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

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

RECOMMENDATION

That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the approval by the Council of The Corporation of the City of London, as approving authority of the proposed expropriation of lands as required for the Dingman Creek Control Wetland Facility, on the south side of Dingman Creek and east of Wonderland Road South, the following actions **BE TAKEN**:

- a) the proposed expropriation by-law attached as Appendix 'B' **BE INTRODUCED** at the Municipal Council meeting on August 28, 2012, by The Corporation of the City of London as expropriating authority, with respect to the lands described in Appendix 'A' attached hereto;
- b) the Civic Administration **BE AUTHORIZED AND DIRECTED** to prepare a plan or plans showing the lands to be expropriated for registration in the appropriate registry, or land titles office, pursuant to the *Expropriations Act*; and
- c) the Civic Administration **BE AUTHORIZED AND DIRECTED** to execute and serve the notice of expropriation required by the *Expropriations Act* and such notices of possession that may be required to obtain possession of the expropriated lands.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

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.

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

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. Munteer, 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).

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APPENDIX 'B'

Bill No.

By-law No.

A By-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Creek Erosion Control Wetland Facility Project, on the south side of Dingman Drive and east of Wonderland Road South.

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 August 28, 2012, 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 August 28, 2012, 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 -
Second reading -
Third reading -