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File No. P-2287 & P-2181 (B)

<b>TO:</b>	<p><b>HIS WORSHIP THE MAYOR MEMBERS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</b></p> <p><b>(AS THE APPROVING AUTHORITY UNDER THE EXPROPRIATIONS ACT)</b></p> <p><b>MEETING ON AUGUST 28, 2012</b></p>
<b>FROM:</b>	<p><b>TOM JOHNSON MANAGING DIRECTOR – CORPORATE ASSETS</b></p>
<b>SUBJECT:</b>	<p><b>EXPROPRIATION OF LANDS SOUTH SIDE OF DINGMAN DRIVE EAST OF WONDERLAND ROAD SOUTH</b></p>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the expropriation of lands for the Dingman Creek Erosion Control Wetland Facility, on the south side of Dingman Drive and east of Wonderland Road South, the following actions **BE TAKEN**:

- 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 on Dingman Drive, 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 Dingman Creek Erosion Control Wetland Facility;
  - ii) the design of the project will address the future needs of stormwater management and erosion control on Dingman Creek;
  - iii) the design is in accordance with the Municipal Class Environmental Assessment Study Recommendations for the Storm Water Management Erosion Control Wetland Facility in Dingman Creek accepted by Council on July 27, 2009;
- b) that a certificate of approval **BE ISSUED** in the prescribed form;
- c) it being noted that there was a request for a Hearing of Necessity received and was heard on June 22, 2012 from the property owners for property that is required for the project; and
- d) on July 11, 2012 the following notification being received from the Inquiry Officer from the Hearing as follows: "*I am not satisfied on the evidence that there is an alternative place for works to be commenced, and in the circumstances, as previously mentioned, the taking herein is fair, sound and reasonably necessary as illustrated.*"

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<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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November 30, 2011 FAC Report Application to Expropriate

October 19, 2009- Appointment of consulting Engineer for Functional and Detailed Design of the Dingman Creek Stormwater Management Erosion Control Wetland Facility (ES2682)

ETC - July 20, 2009- Municipal Class Environmental Assessment Study Recommendation for Proposed Dingman Creek Stormwater Management Erosion Control Wetland Facility.

ETC - May 26, 2008- Appointment of consulting Engineer for Municipal Class Environmental Assessment Study for a Wetland Facility in Dingman Creek.

ETC - August 22, 2005- Dingman Creek Subwatershed Study Update: Conclusions and Recommendations.

ETC - February 10, 2003- Stormwater Management and Drainage Projects ES-2480 Appointment of Consulting Engineer for the Subwatershed Study Update for Dingman Creek.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>BILL WARNER MANAGER REALTY SERVICES</b>	<b>TOM JOHNSON MANAGING DIRECTOR -CORPORATE ASSETS</b>

July 27, 2012  
Attach.

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cc: John Braam, Acting Executive Director & City Engineer  
 Gary Irwin, Division Manager & Chief Surveyor, Geomatics  
 Berta Krichker, Manager of Stormwater  
 David G. Mounteer, Solicitor II  
 Janice Page, Solicitor II

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## **APPENDIX 'A'**

### **DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE DINGMAN CREEK EROSION CONTROL WETLAND FACILITY PROJECT, ON THE SOUTH SIDE OF DINGMAN DRIVE AND EAST OF WONDERLAND ROAD SOUTH**

The following lands are required in fee simple:

1. Parcel 1: Part Of Lot 23, Concession 4 in the Geographic Township of Westminster, now in the City of London in the County of Middlesex, being part of PIN 08208-0146 (LT); and
2. Parcel 2: Part of Lot 23, Concession 4 in the Geographic Township of Westminster, now in the City of London in the County of Middlesex, being part of PIN 08208-216 (LT).