

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON JULY 18, 2017</b>
<b>FROM:</b>	<b>KELLY SCHERR, P. ENG. MANAGING DIRECTOR ENVIRONMENTAL &amp; ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LANDS MAIN STREET AND COLONEL TALBOT ROAD INTERSECTION IMPROVEMENTS PROJECT TS-144616</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, with the concurrence of the Director, Roads and Transportation, on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of the lands, as may be required for the Main Street and Colonel Talbot Road Improvements Project at the intersection of Main Street and Colonel Talbot Road, 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 lands required for the Main Street and Colonel Talbot Road Improvements Project;
- 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 By-law attached as Appendix "B" **BE INTRODUCED** at the Council meeting on July 25, 2017 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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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.

<b>BACKGROUND</b>
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The subject properties are required in support of the Infrastructure Renewal Program in Lambeth. More specifically, the properties are required for the proposed intersection improvements at the corner of Main Street and Colonel Talbot, which are scheduled to be completed in 2018. These properties are key requirements in order to accommodate the proposed works and improvements.

There are two (2) fee simple property requirements, both of which are located on the east side of Colonel Talbot Road and require partial acquisitions. Negotiations commenced in August 2016 and have been successful in reaching an agreement with one of the property owners (United Church of Canada). This agreement is scheduled to close September 1, 2017. However, to date the other owner has rejected the City offers.

There are also two (2) temporary easement property requirements associated with the fee simple property requirements on the east side of Colonel Talbot Road. These temporary easements are required in order to install the new sidewalk, reconstruct the driveways, as well as the installation of temporary traffic signals during the construction at the intersection.

In order to meet Transportation's endeavour of ensuring property clearances and to support the Tendering Process, it is necessary to start the appropriate expropriation procedures. Realty Services will continue to review negotiations with the outstanding owner in an effort to achieve an acceptable outcome.

**Anticipated Construction Timeline**

Property requirements are to be secured for Spring 2018 construction.

Location maps are attached as Appendix "A" for the Committee's information.

<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER of REALTY SERVICES</b>	<b>EDWARD SOLDO DIRECTOR, ROADS AND TRANSPORTATION</b>
<b>RECOMMENDED BY:</b>	
<b>KELLY SCHERR P. ENG. MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>	

July 6, 2017  
Attach.

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

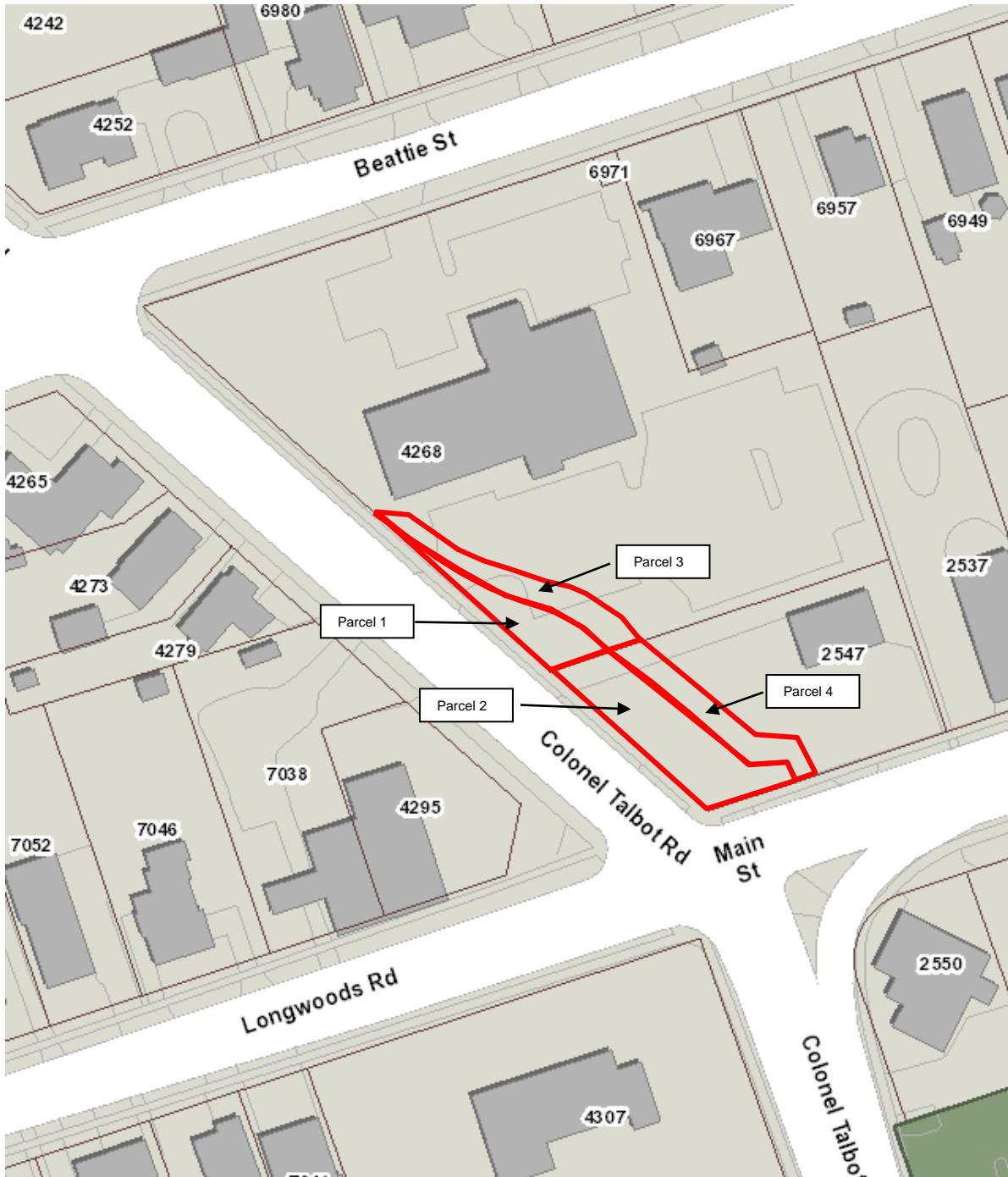
# APPENDIX "A"

## Main Street and Colonel Talbot Improvements Project



**APPENDIX "A"**

Main Street and Colonel Talbot Improvements Project (cont'd)



## APPENDIX "B"

Bill No.  
2017

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 Main Street and Colonel Talbot Intersection Improvement Project.

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 Main Street and Colonel Talbot Intersection Improvement Project;

NOW 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 Main Street and Colonel Talbot Intersection Improvement Project; which land is more particularly described in attached Schedule "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 Schedule "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 and effect on the day it is passed.

PASSED in Open Council on July, 25, 2017

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - July, 25, 2017  
Second Reading - July, 25, 2017  
Third Reading - July, 25, 2017

**Schedule "A"**

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

**DESCRIPTION OF LAND TO BE EXPROPRIATED FOR THE MAIN STREET AND COLONEL TALBOT INTERSECTION IMPROVEMENTS PROJECT**

The following two (2) parcels are required in fee simple:

Parcel 1. Part of Lots 1 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Part 1 on Reference Plan 33R-19755; being part of PIN 08214-0083; and,

Parcel 2. Part of Lots 1 and 2, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Part 3 on Reference Plan 33R-19755; being part of PIN 08214-0069

The following two (2) parcels are required for temporary easements:

Parcel 3. Part of Lots 1 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Part 2 on Reference Plan 33R-19755; being part of PIN 08214-0083; and,

Parcel 4. Part of Lots 1 and 2, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Part 4 on Reference Plan 33R-19755; being part of PIN 08214-0069

**Schedule "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 in fee simple being Part of Lots 1, 2 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Parts 1 and 3 on Reference Plan 33R-19755; being part of PIN's 08214-0083 and 08214-0069; for the purpose of the Main Street and Colonel Talbot Intersection Improvement Project.

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands for temporary easements being Part of Lots 1, 2 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Parts 2 and 4 on Reference Plan 33R-19755; being part of PIN's 08214-0083 and 08214-0069; for the purpose of the Main Street and Colonel Talbot Intersection Improvement Project.

**NOTICE IS HEREBY GIVEN** that application has been made for approval to expropriate the land described as follows:

Part of Lots 1, 2 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Parts 1, and 3 on Reference Plan 33R-19755; being part of PIN's 08214-0083 and 08214-0069 in fee simple, and Part of Lots 1, 2 and 26, North of Side Road and East of Talbot Road, Registered Plan 443(C), designated as Parts 2, and 4 on Reference Plan 33R-19755; being part of PIN's 08214-0083 and 08214-0069 for temporary easements.

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

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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                                              , 2017.