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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 JUNE 11, 2013</p>
FROM:	<p>BILL WARNER MANAGER REALTY SERVICES</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS HYDE PARK ROAD WIDENING PROJECT – PHASE I – TS1477-1</p>

RECOMMENDATION

That, on the recommendation of Manager Realty Services, with the concurrence of the Managing Director, Environmental and Engineering Services and City Engineer and the Director, Roads and Transportation, the following actions be taken with respect to the approval by the Approving Authority June 11, 2013, of the proposed expropriation of lands, as required for the Hyde Park Road Widening and Improvements Project - Phase I, between Oxford Street West and South Carriage Road:

- a) the proposed by-law attached as Schedule 'B' **BE INTRODUCED** at the Municipal Council meeting on June 11, 2013 by The Corporation of the City of London as Expropriating Authority, with respect to the lands described in Schedule '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 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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Environment and Transportation Committee - June 22, 2009 - Appointment of Consulting Engineers; Class Environmental Assessments for Hyde Park Road, Sarnia Road, Sunningdale Road

Civic Works Committee - December 19, 2011 - Hyde Park Road Environmental Study Report, Notice of Completion

Corporate Services Committee – March 19, 2013 – Expropriation of Lands Hyde Park Road Widening – Phase I – TS1477-1

Corporate Services Committee – March 19, 2013 – Expropriation of Lands Hyde Park Road

The Council of The Corporation of the City of London as The Approving Authority under the Expropriations Act – June 11, 2013

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BACKGROUND

At its meeting held on January 10, 2012, Municipal Council approved and accepted the Schedule "C" Municipal Class Environmental Assessment and Hyde Park Road Improvements Environmental Study Report. The Environmental Study Report was subsequently placed on public record for a 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 and backing onto the road allowance throughout the length of the corridor from south of Oxford Street to north of Sunningdale Road, as well as adjacent natural areas. The entire project is to follow a phased approach. The first phase of this project requires several partial property takings within the corridor along with easements associated with the relocation of utilities.

Negotiations commenced in excess of one year ago and written offers have been rejected by some of the property owners. In March of 2013 the expropriation procedures were initiated and the outstanding owners were provided with the Notice of Expropriation. None of the affected owners have requested a Hearing of Necessity. It is necessary to continue with the appropriate expropriation procedures for the outstanding properties in order for the project to proceed.

Anticipated Construction Timeline

Property requirements for utility relocation to be secured for fall 2013. The balance of property requirements to be secured for spring 2014 construction.

RECOMMENDED BY:	REVIEWED AND CONCURRED BY:
BILL WARNER MANAGER REALTY SERVICES	EDWARD SOLDO DIRECTOR ROADS AND TRANSPORTATION
REVIEWED AND CONCURRED BY:	
JOHN BRAAM MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

June 4, 2013
Attach.

File No. P-2350

cc: Gary Irwin, Division Manager & Chief Surveyor
David G. Munteer, Solicitor II

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SCHEDULE 'A'

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE HYDE PARK ROAD WIDENING AND IMPROVEMENTS - PHASE I - BETWEEN OXFORD STREET AND SOUTH CARRIAGE ROAD

The following lands are required in fee simple:

1. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 2 on Plan 33R-18550 being part of PIN 08064-0029(LT).
2. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 3 on Plan 33R-18550 being part of PIN 08064-0030(LT).
3. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 2 on Plan 33R-18288 being part of PIN 08064-0025(LT).
4. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 3 on Plan 33R-18288 being part of PIN 08064-0023(LT).
5. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 4 on Plan 33R-18288 being part of PIN 08064-0022(LT).

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SCHEDULE ‘B’

Bill No.
2013

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

A By-law to expropriate lands in the City of London, in the County of Middlesex, for the Hyde Park Road Widening and Improvements Project - Phase I between Oxford Street West and South Carriage 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 June 11, 2013 approved the expropriation of the lands and premises hereinafter described in Appendix “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 June 11, 2013 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 Appendix ‘A’ of this by-law 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

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – June 11, 2013
Second reading – June 11, 2013
Third reading – June 11, 2013

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APPENDIX 'A'

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

DESCRIPTION OF THE LANDS TO BE EXPROPRIATED

1. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 2 on Plan 33R-18550 being part of PIN 08064-0029(LT).
2. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 3 on Plan 33R-18550 being part of PIN 08064-0030(LT).
3. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 2 on Plan 33R-18288 being part of PIN 08064-0025(LT).
4. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 3 on Plan 33R-18288 being part of PIN 08064-0023(LT).
5. Part of Lot 24 in Concession 3 of the geographic Township of London now in the City of London and County of Middlesex designated as Part 4 on Plan 33R-18288 being part of PIN 08064-0022(LT).