

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON JUNE 18, 2019</b>
<b>FROM:</b>	<b>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LAND WHARNCLIFFE ROAD WIDENING AND IMPROVEMENTS PROJECT</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, with the concurrence of the Director, Roads and Transportation and on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the Wharncliffe Road South Road Widening and Improvements Project between Becher Street and Springbank Drive, and that the following actions **BE TAKEN** in connection therewith:

- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the land required for Wharncliffe Road South Road Widening and Improvements between Becher Street and Springbank Drive;
- b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the *Expropriations Act*;
- c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and
- d) the attached Bylaw (Schedule "B") **BE INTRODUCED** at the Council meeting on June 25, 2019 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan
- Civic Works Committee - July 22, 2013 – Reprioritization of Growth Management Implementation Strategy (GMIS) Transportation Projects.
- Civic Works Committee – October 6, 2014 – Environmental Assessment Appointment of Consulting Engineer
- Civic Works Committee – November 29, 2016 – Environmental Assessment Update
- LACH – January 11, 2017 – Municipal Class Environmental Assessment Study – Wharncliffe Road South from Becher Street to Commissioners Road West

- LACH – November 16, 2017 – Wharnccliffe Road South Environmental Assessment 100 Stanley Street
- Civic Works Committee – February 6, 2018 – Environmental Study Report

## BACKGROUND

The subject properties are required in support of the Wharnccliffe Road South EA. More specifically, the properties are required for the road widening in 2020, as shown in the Environmental Study Report. These properties will accommodate the proposed works and improvements along this section of the project.

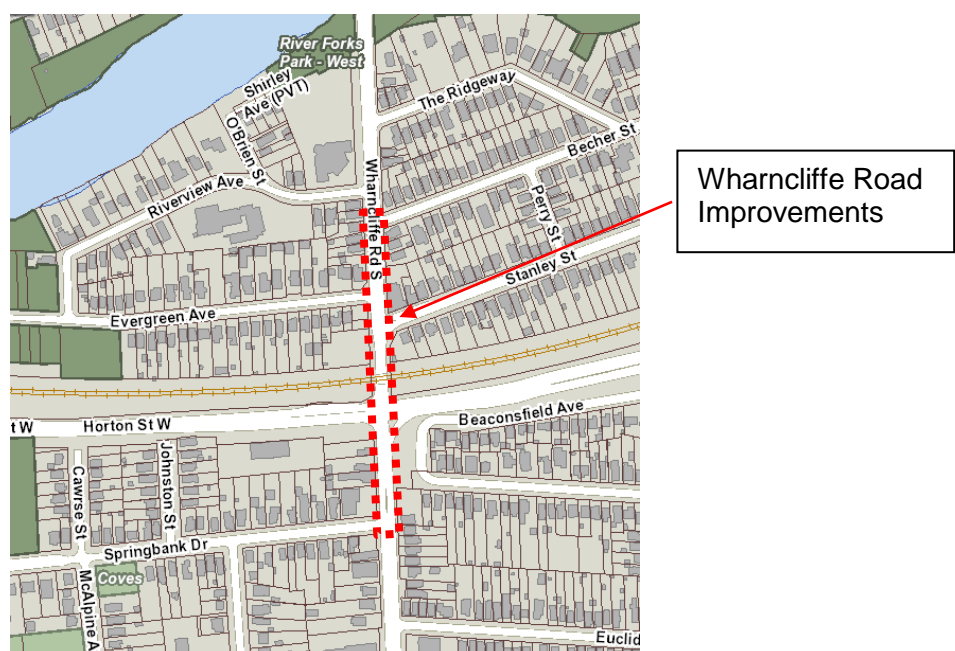
There are 12 property requirements, five of which are full buyouts, one permanent easement, with the balance requiring partial acquisition. Negotiations commenced in the Fall of 2018 with the current outstanding requirements standing at 11. Of the 11 outstanding properties one signed agreement has been achieved and awaits close in early July 2019, while another agreement has been signed by the owners and awaits consideration by Council. Negotiations are ongoing with all remaining owners.

The composition of the ownership interests in this area and more specifically along the corridor is of an adept and sophisticated nature. Many of the owners own multiple properties both commercial and multi-tenant residential.

The Expropriation process has been initiated at the request of the Roads and Transportation Division which is endeavouring to ensure property clearance is achieved in order to support the Tendering Process. As a result, it is necessary to start the appropriate expropriation procedures for the outstanding properties in order for the project to proceed and meet the prescribed timelines. Realty Services will continue to review negotiations with the property owners in an effort to achieve acceptable outcomes to all parties involved.

### Anticipated Construction Timeline

Property requirements are to be secured for Early 2020 utility relocation with road construction to follow thereafter.



Location maps and copy of the reference plan are attached as Schedule "A" for the Committee's information.

<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER OF REALTY SERVICES</b>	<b>DOUG MACRAE DIRECTOR ROADS AND TRANSPORTATION</b>
<b>RECOMMENDED BY:</b>	
<b>KELLY SCHERR, P.Eng., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>	

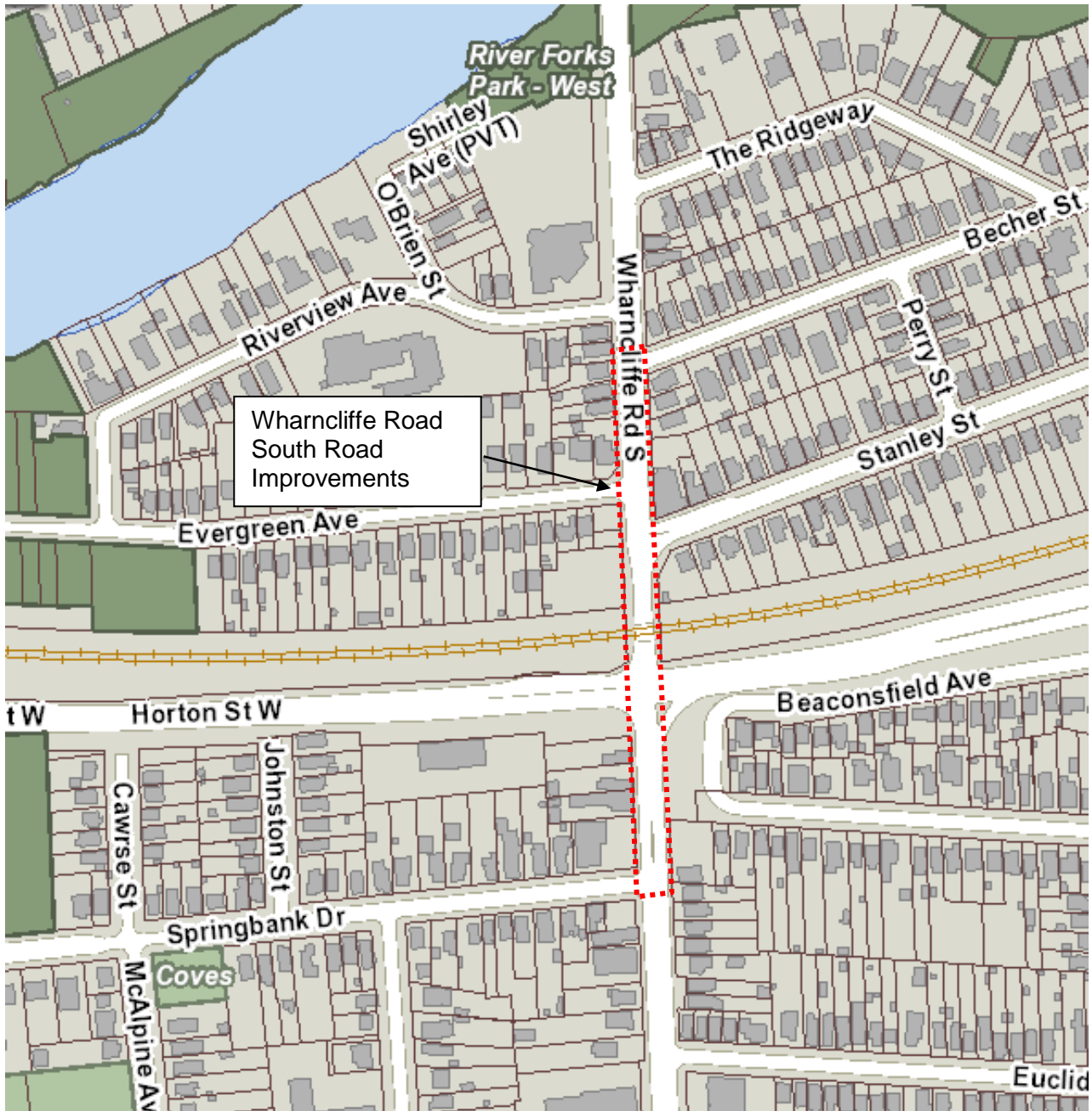
June 4, 2019  
Attach.

File No. P-2496

cc: Gary Irwin, Division Manager and Chief Surveyor  
David G. Mounteer, Assistant City Solicitor

## Schedule "A"

### Wharnccliffe Road South Road Widening and Improvements Project



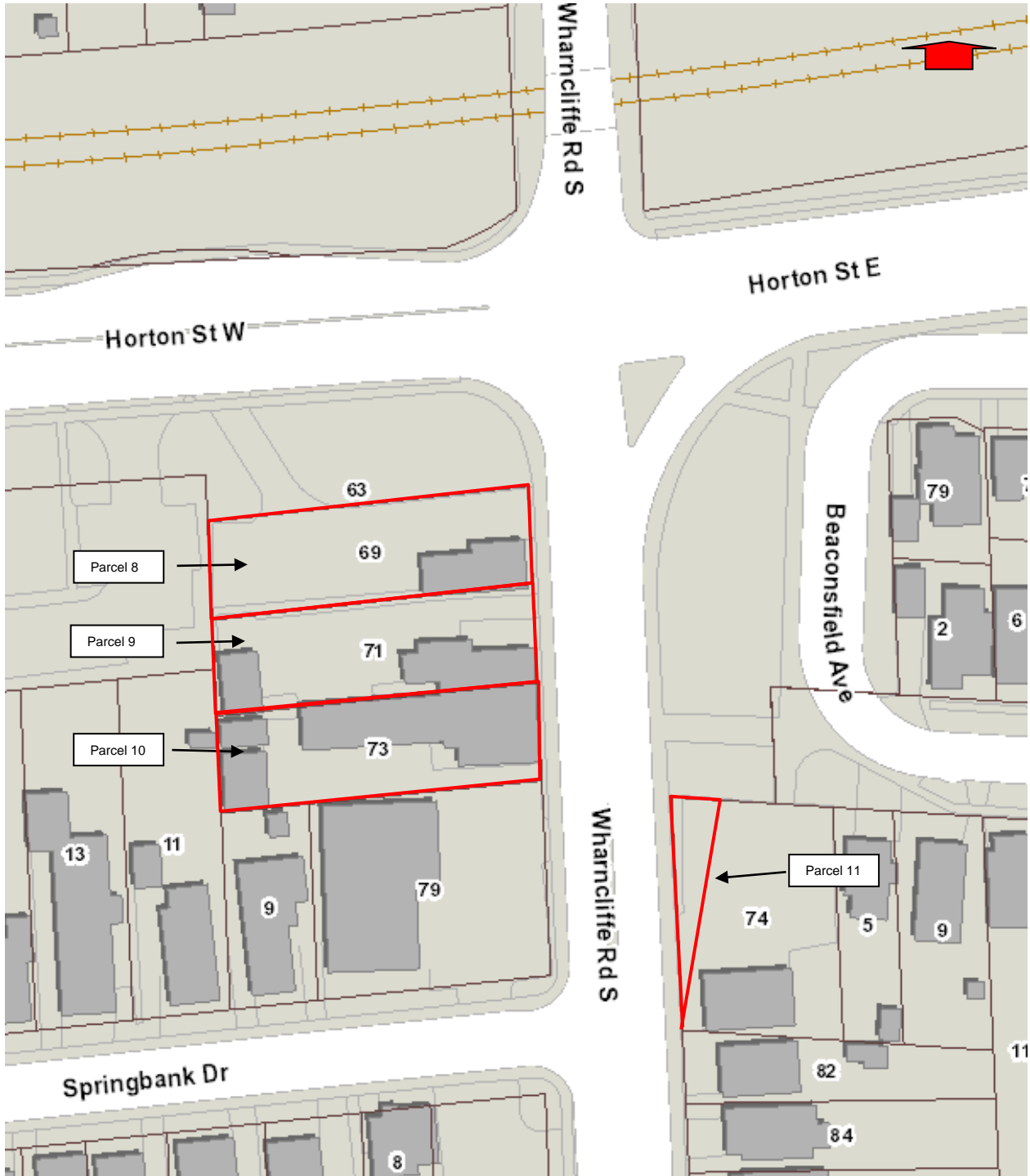
### Schedule "A" (cont'd)

#### Wharncliffe Road South Road Widening and Improvements Project (cont'd)



### Schedule "A" (cont'd)

#### Wharnccliffe Road South Road Widening and Improvements Project (cont'd)



## SCHEDULE "B"

Bill No.  
2016

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

A By-law to authorize and approve an application to expropriate land in the City of London, in the County of Middlesex, for the Wharncliffe Road South Road Widening and improvements Project between Becher Street and Springbank Drive.

WHEREAS The Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate lands for the Wharncliffe Road South Road Widening and improvements Project between Becher Street and Springbank Drive;

THEREFORE The Corporation of the City of London, as the expropriating authority, enacts as follows:

1. An application be made by The Corporation of the City of London as Expropriating Authority, to the Council of The Corporation of the City of London as approving authority, for approval to expropriate lands for the Wharncliffe Road South Road Widening and Improvements Project between Becher Street and Springbank Drive; which land is more particularly described in attached Appendix "A" of this by-law.
2. The Corporation of the City of London as Expropriating Authority serve and publish notice of the application referred to in section 1 of this by-law in the form attached hereto as Appendix "B", being the "Notice of Application for Approval to Expropriate Lands," in accordance with the requirements of the *Expropriations Act*.
3. The Corporation of the City of London as Expropriating Authority forward to the Chief Enquiry Officer, any requests for a hearing that may be received in connection with the notice of this expropriation and report such to the Council of The Corporation of the City of London for its information.
4. The Civic Administration be hereby authorized to carry out all necessary administrative actions in respect of the said expropriation.
5. This by-law comes into force on the day it is passed.

PASSED in Open Council on

Ed Holder, Mayor

Catharine Saunders, City Clerk

First Reading  
Second Reading  
Third Reading

## APPENDIX "A"

### To By-law L.S.P.-\_\_\_\_\_

#### DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR WHARNCLIFFE ROAD SOUTH ROAD WIDENING AND IMPROVEMENTS PROJECT - BETWEEN BECHER STREET AND SPRINGBANK DRIVE

The following lands are required in fee simple:

- Parcel 1: Part of Lot 12, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20264 being part of PIN 08256-0208(LT)
- Parcel 2: Part of Lot 9, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex being a right of way described in Instrument Number 476693 as the southerly 9' of the northerly 22' of the easterly 155' of Lot 9, Registered Plan 63(4<sup>th</sup>) being part of PIN 08256-0297(LT)
- Parcel 3: Part of Lot 19, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20264 being part of PIN 08323-0047(LT)
- Parcel 4: Part of Lots 18 and 19, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20264 being part of PIN 08323-0046(LT)
- Parcel 5: Part of Lot 18, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20264 being part of PIN 08323-0045(LT)
- Parcel 6: Part of Lots 17 and 18, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 5, 6, 7, 8, 9 and 10 on Plan 33R-20264 being all of PIN 08323-0044(LT)
- Parcel 7: Part of Lots 17 and 18, Registered Plan 427(4<sup>th</sup>) in the City of London, County of Middlesex being all of PIN 08324-0002(LT)
- Parcel 8: Part of Lot 4 and all of Lot 5, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 1 and 2 on Plan 33R-20265 being all of PIN 08256-0225(LT)
- Parcel 9: Part of Lot 4, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 3 and 4 on Plan 33R-20265 being all of PIN 08256-0224(LT)
- Parcel 10: All of Lot 3, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 5 and 6 on Plan 33R-20265 being all of PIN 08256-0223(LT)
- Parcel 11: Part of Lots 3 and 4, Registered Plan 288(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20265 being part of PIN 08324-0124(LT)



**APPENDIX "B"**

To By-law L.S.P.-\_\_\_\_\_

**EXPROPRIATIONS ACT, R.S.O. 1990, CHAPTER E.26**

**NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND**  
*Expropriations Act*

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands being all of Part of Lot 12, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20264 being part of PIN 08256-0208(LT); Part of Lot 9, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex being a right of way described in Instrument Number 476693 as the southerly 9' of the northerly 22' of the easterly 155' of Lot 9, Registered Plan 63(4<sup>th</sup>) being part of PIN 08256-0297(LT); Part of Lot 19, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20264 being part of PIN 08323-0047(LT); Part of Lots 18 and 19, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20264 being part of PIN 08323-0046(LT); Part of Lot 18, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20264 being part of PIN 08323-0045(LT); Part of Lots 17 and 18, Registered Plan 26(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 5, 6, 7, 8, 9 and 10 on Plan 33R-20264 being all of PIN 08323-0044(LT); Part of Lots 17 and 18, Registered Plan 427(4<sup>th</sup>) in the City of London, County of Middlesex being all of PIN 08324-0002(LT); Part of Lot 4 and all of Lot 5, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 1 and 2 on Plan 33R-20265 being all of PIN 08256-0225(LT); Part of Lot 4, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 3 and 4 on Plan 33R-20265 being all of PIN 08256-0224(LT); All of Lot 3, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Parts 5 and 6 on Plan 33R-20265 being all of PIN 08256-0223(LT); Part of Lots 3 and 4, Registered Plan 288(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20265 being part of PIN 08324-0124(LT) for the purpose of the Wharncliffe Road South Road Widening and Improvements Project between Becher Street and Springbank Drive.

**NOTICE IS HEREBY GIVEN** that application has been made for approval to expropriate the following lands described as follows:

- Parcel 1: Part of Lot 12, West of Wharncliffe Rd, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20264 being part of PIN 08256-0208(LT)
- Parcel 2: Part of Lot 9, Registered Plan 63(4<sup>th</sup>) in the City of London, County of Middlesex being a right of way described in Instrument Number 476693 as the southerly 9' of the northerly 22' of the easterly 155' of Lot 9, Registered Plan 63(4<sup>th</sup>) being part of PIN 08256-0297(LT)
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Any owner of land in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The Council of The Corporation of the City of London  
City Hall  
300 Dufferin Avenue  
P.O. Box 5035  
London ON N6A 4L9

The expropriating authority is:

THE CORPORATION OF THE CITY OF LONDON

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CATHARINE SAUNDERS  
CITY CLERK

Notes:

1. The *Expropriations Act, R.S.O. 1990, c. E.26*, provides that:
  - (a) where an inquiry is requested, it shall be conducted by an Inquiry Officer appointed by the Attorney General;
  - (b) the Inquiry Officer,
    - i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
    - ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriating authority to pay such costs forthwith.
  
2. "Owner" and "Registered Owner" are defined in the *Act* as follows:

"Owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a guardian of property, and a guardian, executor, administrator or trustee in whom land is vested;

"Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper land registry or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;
  
3. The Expropriating Authority, each owner who notifies the approving authority that he desires a hearing in respect of the lands intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice first published on the            day of            , 2019.