

	<p>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</p> <p>AS THE APPROVING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></p> <p>MEETING ON JUNE 16, 2020</p>
FROM:	<p>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</p>
SUBJECT:	<p>EXPROPRIATION OF LANDS ADELAIDE STREET CP RAIL GRADE SEPARATION 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 Adelaide Street CP Rail Grade Separation Project, between Central Avenue and McMahan Street:

- 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, as described in Schedule "A" attached hereto, in the City of London, County of Middlesex, it being noted 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 Adelaide Street CP Rail Grade Separation Project;
 - ii) the design of the Project will address the current and future transportation demands along the corridor; and,
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study Recommendations for the Adelaide Street CP Rail Grade Separation Project approved by Municipal Council at the meeting held on August 28, 2018; and,
- b) subject to the approval of a) above, that a certificate of approval **BE ISSUED** by the City Clerk on behalf of the Approving Authority in the prescribed form;

it being noted that requests for Hearings of Necessity in relation to Part 1, Plan 33R-20554 (Parcel 1), Part 4, Plan 33R-20555 (Parcel 7), and the whole of PIN 08277-0034, (Parcel 8) were received and were all subsequently withdrawn.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- 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
- Civic Works Committee – January 8, 2019 – Detailed Design & Tendering Appointment of Consulting Engineer
- Civic Works Committee – June 18, 2019 – Adelaide Street North Grade Separation Memorandum of Understanding with Canadian Pacific Railway
- The Council of The Corporation of the City of London The Approving Authority under the Expropriation Act – October 22, 2019

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 Environmental (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 and the 2019 Development Charges Background Study indicates funding being available in 2020.

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

There are twenty three property requirements, five of which are full buyouts, ten partial requirements, two permanent easements, and six limited interests.

Negotiations commenced in the Fall of 2018 with the current outstanding requirements standing at sixteen, being three full buyouts, seven partial requirements, two permanent easements, and four limited interests. Of the sixteen outstanding properties and interests, two signed agreements have been achieved and await completion on June 8, 2020, and a further two signed agreements have been achieved and await completion on July 31, 2020.

Negotiations are ongoing with the remaining twelve properties and interests.

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 was initiated at the request of the Roads and Transportation Department, Transportation Planning and Design 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.

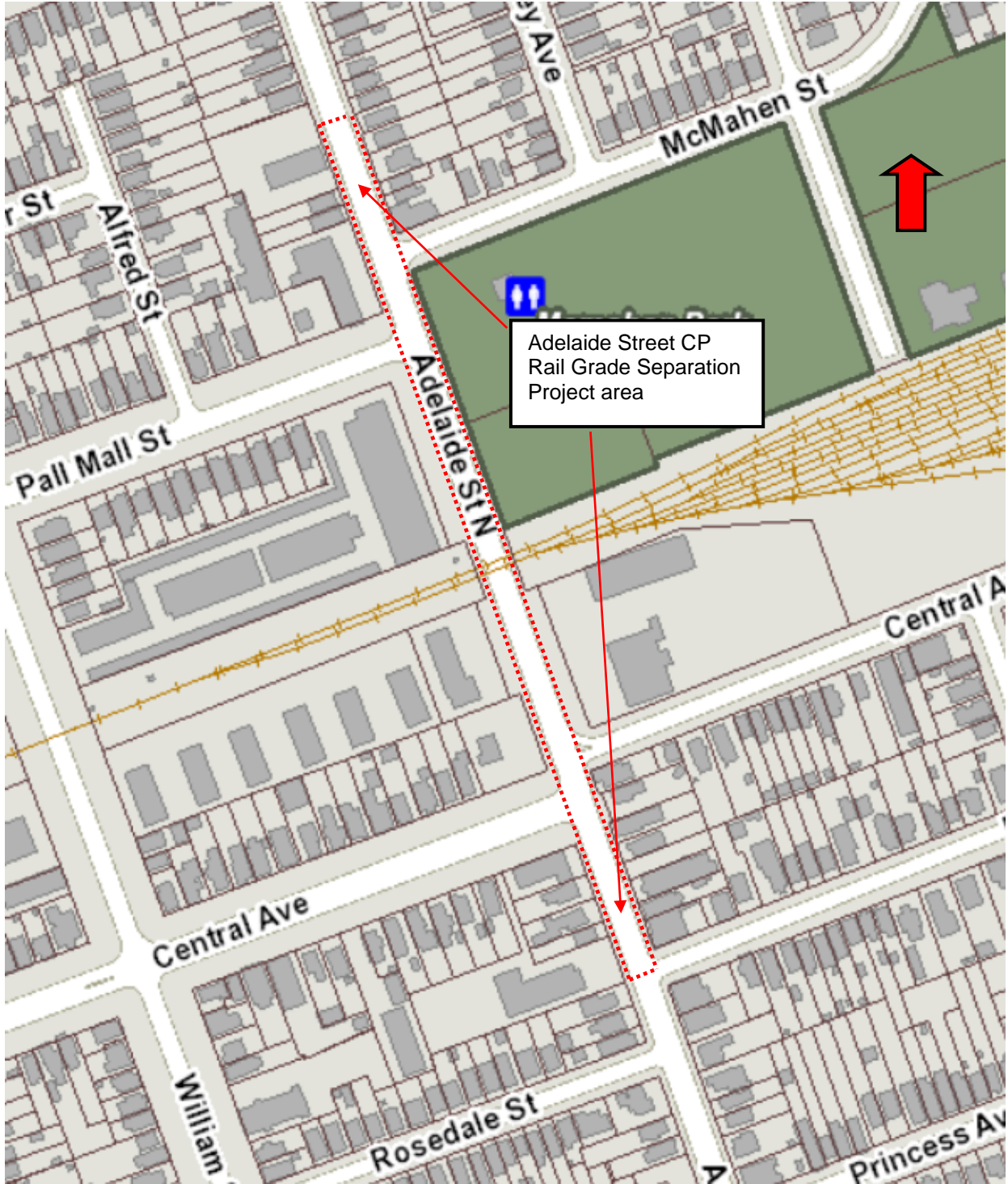
Hearing of Necessity requests were received from three owners and all were subsequently withdrawn.

Anticipated Construction Timeline

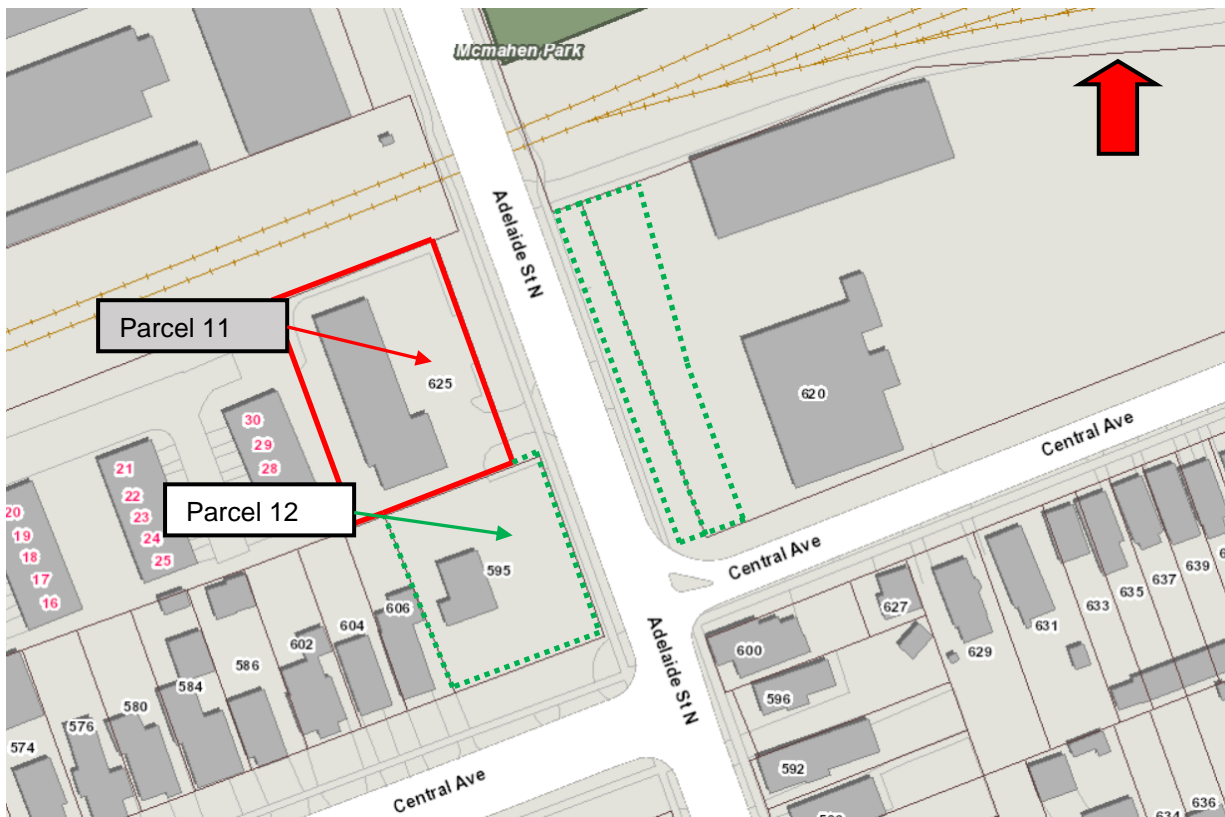
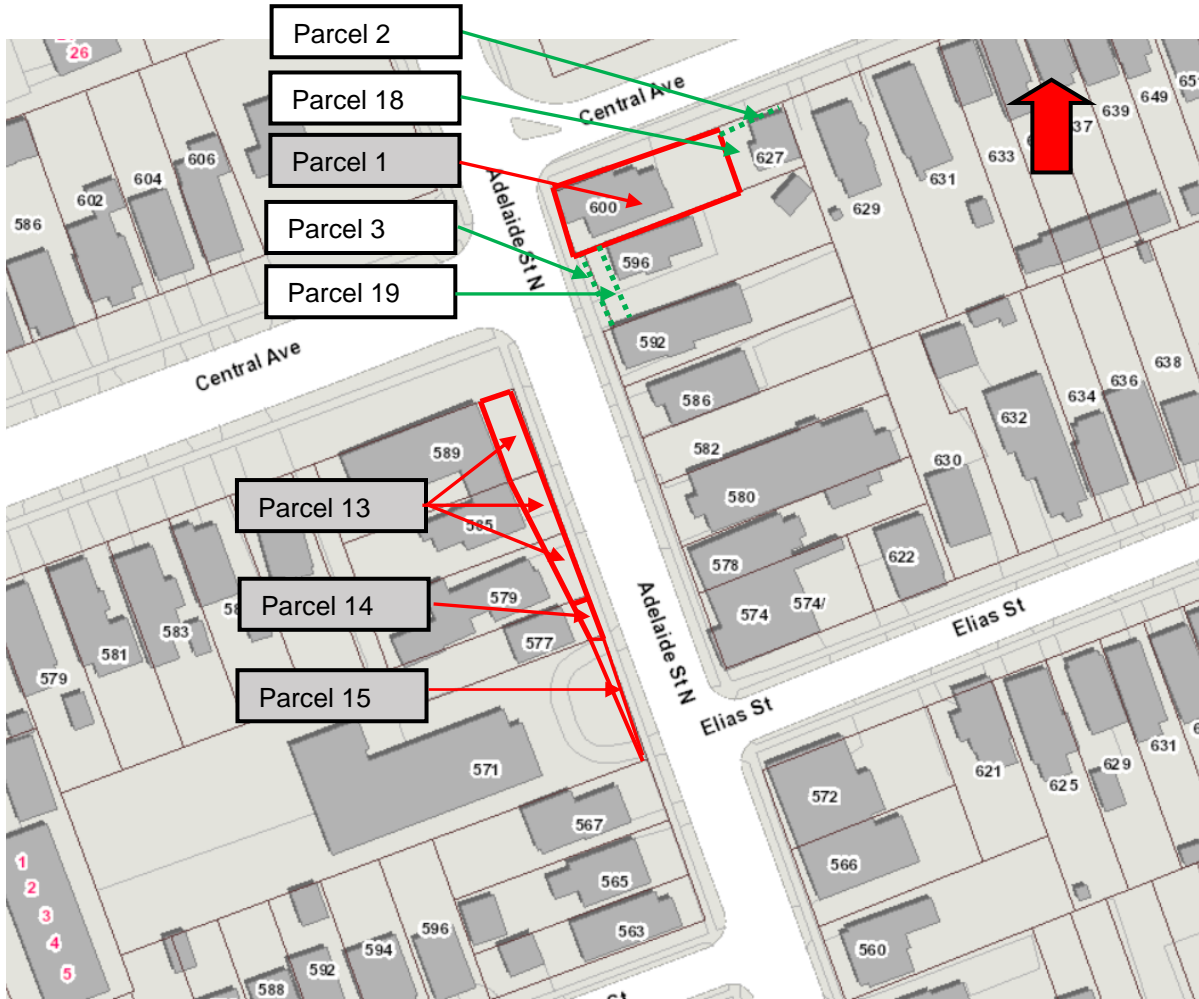
Property requirements to be secured for 2020/21 construction.

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

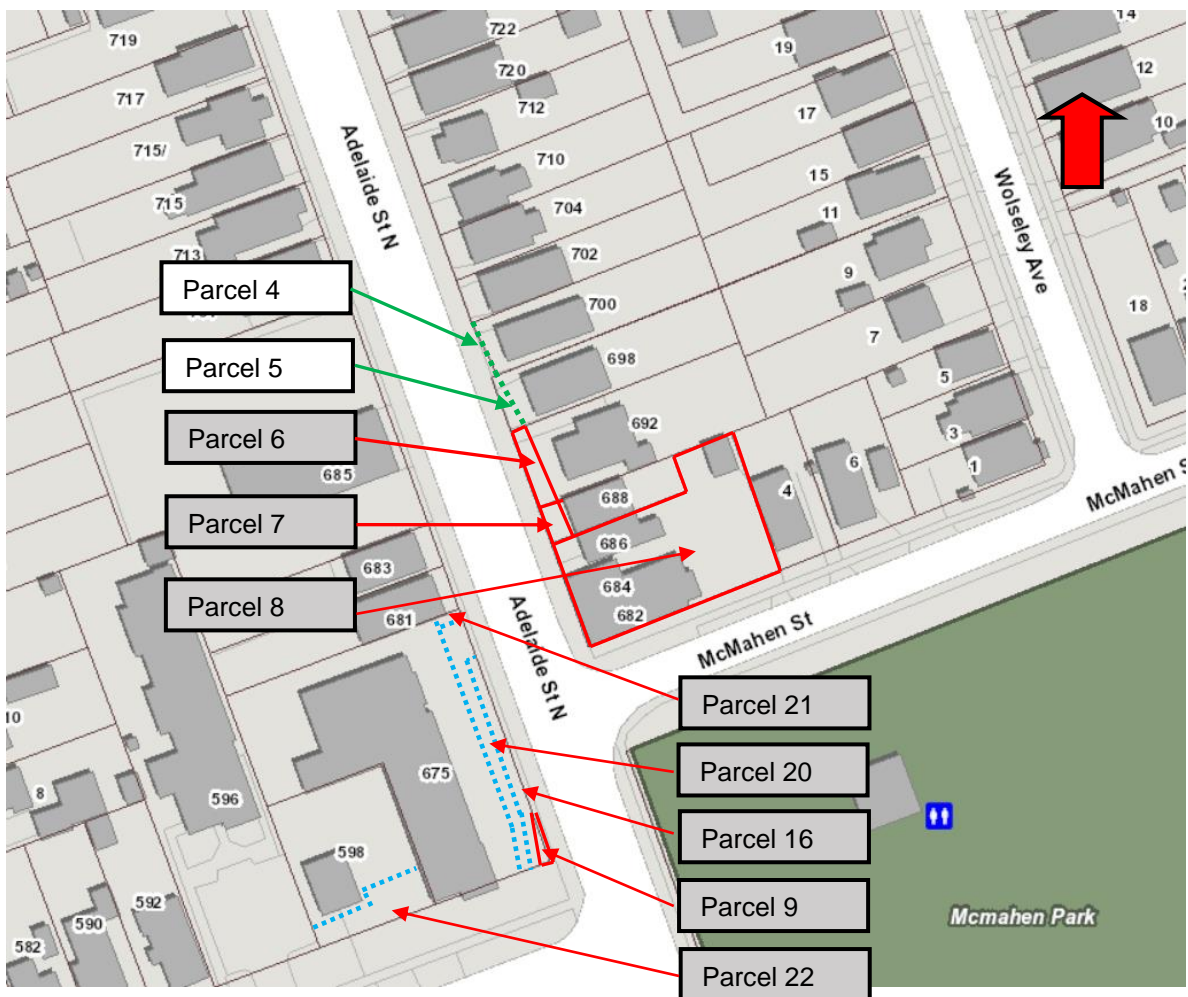
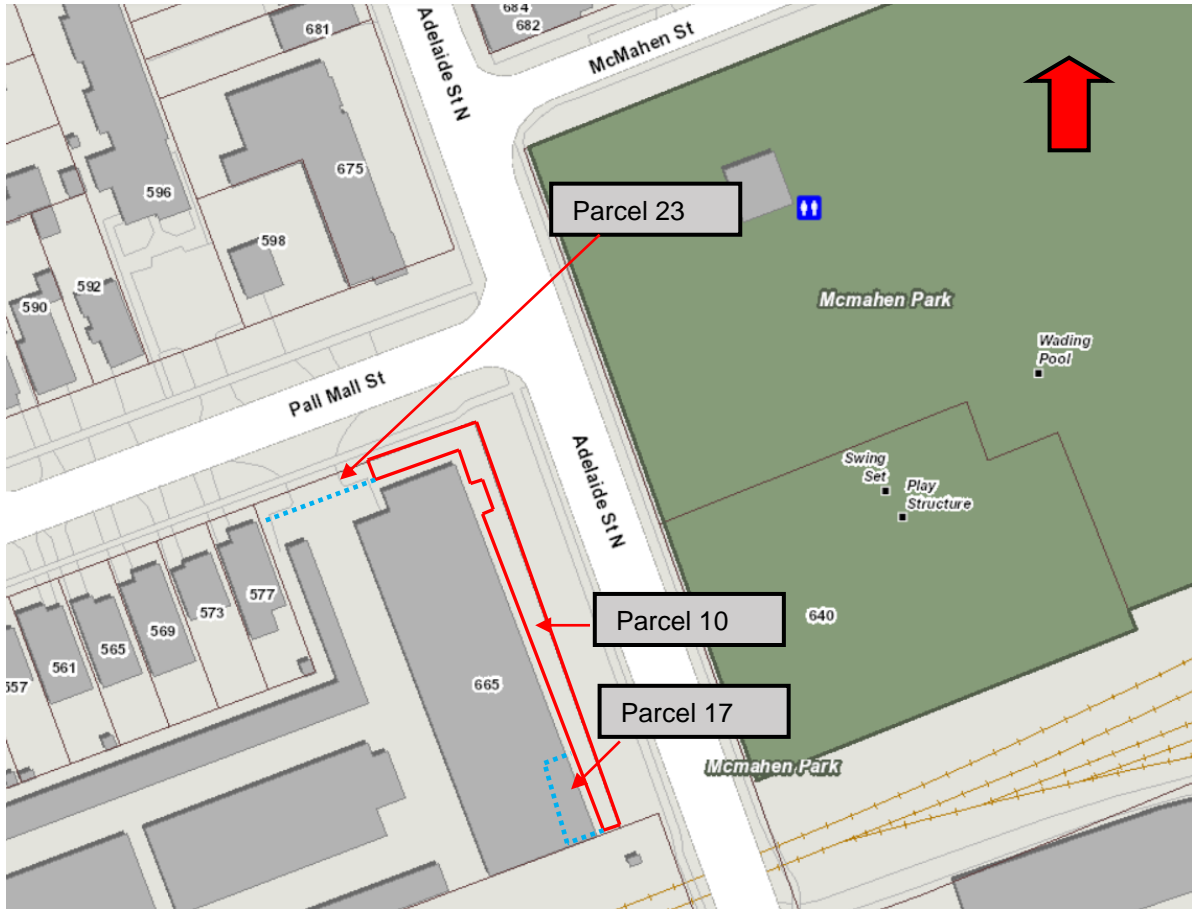
Location Maps



Location Map (cont'd)
Adelaide Street CP Rail Grade Separation Project



Location Map (cont'd)



SCHEDULE "A"

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR ADELAIDE STREET CP RAIL GRADE SEPARATION PROJECT BETWEEN ELIAS STREET AND NORTH OF McMAHEN STREET

The following lands are required:

Fee Simple:

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

Parcel 6: Part of Lot 4, Registered Plan No. 166(3rd) 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(3rd) 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(3rd) 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 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)

Parcels 2, 3, 4, 5 and 12 obtained and closed amicable agreements.

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 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)

Parcels 18 and 19 obtained and closed amicable agreements.