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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 EXPROPRIATING 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 proposed bylaw attached as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 30, 2018 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.

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

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- 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, 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.

Therefore, it is necessary to continue with the expropriation procedures for this property in order for the project to proceed.

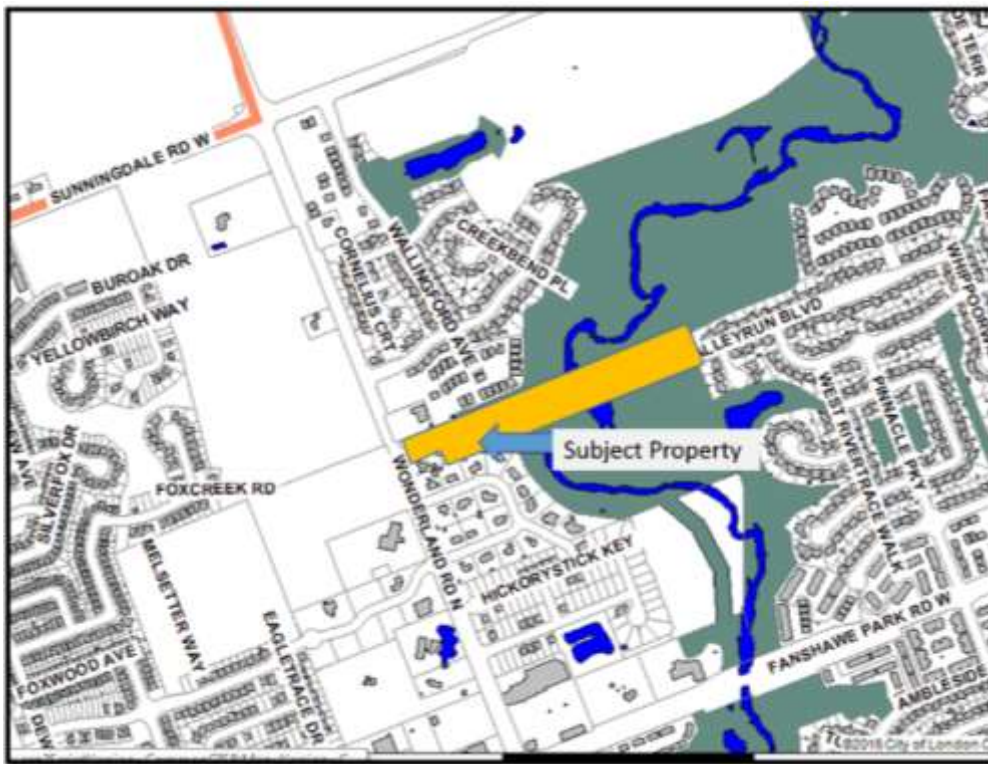
### **Anticipated Construction Timeline**

Property requirements to be secured for Summer 2018 construction.

General Location of the subject property and portion of Lands to be expropriated are shown on the next slide.

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Location and Portion of Lands to be Expropriated:



Location of Subject Property



General Location of Permanent Easement to be Expropriated



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

<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

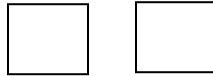
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**APPENDIX "A"**  
(the Expropriated Lands)

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)

**APPENDIX "B"**

Bill No.  
2018

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

A By-law to expropriate lands to complete the permanent pathway, to the City's accessibility standards as approved by Council – Medway Valley Trail North – Option 5B, Further Enhanced Accessibility and Community Connections for the implementation of the Medway Valley Trail Master Plan North of Fanshawe Park 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 January 30, 2018 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 January 30, 2018 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 January 30, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First reading – January 30, 2018  
Second reading – January 30, 2018  
Third reading – January 30, 2018

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**Schedule "A"**

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

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