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TO:	<p>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</p> <p>AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></p> <p>MEETING ON JANUARY 28, 2020</p>
FROM:	<p>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS WHARNCLIFFE ROAD SOUTH WIDENING AND IMPROVEMENTS PROJECT</p>

RECOMMENDATION

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, the following actions be taken with respect to the expropriation of land as may be required for the Project known as the Wharncliffe Road South Road Widening and Improvements Project, between Becher Street and Springbank Drive::

- a) the proposed bylaw attached as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on January 28, 2020 by The Corporation of the City of London as Expropriating Authority, with respect to the lands described in Schedule "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.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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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.

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- 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 – Wharncliffe Road South Environmental Assessment 100 Stanley Street
- Civic Works Committee – February 6, 2018 – Environmental Study Report
- The Council of The Corporation of the City of London as The Approving Authority under the Expropriation Act – June 18, 2019

BACKGROUND

The subject properties are required in support of the Wharncliffe 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 eleven (11) property requirements, five (5) of which are full buyouts, with the balance requiring partial acquisition. Negotiations commenced in the Fall of 2018.

The City has obtained agreements from four (4) property owners (Parcels 1, 2, 3 and 6) and all transactions have been closed.

The Civic Administration will continue negotiations with these property owners in an effort to amicably acquire the balance of properties.

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 both own the lands and buildings and a business that is operated from the lands.

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.

A Hearing of Necessity was received from one owner and was subsequently withdrawn.

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

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Anticipated Construction Timeline

Property requirements to be secured for 2020 construction.

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

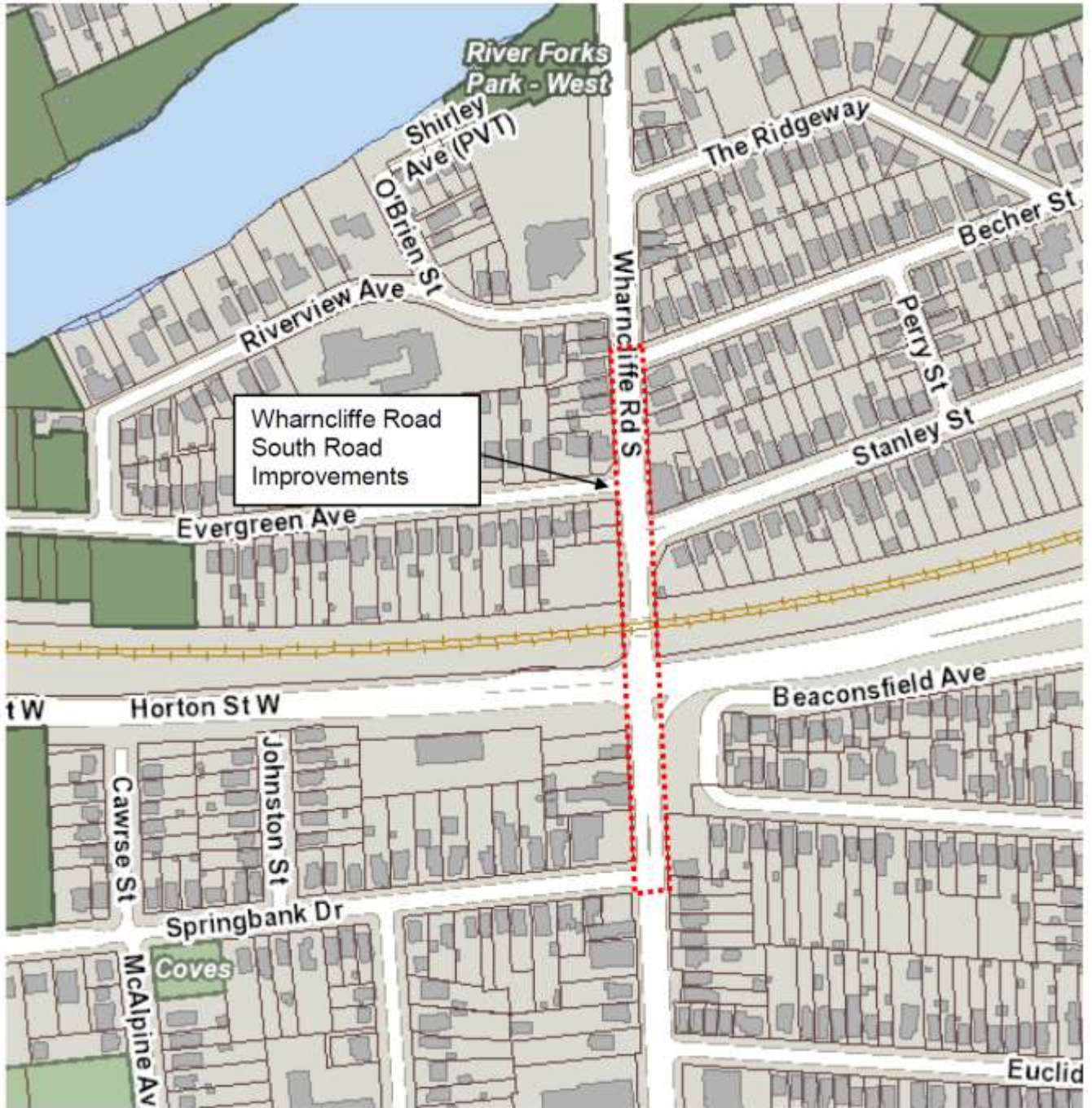
January 20, 2020
Attach.

File No. P-2496

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

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Location Maps



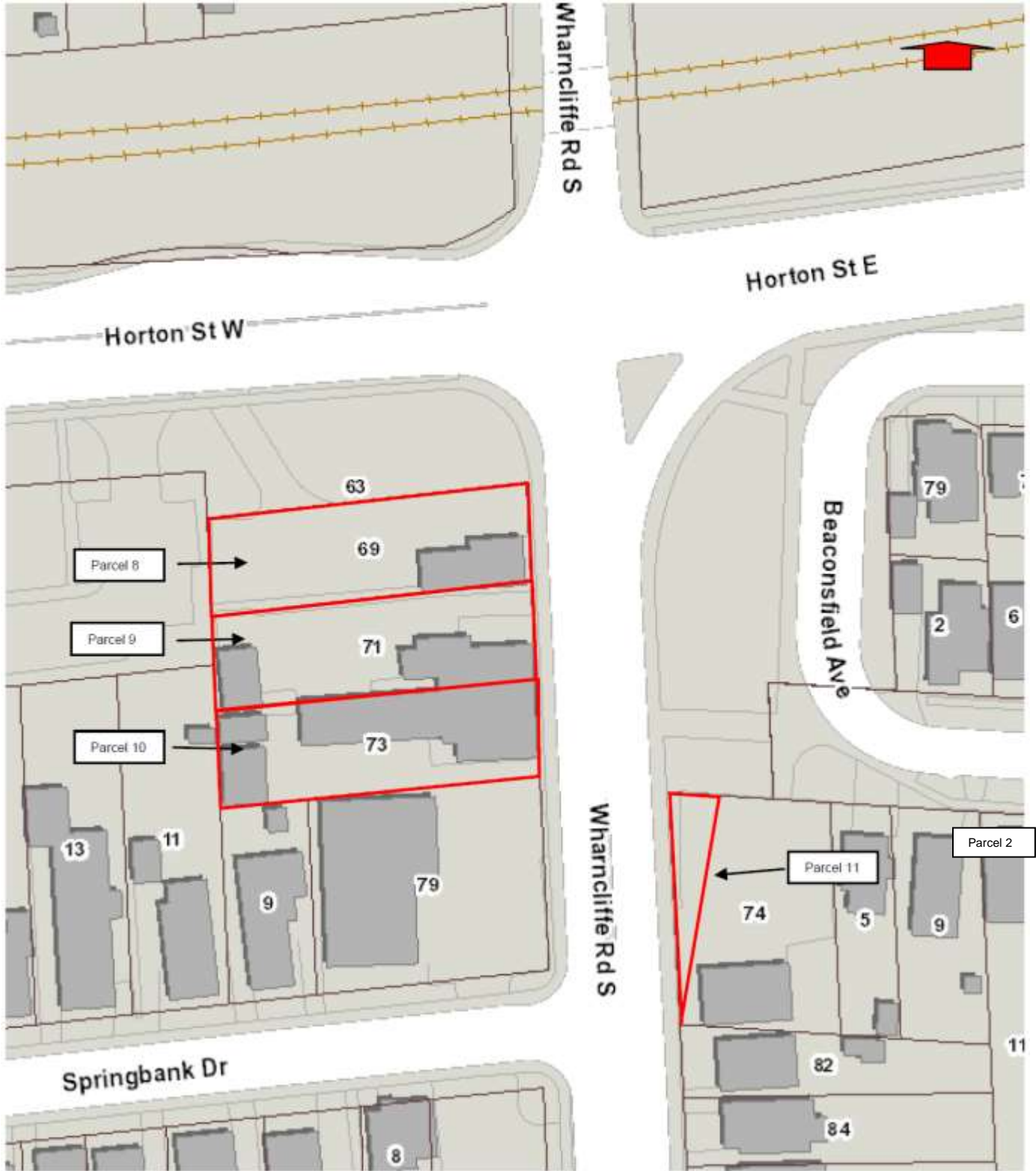
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Location Map (cont'd)
Wharnccliffe Road South Road Widening and Improvements Project



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Location Map (cont'd)
The Expropriated Lands



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SCHEDULE "A"

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 4: Part of Lots 18 and 19, Registered Plan 26(4th) 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(4th) in the City of London, County of Middlesex designated as Part 4 on Plan 33R-20264 being part of PIN 08323-0045(LT)

- Parcel 7: Part of Lots 17 and 18, Registered Plan 427(4th) 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(4th) 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(4th) 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(4th) 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(4th) in the City of London, County of Middlesex designated as Part 8 on Plan 33R-20265 being part of PIN 08324-0124(LT)

* Parcels 1, 2, 3 and 6 obtained and closed amicable agreements.

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APPENDIX "A"

Bill No.
2020

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

A By-law to expropriate lands in the City of London, in the County of Middlesex, for the Wharnccliffe Road South Road Widening and Improvements project between Beecher Street and Springbank Drive.

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 June 18, 2019, 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 June 18, 2019, 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 , 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – January 28, 2020
Second reading – January 28, 2020
Third reading – January 28, 2020

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Schedule "A"

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

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