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File No. P-2463 (1)

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 OCTOBER 17, 2017</p>
FROM:	<p>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS MAIN STREET AND COLONEL TALBOT ROAD INTERSECTION IMPROVEMENTS PROJECT TS-144616</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 Main Street and Colonel Talbot Road Improvements Project at the intersection of Main Street and Colonel Talbot Road, the following actions be taken in connection therewith:

- a) the proposed bylaw attached as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting on October 17, 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
- The Council of The Corporation of the City of London as The Approving Authority under the Expropriation Act – July 25, 2017
- The Council of the Corporation of the City of London as The Approving Authority under the Expropriation Act – October 17, 2017

BACKGROUND

The subject property is required in support of the Main Street and Colonel Talbot Intersection Improvement Project. More specifically, the property is required to realign the intersection of

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Colonel Talbot Road and Main Street in 2018. This property will accommodate the proposed works and improvements along this section of the project.

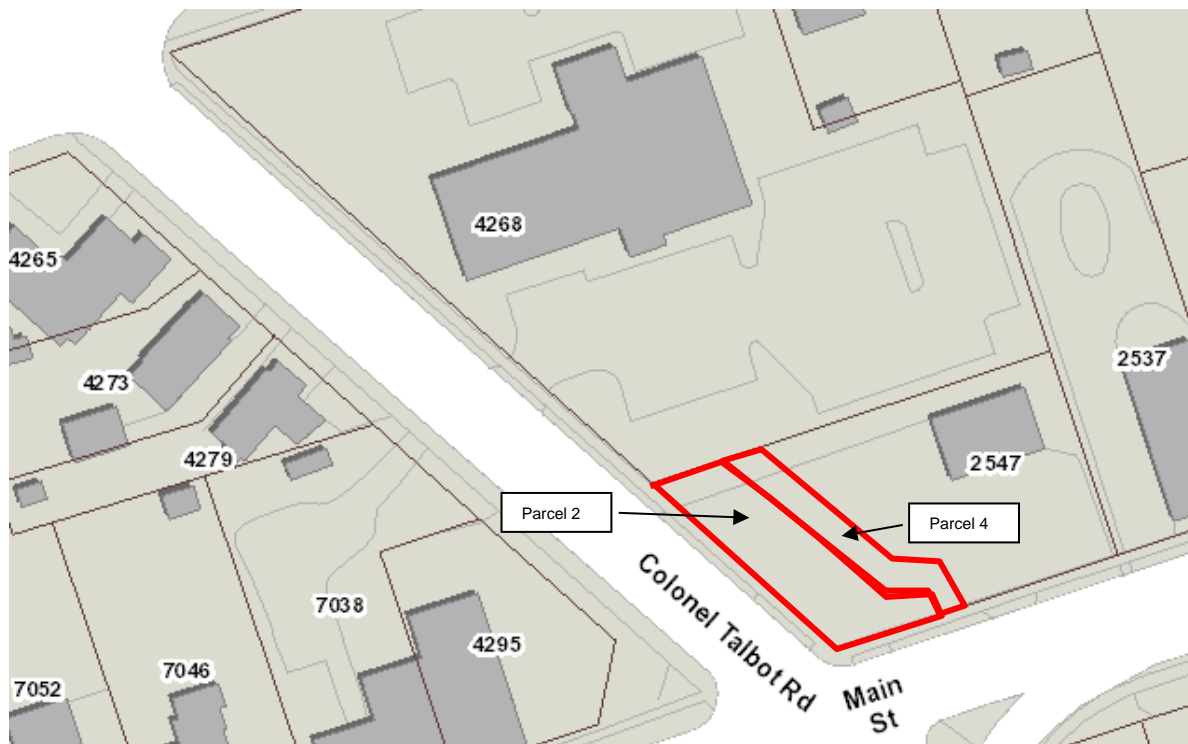
Negotiations commenced in the August of 2016 with written offers provided to all owners. Of the original list of property requirements to be expropriated Realty Services has been successful in reducing the outstanding number of properties to be expropriated to 1 property, consisting of one fee simple requirement and one temporary easement requirement. Realty Services will continue negotiations with the property owner in an effort to amicably acquire the balance of properties by a settlement agreement.

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.

Lands to be expropriated shown on map below.



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	

September 27, 2017
Attach.

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

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APPENDIX "A"
(the Expropriated Lands)

DESCRIPTION OF LAND TO BE EXPROPRIATED FOR MAIN STREET
AND COLONEL TALBOT ROAD IMPROVEMENTS PROJECT

The following parcel is required in fee simple:

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 parcel is required as a temporary easement for a term of seven (7) months beginning April 1, 2018 and ending on October 31, 2018:

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

* Reached amicable agreements on Parcels 1 & 3

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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 Main Street and Colonel Talbot Road Intersection Improvements Project at the intersection of Main Street and Colonel Talbot Road.

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 October 17, 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 October 17, 2017 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 October 17, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – October 17, 2017
Second reading – October 17, 2017
Third reading – October 17, 2017

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Schedule "A"

To By-law L.S.P.-

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