

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON JULY 17, 2017
FROM:	KELLY SCHERR, P. ENG, MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	LEGAL LIMIT TRANSFER WONDERLAND ROAD SOUTH & COLONEL TALBOT ROAD

RECOMMENDATION

That on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer the following actions **BE TAKEN** with respect to the coordination with the Ministry of Transportation Ontario (MTO) on Wonderland Road South and Colonel Talbot Road in the area of Highway 402:

- (a) Part of Wonderland Road South extending from approximately 275 metres south of Highway 402 to approximately 475 metres north of the Highway 402 including the structure over Highway 402 and the structure over Dingman Creek lying north of Highway 402 and designated 6-BR-08 **BE DECLARED SURPLUS** to the needs of the City and **BE TRANSFERRED** to the Ministry of Transportation;
- (b) The portions of Colonel Talbot Road extending approximately 400 metres south of Highway 402 and approximately 350 metres north of Highway 402 **BE DECLARED SURPLUS** to the needs of the City and **BE TRANSFERRED** to the Ministry of Transportation; and,
- (c) The attached proposed by-law (Appendix A) to approve the legal transfer of lands to the Ministry of Transportation **BE INTRODUCED** at the Municipal Council meeting to be held on July 25, 2017.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- None

2015-19 STRATEGIC PLAN

The following report supports the Strategic Plan through the strategic focus area of Growing our Economy by strategic collaborative partnerships. The proposed land transfers bring into compliance land ownerships in the area of Highway 402 consistent with MTO policies, while reducing the City of London's capital and operating expenditures in the area.

BACKGROUND

Purpose

The purpose of this report is to seek approval for the transfer of various portions of right-of-way to the Ontario Ministry of Transportation (MTO). The right-of-way are on Wonderland Road South and Colonel Talbot Road in the area of the Highway 402 interchanges.

DISCUSSION

City and MTO staff have been in discussion regarding a revision to the designation limits at two locations in the vicinity of Highway 402.

Wonderland Road South Limits

Presently the City owns Wonderland Road South across the Highway 402 Interchange. The proposed transfer would create new boundaries approximately 475 metres north and 275 metres south as seen on Appendix B. This corresponds to the limits of the interchange speed change lanes and would include the existing structures over Highway 402 and the Dingman Creek (6-BR-08) north of Highway 402.

Colonel Talbot Road Limits

Presently the City owns Colonel Talbot Road from immediately north and south of Highway 402. The proposed transfer would extend these boundaries approximately 350 meters north and 400 meters south as seen on Appendix C. This corresponds to the limits of the interchange speed change lanes.

Staff recommends acceptance of these two transfers of ownership and control to the Province. Transfer of responsibility has a beneficial impact on future capital and operating costs. In the future, MTO would be responsible for maintenance costs and future rehabilitations. The Wonderland Road structure over Highway 402 is in near-term need of a rehabilitation.

The proposed limits are consistent with MTO policies, it being noted similar re-designations have been carried out at other provincial highway interchanges in London.

MTO permit control for placement of buildings, structures and signs adjacent to provincial highways is defined through the Provincial Transportation and Highway Improvement Act. Permit control varies based on the type of application and highway classification. For large traffic generating developments, the permit jurisdiction extends up to 800 m from the provincial highway so the area subject to these transfers is already within control areas for certain uses. Some extension of permit control areas as a result of these transfers may occur depending upon the specifics of any particular application.

The Provincial Lieutenant Governor in Council has the authority to designate a highway as a Kings Highway under the Provincial Transportation and Highway Improvement Act. In accordance with the City's Sale and Other Disposition of Land Policy (By-Law A.-6151-17), it is necessary to declare the portions of Wonderland Road South and Colonel Talbot Road that are to be transferred to the MTO, surplus to the needs of the City.

CONCLUSION

There is mutual benefit to both parties associated with these transfers. These proposals will have a beneficial impact on future City capital and operating costs. The increase to MTO's permit control is not anticipated to have a significant impact on future development in the area.

Acknowledgements

This report was prepared with assistance from Jane Fullick, Senior Technologist, and Karl Grabowski, P. Eng., Transportation Design Engineer, both of the Transportation Planning and Design Division, and Gary Irwin, Division Manager and Chief Surveyor, Geomatics Division.

PREPARED BY:	REVIEWED & CONCURRED BY:
DOUG MACRAE, P. ENG. DIVISION MANAGER TRANSPORTATION PLANNING & DESIGN	EDWARD SOLDO, P.ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

KPG/jf

- Attach: Appendix A: Proposed By-law
 Appendix B: Location Map – Wonderland Road South
 Appendix C: Location Map – Colonel Talbot Road

- c. Gary Irwin, Geomatics
- Rick Brown, Tangible Capital Assets
- D. Secord, MTO, Corridor Management Office, West Region

APPENDIX A

Bill No.
2017

By-law No. S - _____

A by-law authorize the transfer of portions of Wonderland Road South and Colonel Talbot Road to the Ontario Ministry of Transportation.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Province of Ontario through the Ministry of Transportation has directed that it intends to take over responsibility for portions of Wonderland Road South and Colonel Talbot Road through the issuance of an Order-in-Council;

AND WHEREAS it is expedient to transfer certain portions of Wonderland Road South and Colonel Talbot Road in the City of London to the Ontario Ministry of Transportation;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That the transfer of:
 - a) a portion of Wonderland Road South extending from approximately 275 metres south of Highway 402 to approximately 475 metres north of Highway 402 including the Highway 402 structure and the Dingman Creek structure designated 6-BR-08; and
 - b) the portions of Colonel Talbot Road extending approximately 400 metres south of Highway 402 and approximately 350 metres north of Highway 402;to the Ontario Ministry of Transportation is hereby authorized and approved.
2. This By-law comes into force and effect on the day it is passed.

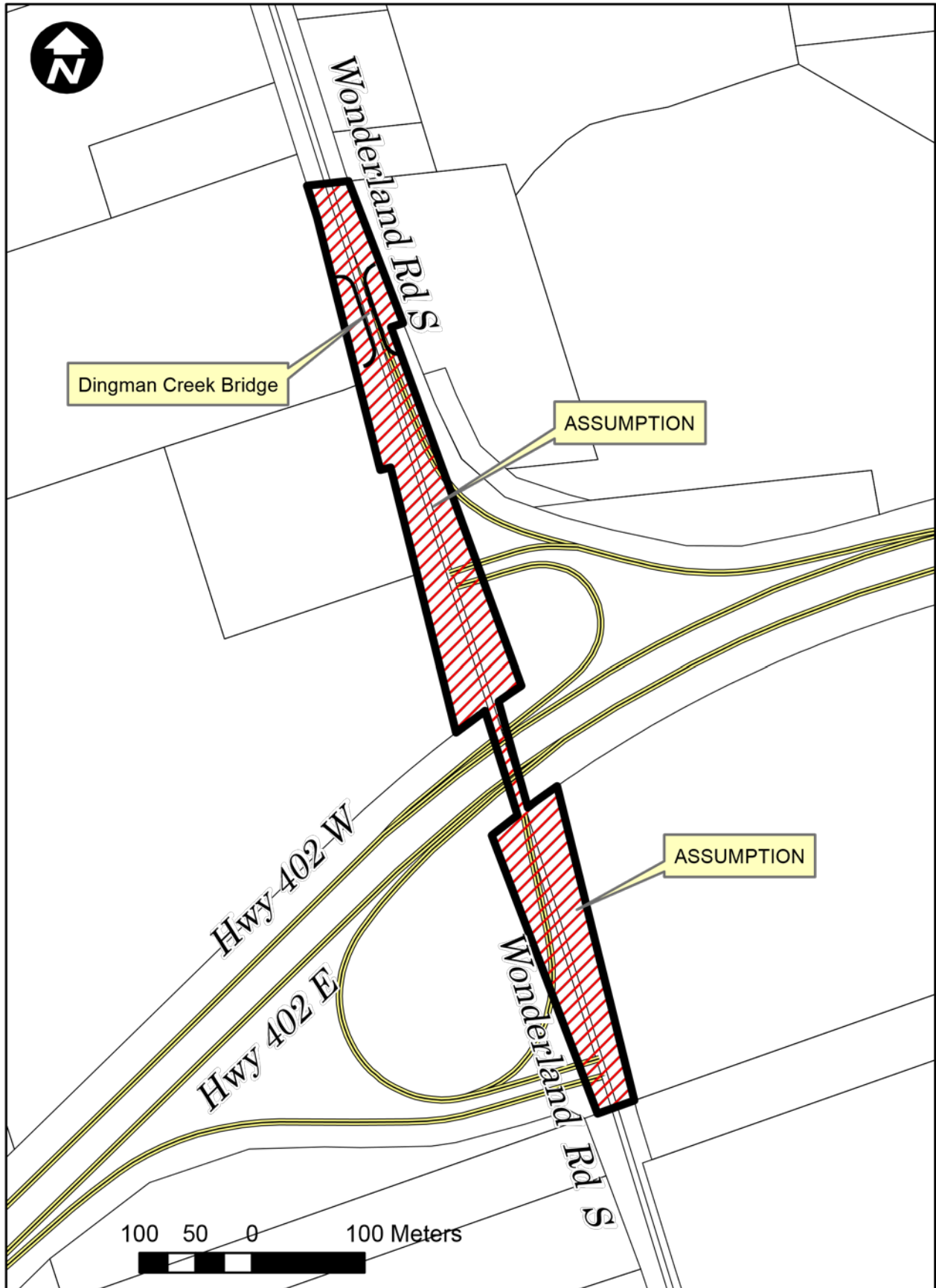
PASSED in Open Council on _____

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading

APPENDIX B Wonderland Road South



APPENDIX C Colonel Talbot Road

