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File No. P-2109(C)

<b>TO:</b>	<p><b>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</b></p> <p><b>AS THE APPROVING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></b></p> <p><b>MEETING ON JANUARY 30, 2018</b></p>
<b>FROM:</b>	<p><b>ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER</b></p> <p><b>JOHN FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b></p>
<b>SUBJECT:</b>	<p><b>EXPROPRIATION OF LANDS IMPLEMENTATION OF THE MEDWAY VALLEY TRAIL MASTER PLAN NORTH OF FANSHAWE PARK ROAD</b></p>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the Managing Director, Planning and City Planner, with the concurrence of the Manager, Environmental and Parks Planning, on the advice of the Manager of Realty Services, with respect to the expropriation of lands for the project known as the Medway Valley Trail Master Plan Project, located north of Fanshawe Park Road, the following actions be taken in connection therewith:

- a) the Council of The Corporation of the City of London as Approving Authority pursuant to the *Expropriations Act, R.S.O. 1990, c. E.26*, as amended, **HEREBY APPROVES** the proposed expropriation of land, as described in Appendix "A" attached hereto, in the City of London, County of Middlesex, it being pointed out that the reasons for making this decision are as follows:
  - i) the subject lands are required by The Corporation of the City of London for the Medway Valley Trail Master Plan Project;
  - ii) to complete the permanent pathway, to the City's accessibility standards as approved by Council – Medway Valley Trail North – Option 5B, Further Enhances Accessibility and Community Connections; and
- b) that a certificate of approval **BE ISSUED** by the City Clerk on behalf of the Approving Authority in the prescribed form.

It being noted that a request for a Hearing of Necessity was received and for the parcel included in Appendix "A", however the hearing was ultimately cancelled by the property owner, as outlined in the letter attached as Appendix "C".

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**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

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|-----------------|---|
| August 30, 2004 | Environment & Transportation Committee Report that recommended proceeding with the 30 day Environmental Assessment Addendum review period, noting that the concerns of S. Levin (specific environmental concerns) and the Attawandaron Residents Association (requesting asphalt pathway links) has been addressed. |
| June 7, 2010    | Planning Committee report regarding environmental monitoring of Phase II of the Medway trunk sanitary sewer construction, which noted that the maintenance access road was gravel, except where it entered the valley and the steeper slopes warranted an asphalt surface.  |
| April 9, 2013   | Planning and Environment Committee report recommending that the North Medway Valley Heritage Forest Environmentally Significant Area Trail Master Plan be accepted and approving "Trail Option 5B – Enhanced Accessibility".  |
| April 11, 2017  | Corporate Services Committee – Expropriation of Land – Implementation of the Medway Valley Trail Master Plan North of Fanshawe Park Road  |

**BACKGROUND**

In April 2013, the Civic Administration recommended to Council to approve trail Option 5B with enhancements based on considering all background data and history, recent trail planning design standards, and the intent of the recommendation of the EAA, the expectations of the community, the sensitivities of the Valley ecosystem, the practicalities of managing ESAs in urban settings and cost considerations. This trail option was ultimately approved by Council with some modifications to be undertaken to further enhance accessibility.

Since May 2013, staff have implemented all other components of the Master Plan, including the approved "alternate trail route" around the property in question to provide the minimal north/south linkage. This part of the trail is not "accessible" and located closer to neighbouring homes than the city typically constructs. However, the Medway Valley Master Plan north of Fanshawe Road remains incomplete due to the City not owning or having easement rights required to complete the remaining trail Option 5B through the valley on private lands which is approximately 77 metres in length and approximately 0.303 acres in size.

Over the past several years, Realty Services was engaged by Environmental and Parks Planning to acquire land rights for the purpose of the public trail system as directed by Council. Despite best efforts made and providing various alternatives and proposals for consideration, the property owner remains unwilling to grant the land rights to the City to complete the pathway link and master plan works as approved by Council.

Realty Services will continue negotiations with the property owner in an effort to amicably acquire the balance of property by a settlement agreement.

Anticipated Construction Timeline

Property requirements to be secured for Summer 2018 construction.

Description of lands to be expropriated is attached as Appendix "A".

A location map is attached as Appendix "B".

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<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER OF REALTY SERVICES</b>	<b>ANDREW MACPHERSON MANAGER, ENVIRONMENTAL AND PARKS PLANNING</b>
<b>RECOMMENDED BY:</b>	<b>RECOMMENDED BY:</b>
<b>JOHN FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	<b>ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER</b>

January 18, 2018  
Attach.

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

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## **APPENDIX "A"**

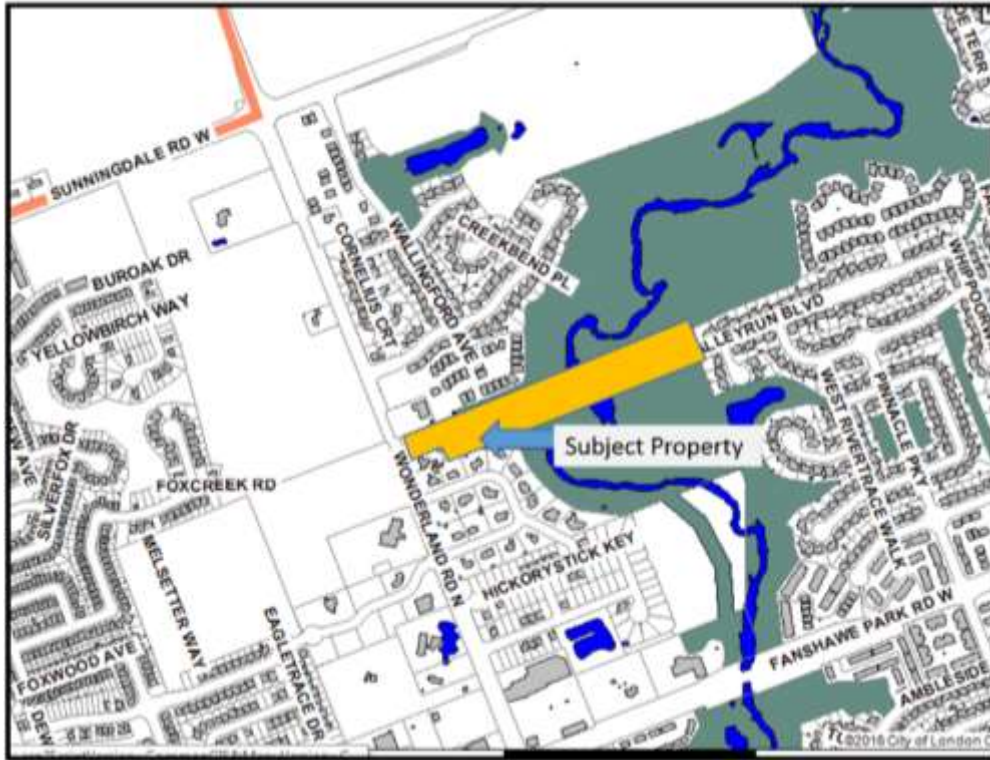
### **DESCRIPTION OF PERMANENT EASMENT INTEREST IN LANDS CERTAIN TO BE EXPROPRIATED FOR THE MEDWAY VALLEY TRAIL MASTER PLAN NORTH OF FANSHAWE PARK ROAD**

The following land is required in permanent easement interest certain:

Parcel 1.        Part of Lot 19, RCP 1028 in the City of London and County of Middlesex  
designated as Part 2 on plan 33R-16853 being part of PIN 080690005(LT)

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### APPENDIX "B"



Location of Subject Property



General location of Permanent Easement to be expropriated



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Permanent Easement to be obtained over Part 2 in Reference Plan 33R-16853