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File No. P-2450

TO:	THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i> MEETING ON MAY 30, 2017
FROM:	KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	EXPROPRIATION OF LANDS WESTERN ROAD WIDENING AND IMPROVEMENTS PROJECT TS1489-1

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 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 Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on May 30, 2017 by The Corporation of the City of London as Expropriating Authority, with respect to the lands described in Appendix '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
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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 / 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 – November 22, 2016
- The Council of the Corporation of the City of London as The Approving Authority under the Expropriation Act – May 30, 2017

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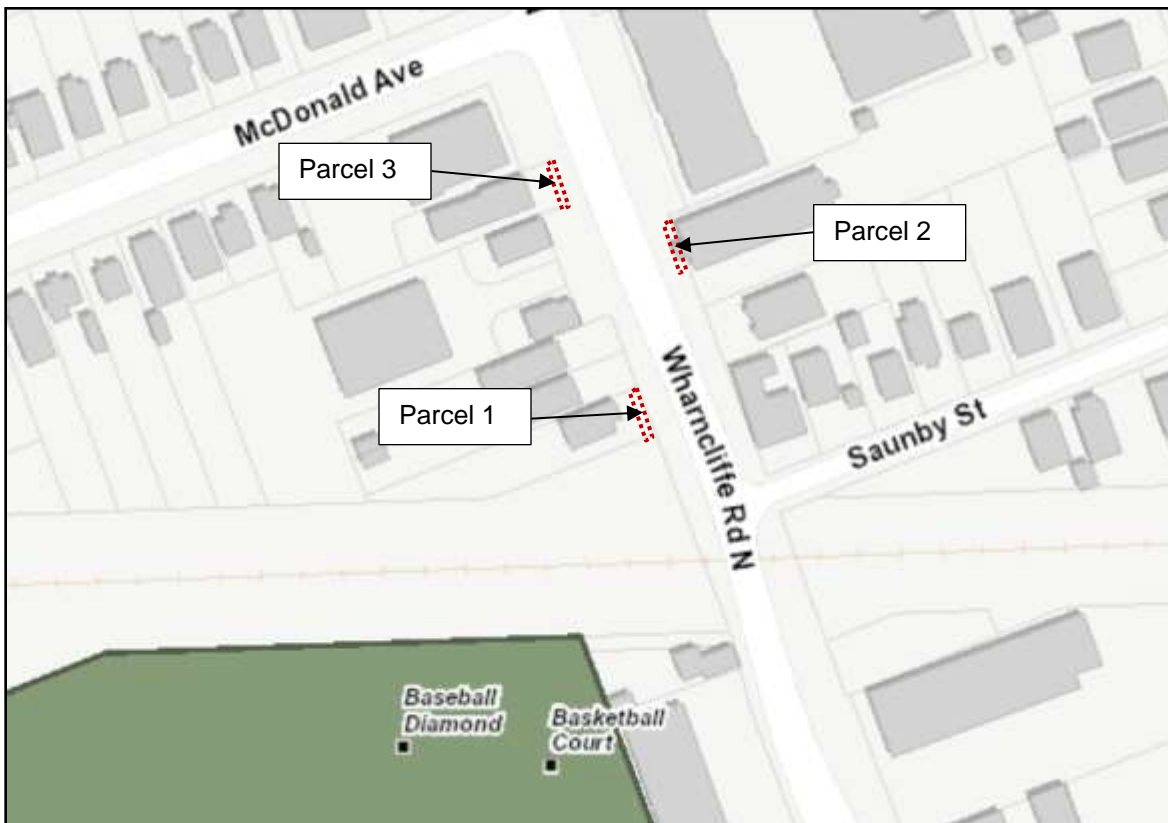
BACKGROUND

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. The second phase involves land acquisitions within the corridor along with easements associated for the relocation of utilities.

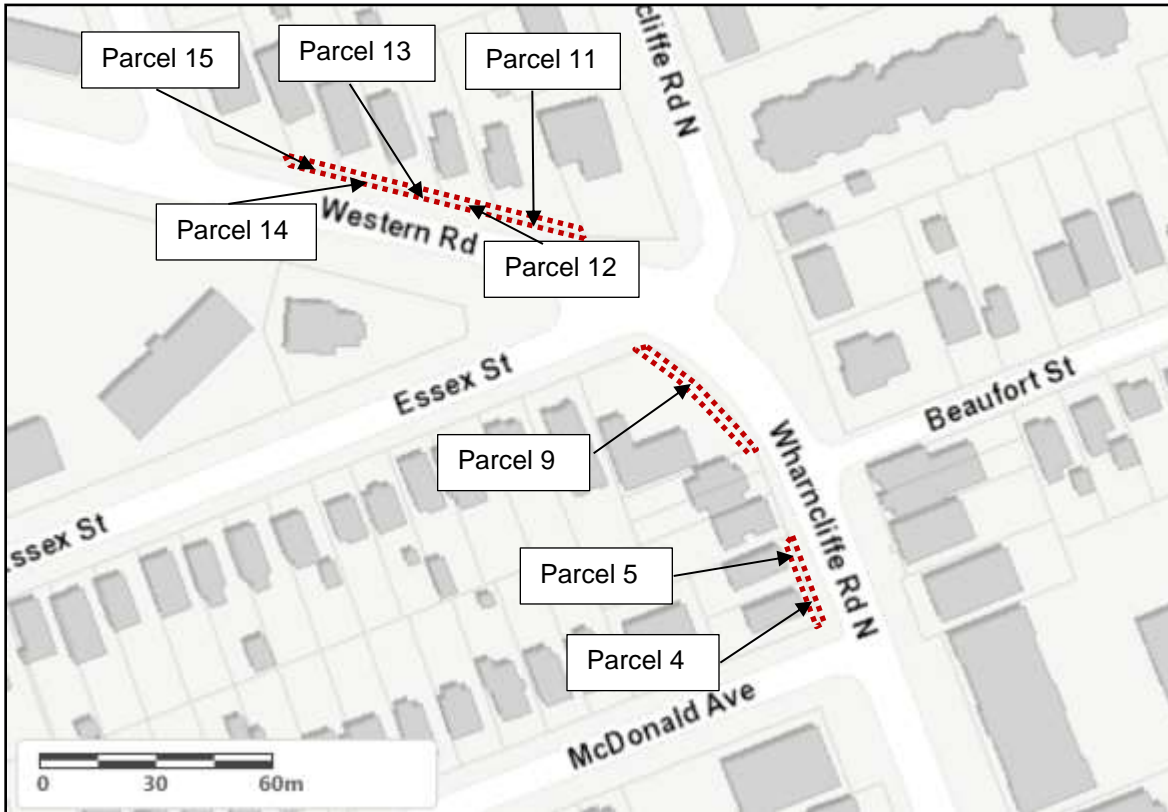
The subject properties are required in support of the Western Road EA. More specifically, the properties are required for the road widening portion of the project in 2018, as shown in the Environmental Study Report. These properties will accommodate the proposed works and improvements along this section of the project.

Negotiations commenced in the summer of 2016 with written offers provided and accepted by several owners. Of the original list of 22 properties to be expropriated Realty Services through amicable agreements has been successful in reducing that outstanding number of properties to be expropriated to 11. Furthermore, the City has signed offers on 4 properties (Parcels 2, 3, 4 and 5) which are due to close in mid-June. However, the balance of 4 owners which own the remaining 7 properties have rejected the offers presented. Realty Services will continue negotiations with these property owners in an effort to amicably acquire the balance of properties by a settlement agreement.

Hearing of Necessity inquiries were requested from two owners. The properties were located at 934 Western Road (Parcel 15) and 332 Wharnccliffe Road N. (Parcel 9). The Hearing of Necessity inquiries were held on April 7th & 10th, 2017, with Mr. Geoff Belch acting as counsel for the City and Mr. Ted Koza presenting evidence on behalf of the City. After hearing all pertinent evidence Mr. Colbourne, the Inquiry Officer concluded that both owners were not unduly prejudiced by the proposed expropriations, and that the proposed takings are regarded as fair, sound and reasonably necessary in the achievement of the objectives of the Expropriation Authority.



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Therefore, it is necessary to continue with the expropriation procedures for these properties in order for the project to proceed.

Anticipated Construction Timeline

Property requirements to be secured for 2018 construction.

SUBMITTED 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	

May 9, 2017
Attach.

Doc. P-2450

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

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APPENDIX "A"
(the Expropriated Lands)

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:

- 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 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 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).

* Reached amicable agreements on Parcels 6, 7, 8, 10 & 16 to 22

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APPENDIX "B"

Bill No.
2017

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 May 30, 2017 approved the expropriation of the lands and premises hereinafter described in attached Schedule "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 May 30, 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 Schedule '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 May 30, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – May 30, 2017
Second reading – May 30, 2017
Third reading – May 30, 2017

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Schedule "A"

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

DESCRIPTION OF THE LANDS TO BE EXPROPRIATED

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