultant, AECOM. Negotiations with the lawyer representing the property owner are ongoing. Project timelines necessitate proceeding with this expropriation to ensure property clearance is achieved to support the Tendering Process.

Realty Services will continue to negotiate with the property owner in an effort to achieve an amicable resolution.

Anticipated Construction Timeline

Property requirement is to be secured for 2017 - 2019 construction period.

Location maps and copy of the reference plan are 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:	
KELLY SCHERR, P.Eng., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

January 12, 2017
Attach.

File No. P-2450 (9)

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

Schedule "A"

Western Road Widening and Improvements Project



SCHEDULE "B"

Bill No.
2017

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

A by-law to authorize and approve an application to expropriate a Temporary Limited Interest (TLI) certain to be fully completed on the 30th day of May, 2020, for 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 Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate a temporary limited interest in lands required 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 temporary limited interest certain to be fully completed on the 30th day of May 2020 on 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 - January 31, 2017
Second Reading - January 31, 2017
Third Reading - January 31, 2017

APPENDIX "A"

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

**DESCRIPTION OF TEMPORARY LIMITED INTEREST IN LANDS CERTAIN TO BE FULLY
COMPLETED ON THE 30TH DAY OF MAY 2020 TO BE EXPROPRIATED FOR
WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT - BETWEEN OXFORD
STREET WEST AND PLATTS LANE**

The following land is required in a temporary limited interest certain to be fully completed on the 30th day of May 2020:

Parcel 1. Part of Lot 21, Registrar's Compiled Plan No. 450(W), in the City of London, County of Middlesex designated as Parts 3 & 5 on Reference Plan 33R-19662 being part of PIN 08248-0077(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 temporary limited interest in lands certain to be fully completed on the 30th day of May, 2020, being Part of Lot 2, Plan 5(W), North of Oxford Street West, 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 a temporary limited interest in lands certain to be fully completed on the 30th day of May 2020 described as follows:

Parcel 1. Part of Lot 2, Plan 5(W), North of Oxford Street West, in the City of London, County of Middlesex designated as Parts 3 and 5 on Reference Plan 33R-19662 being part of PIN 08248-0140(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

