

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON OCTOBER 22, 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 ADELAIDE STREET CP RAIL GRADE SEPARATION 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, on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the Adelaide Street CP Rail Grade Separation Project, 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 Adelaide Street CP Rail Grade Separation Project;
- 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 October 29, 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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- Environment and Transportation Committee – November 28, 2005 – Priority Setting Factors for Future Rail / Road Grade Separations
- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan
- Civic Works Committee – October 28, 2013 – Adelaide Street North / Canadian Pacific Railway Grade Separation Report
- Strategic Priorities and Policy Committee – June 23, 2014 – Approval of 2014 Development Charges By-Law and DC Background Study
- Civic Works Committee – January 5, 2016 – Environmental Assessment Appointment of Consulting Engineer
- Civic Works Committee – December 12, 2016 – Environmental Assessment Update
- Civic Works Committee – September 26, 2017 – Transport Canada Grade Crossing Regulations and Railway Funding Application
- Civic Works Committee – May 28, 2018 – Railway Rationalization

- Civic Works Committee – August 13, 2018 – Adelaide Street North / Canadian Pacific Railway Grade Separation Environmental Study Report

## **BACKGROUND**

The subject properties are required to support the Adelaide Street CP Rail Grade Separation Project.

The CPR crossing is located on Adelaide Street North between McMahan Street / Pall Mall Street and Central Avenue. The broader EA study area extends from Oxford Street East (in the north) to Queens Avenue (in the south).

The Adelaide Street North / CPR Grade Separation project was identified in the 2014 Transportation Development Charges Background Study with a recommendation for construction in 2031. Due to the area's strategic location, the Smart Moves 2030 Transportation Master Plan (TMP) also identifies the need for traffic capacity optimization and transit priority on this corridor. The project timing was subsequently adjusted in the 2018 capital budget update for near-term implementation. The amendment considered the fastest possible project implementation with construction beginning as early as 2021, subject to EA clearance, property acquisition and railway concurrence.

Construction of this project is predominantly planned to take place in 2021/2022 with commencement of utility relocations required in 2020 to facilitate the improvements. The project recently received approval for the Adelaide Street CP Rail Separation Project Class EA and remains subject to property acquisitions.

There are 23 property requirements, five of which are full buyouts, two permanent easements, with the balance requiring partial acquisition. Negotiations commenced in the Fall of 2018 with the current outstanding requirements standing at 21. Of the 21 outstanding properties, two signed agreements have been achieved and await completion in October 2019. 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. There are several businesses that will be impacted and relocated.

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 of the property requirements are attached as Schedule "A" for the Committee's information.

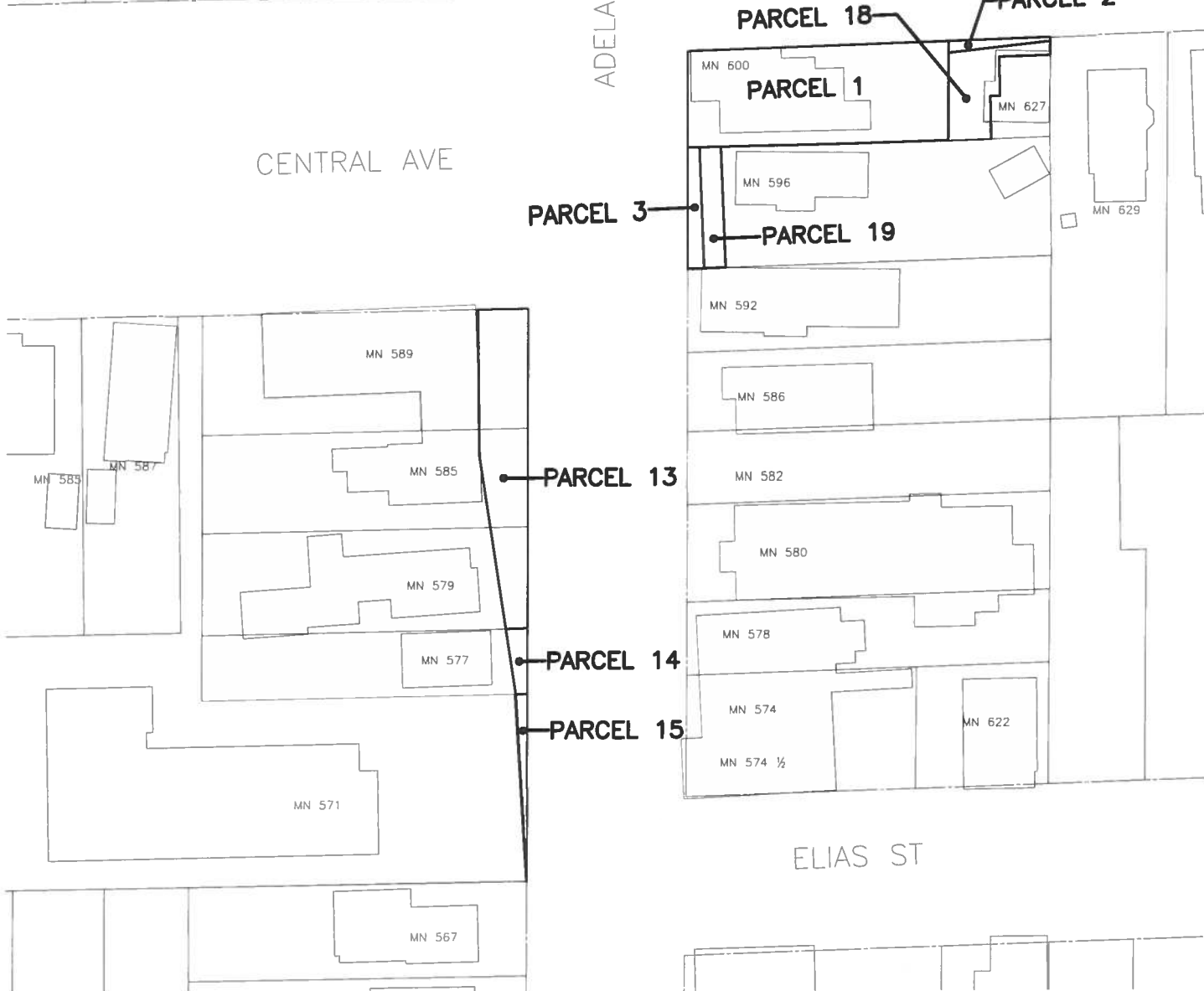
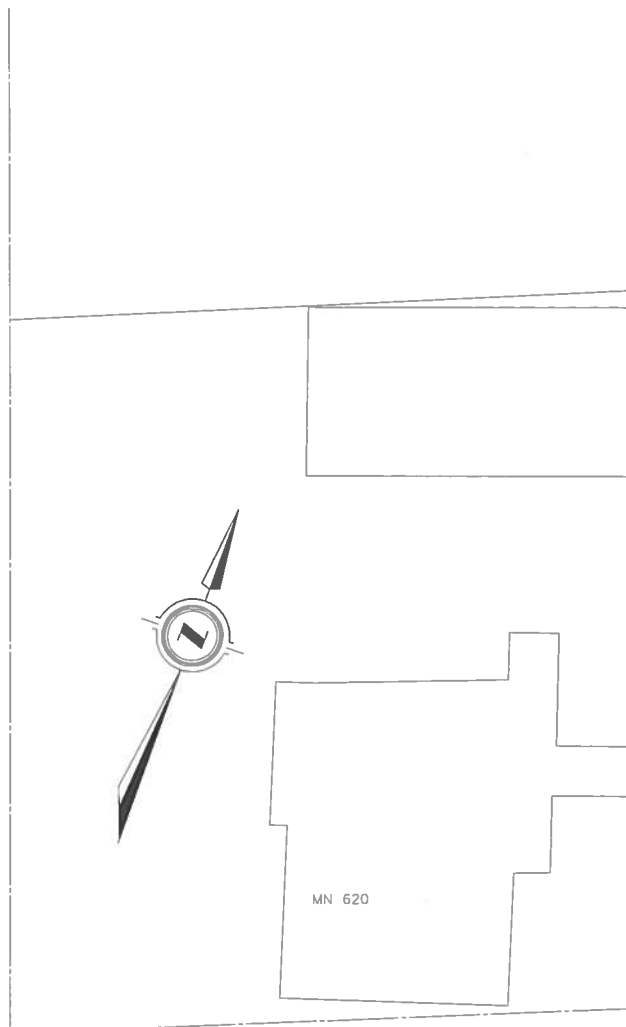
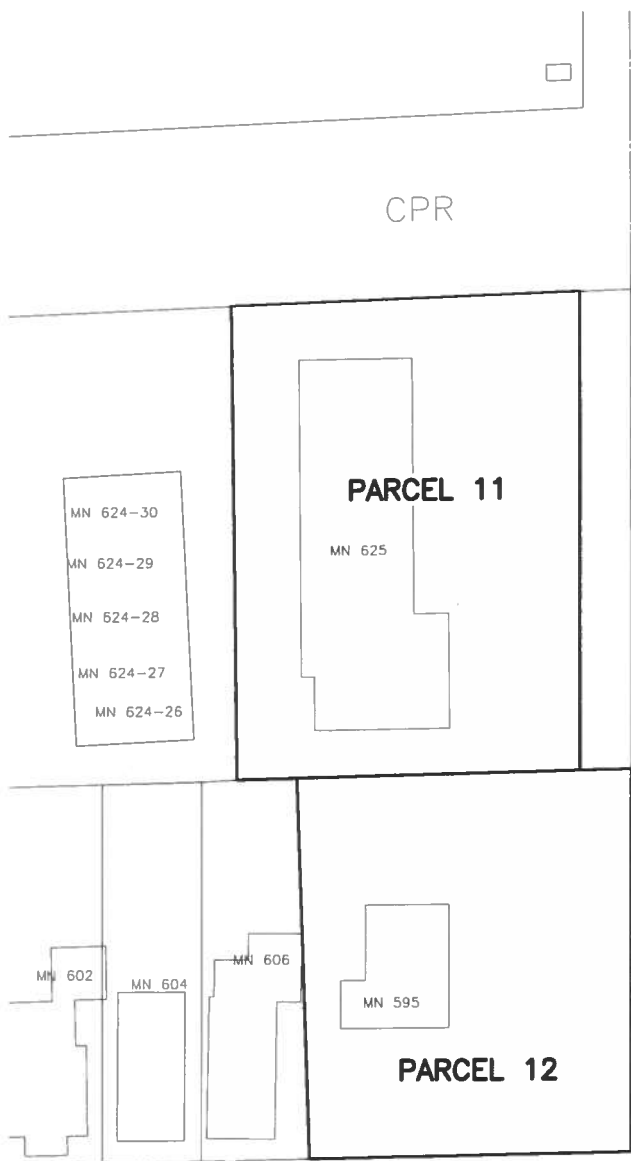
<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER OF REALTY SERVICES</b>	<b>DOUG MACRAE, P. ENG. DIRECTOR ROADS AND TRANSPORTATION</b>
<b>RECOMMENDED BY:</b>	
<b>KELLY SCHERR, P.Eng., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>	

October 8, 2019  
Attach.

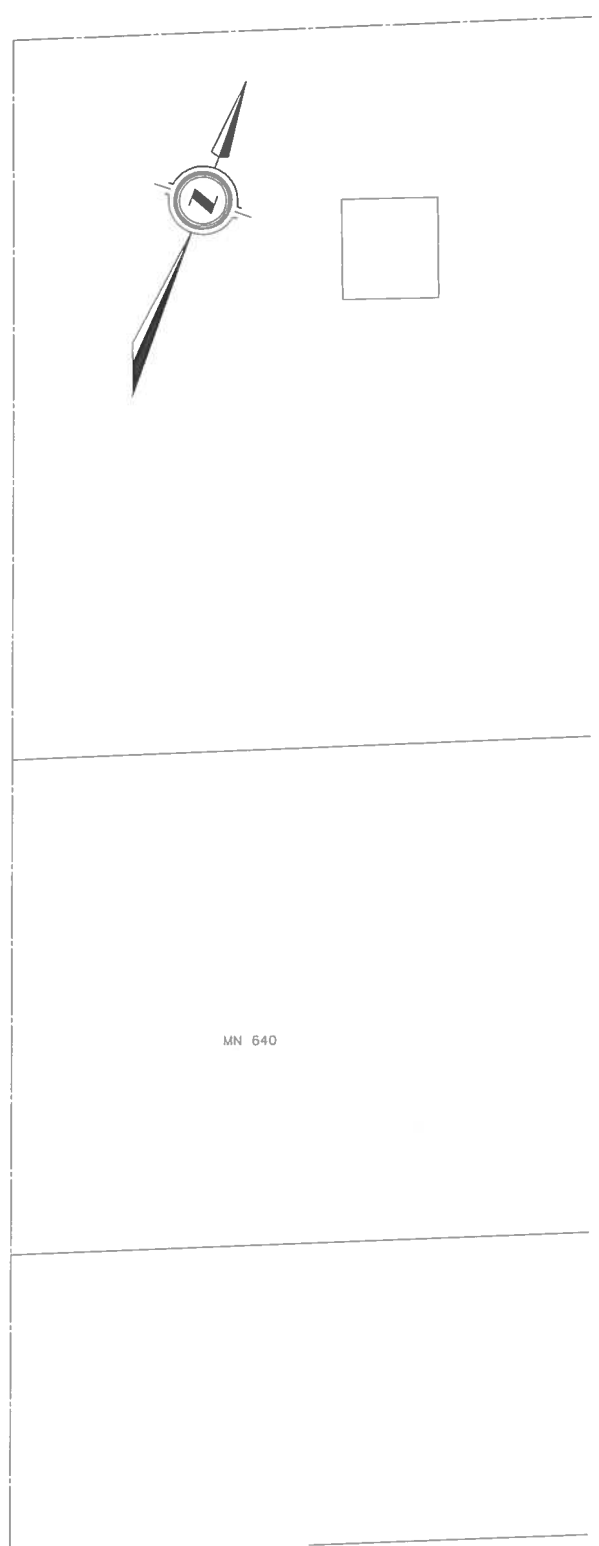
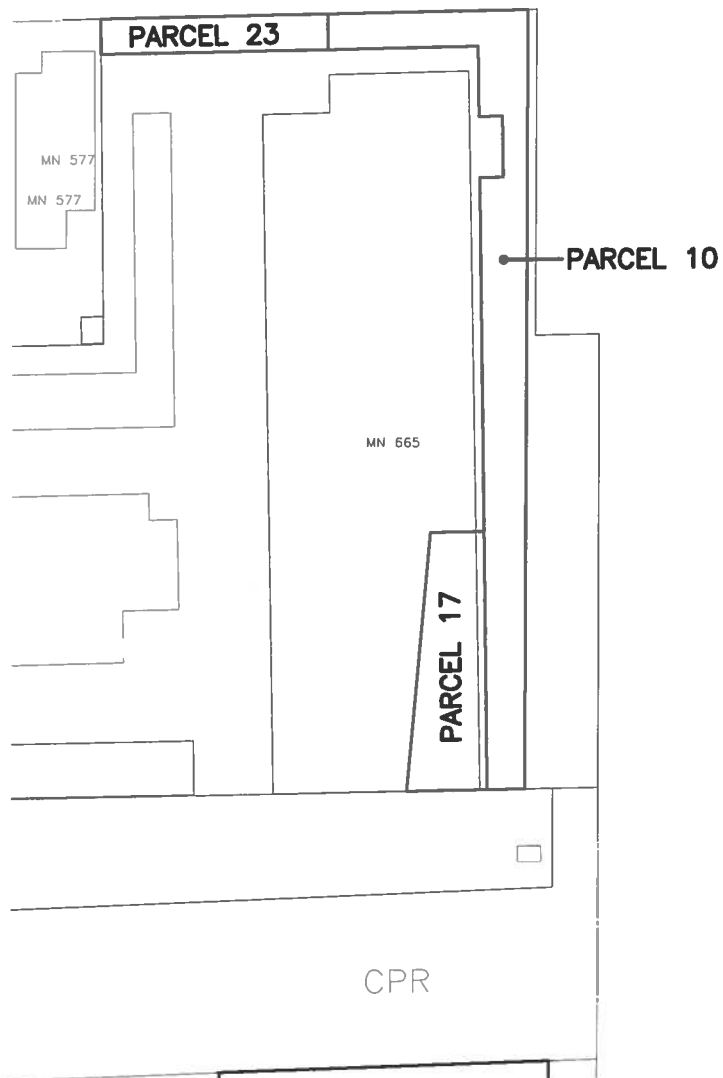
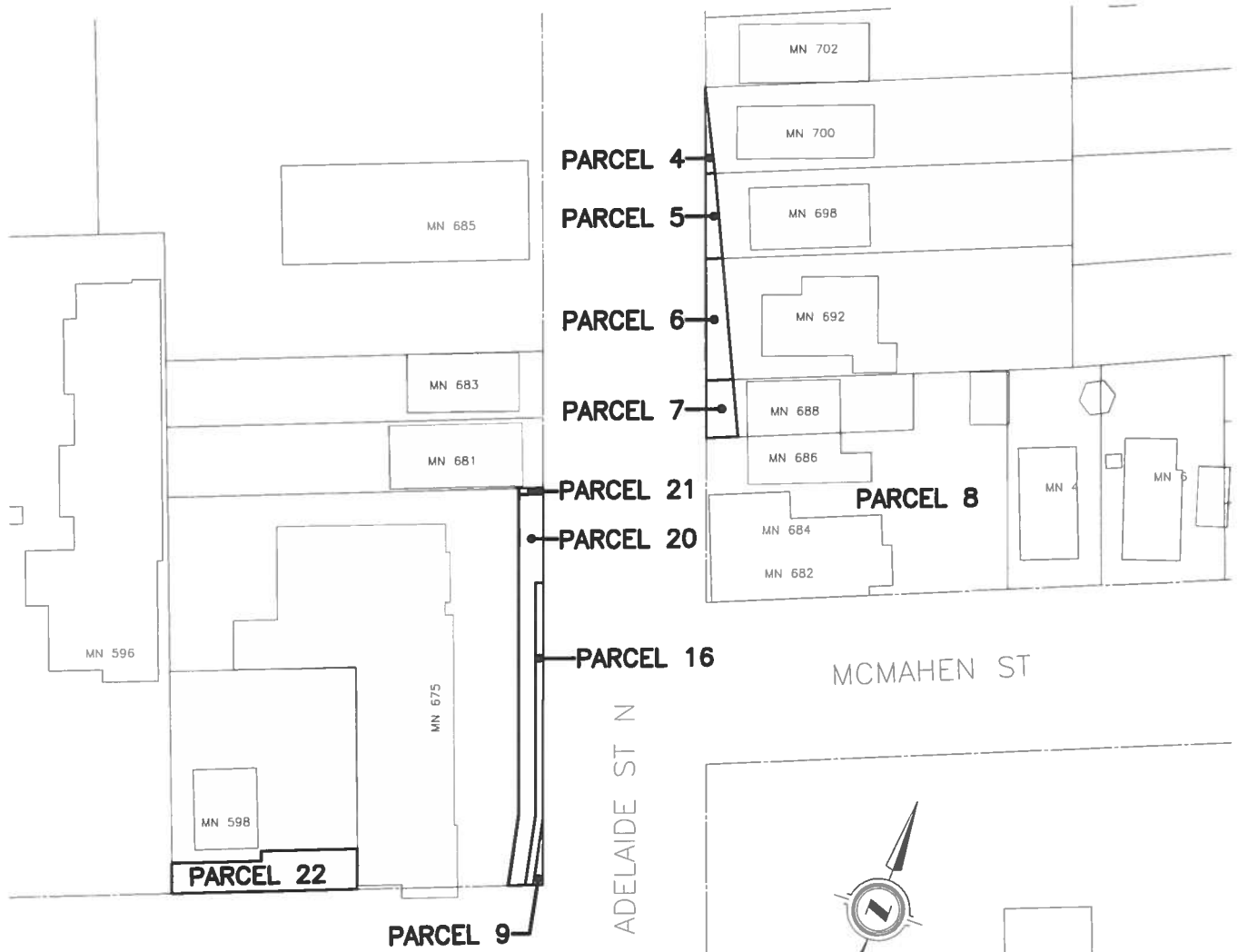
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cc: Gary Irwin, Division Manager and Chief Surveyor  
David G. Munteer, Assistant City Solicitor

SCHEDULE "A"



SCHEDULE "A" (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 Adelaide Street CP Rail Grade Separation Project.

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 Adelaide Street CP Rail Grade Separation Project;

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 Adelaide Street CP Rail Grade Separation Project 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 ADELAIDE STREET CP RAIL GRADE SEPARATION PROJECT

The following lands are required in fee simple:

#### **Fee Simple:**

Parcel 1: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(LT)

Parcel 2: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20554 being part of PIN 08280-0005(LT)

Parcel 3: Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20554 being part of PIN 08280-0003(LT)

Parcel 4: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20555 being part of PIN 08279-0058(LT)

Parcel 5: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20555 being part of PIN 08279-0059(LT)

Parcel 6: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20555 being part of PIN 08279-0060(LT)

Parcel 7: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20555 being part of PIN 08279-0061(LT)

Parcel 8: Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex being all of PIN 08279-0062(LT)

Parcel 9: Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 10: Part of Lots 9 and 10, West of Adelaide Street and Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20556 being part of PIN 08277-0124(LT)

Parcel 11: Part of Lots 7 and 8, West of Adelaide Street in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20556 being all of PIN 08277-0134(LT)

Parcel 12: Part of Lot 6, West of Adelaide Street in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20556 being all of PIN 08277-0019(LT)

Parcel 13: Part of Lots 1, 2 and 3, Registered Plan No. 194(E) in the City of London, County of Middlesex designated as Part 6 on Plan 33R-20556 being part of PIN 08277-0035(LT)

Parcel 14: Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 7 on Plan 33R-20556 being part of PIN 08277-0036(LT)

Parcel 15: Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20556 being part of PIN 08277-0034(LT)

**Permanent Interest (Easement):**

Parcel 16: Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 6 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 17: Part of Lot 9, West of Adelaide Street in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20556 being part of PIN 08277-0124(LT)

**Limited Interest (Easement):**

Parcel 18: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20554 being part of PIN 08280-0005(LT)

Parcel 19: Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 5 on Plan 33R-20554 being part of PIN 08280-0003(LT)

Parcel 20: Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 7 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 21: Part of Lot 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20555 being part of PIN 08278-0234(LT)

Parcel 22: Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 9 on Plan 33R-20555 being part of PIN 08278-0235(LT)

Parcel 23: Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20556 being part of PIN 08277-0124(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 Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(LT); Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20554 being part of PIN 08280-0005(LT); Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on Plan 33R-20554 being part of PIN 08280-0003(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20555 being part of PIN 08279-0058(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 2 on Plan 33R-20555 being part of PIN 08279-0059(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on 33R-20555 being part of PIN 08279-0060(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 4 on 33R-20555 being part of PIN 08279-0061(LT); Part of Lot 4, Registered Plan No. 166(3<sup>rd</sup>) in the City of London, County of Middlesex being all of PIN 08279-0062(LT); Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 5 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lots 9 and 10, West of Adelaide Street and Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 1 on 33R-20556 being part of PIN 08277-0124(LT); Part of Lots 7 and 8, West of Adelaide Street in the City of London, County of Middlesex designated as Part 4 on 33R-20556 being all of PIN 08277-0134(LT); Part of Lot 6, West of Adelaide Street in the City of London, County of Middlesex designated as Part 5 on 33R-20556 being all of PIN 08277-0019(LT); Part of Lots 1, 2 and 3, Registered Plan No. 194(E) in the City of London, County of Middlesex designated as Part 6 on 33R-20556 being part of PIN 08277-0035(LT); Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 7 on 33R-20556 being part of PIN 08277-0036(LT); Part of Lot 4, West of Adelaide Street in the City of London, County of Middlesex designated as Part 8 on 33R-20556 being part of PIN 08277-0034(LT); Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 6 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 9, West of Adelaide Street in the City of London, County of Middlesex designated as Part 2 on 33R-20556 being part of PIN 08277-0124(LT); Part of Lot 2, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 5 on 33R-20554 being part of PIN 08280-0003(LT); Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 3 on 33R-20554 being part of PIN 08280-0005(LT); Part of Lots 4 and 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 7 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 5, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 8 on 33R-20555 being part of PIN 08278-0234(LT); Part of Lot 4, Registered Plan No. 54(E) in the City of London, County of Middlesex designated as Part 9 on 33R-20555 being part of PIN 08278-0235(LT); Part of Pall Mall Street (Closed by By-Law S-1091-287, Registered as Inst. No. LC133181) in the City of London, County of Middlesex designated as Part 3 on 33R-20556 being part of PIN 08277-0124(LT) for the purpose of the Adelaide Street CP Rail Grade Separation Project.

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

**Fee Simple:**

Parcel 1: Part of Lot 3, East Side of Adelaide Street, Registered Plan No. 386(3<sup>rd</sup>) in the City of London, County of Middlesex designated as Part 1 on Plan 33R-20554 being all of PIN 08280-0004(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

