

<b>TO:</b>	<b>THE COUNCIL OF THE CORPORATION OF THE CITY OF LONDON</b>  <b>AS THE EXPROPRIATING AUTHORITY UNDER THE <i>EXPROPRIATIONS ACT</i></b>  <b>MEETING ON JUNE 16, 2020</b>
<b>FROM:</b>	<b>KELLY SCHERR MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LANDS 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 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 proposed bylaw attached as Appendix "A" being "A by-law to expropriate lands in the City of London, in the County of Middlesex, for the Adelaide Street CP Rail Grade Separation Project, between Central Avenue and McMahan Street", **BE INTRODUCED** at the Municipal Council meeting to be held on June 16, 2020;
- 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.

<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
- 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 Assessment (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.

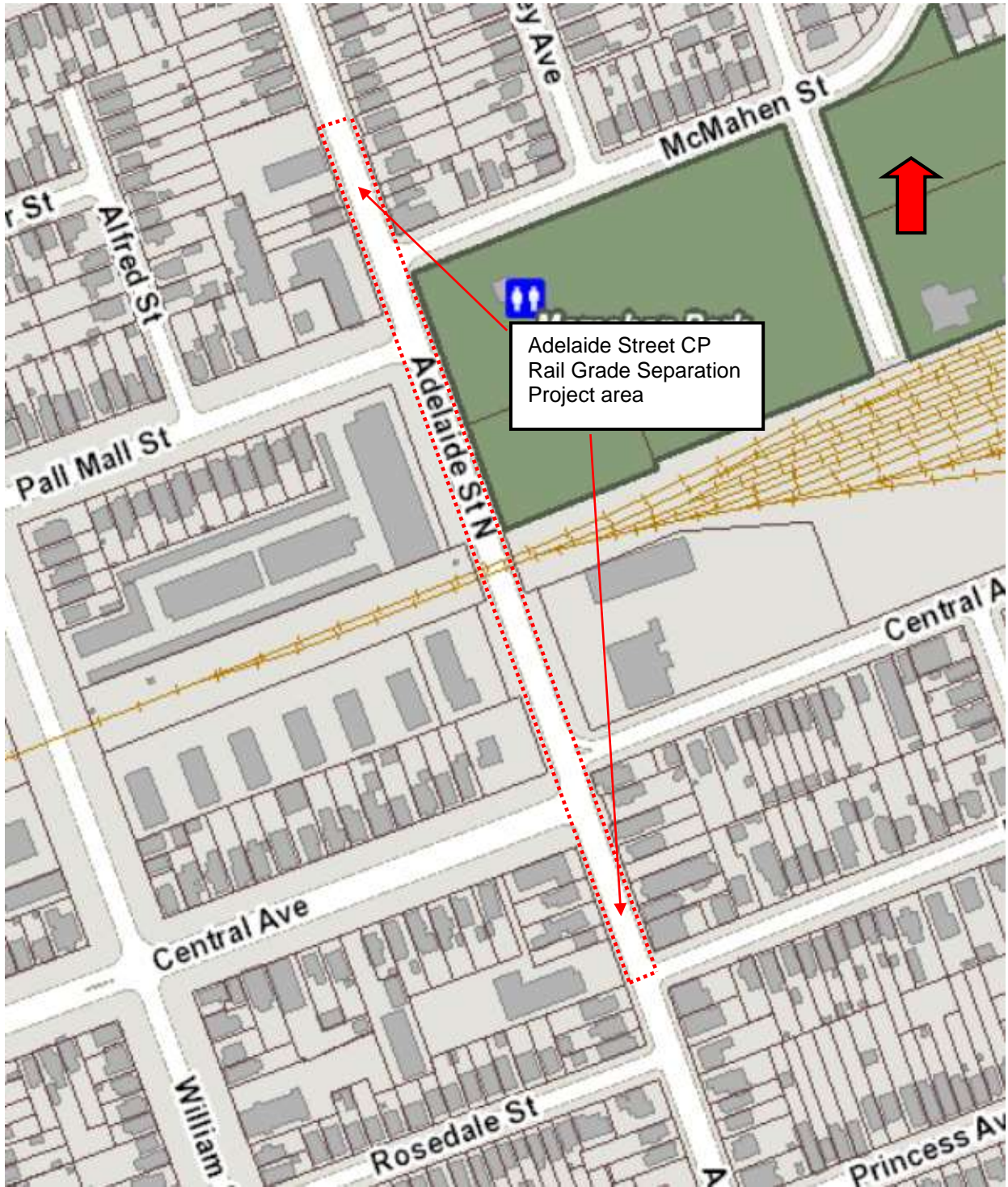
Hearing of Necessity requests were received from three owners and all were subsequently withdrawn.

**Anticipated Construction Timeline**

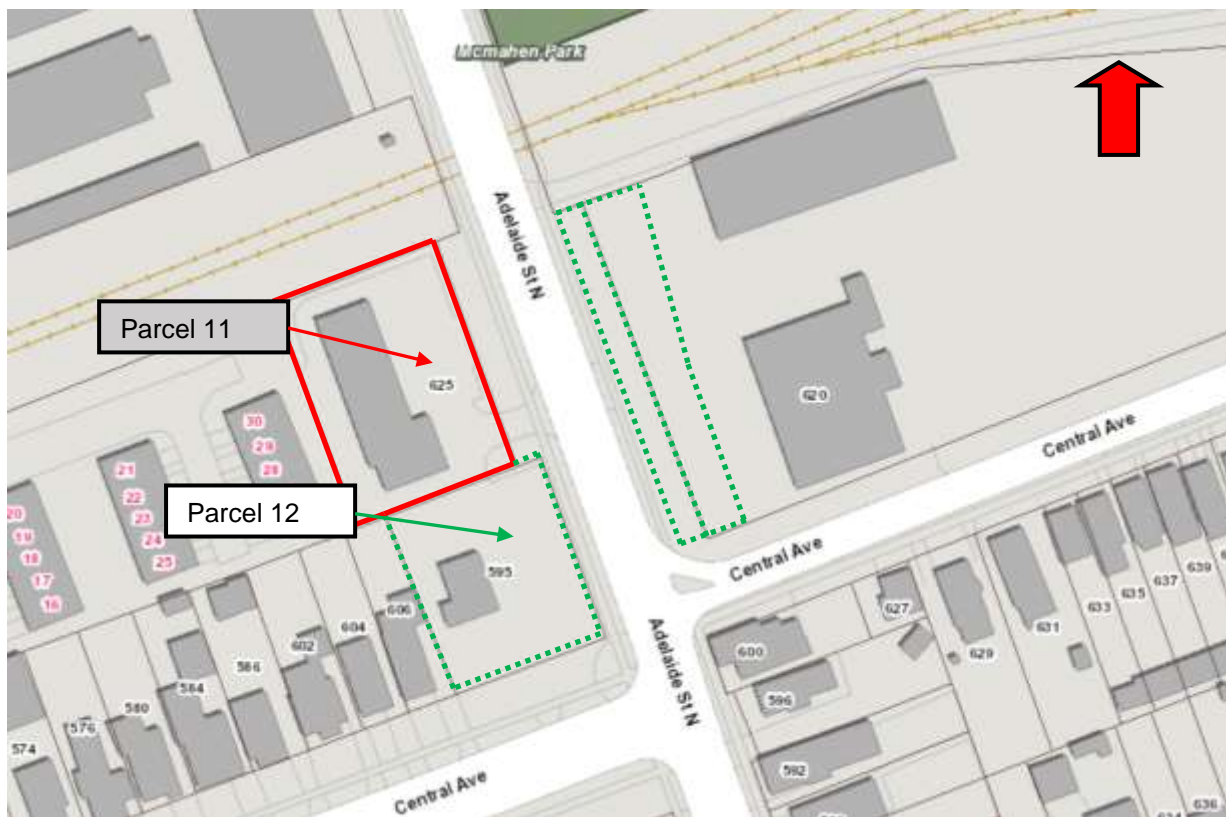
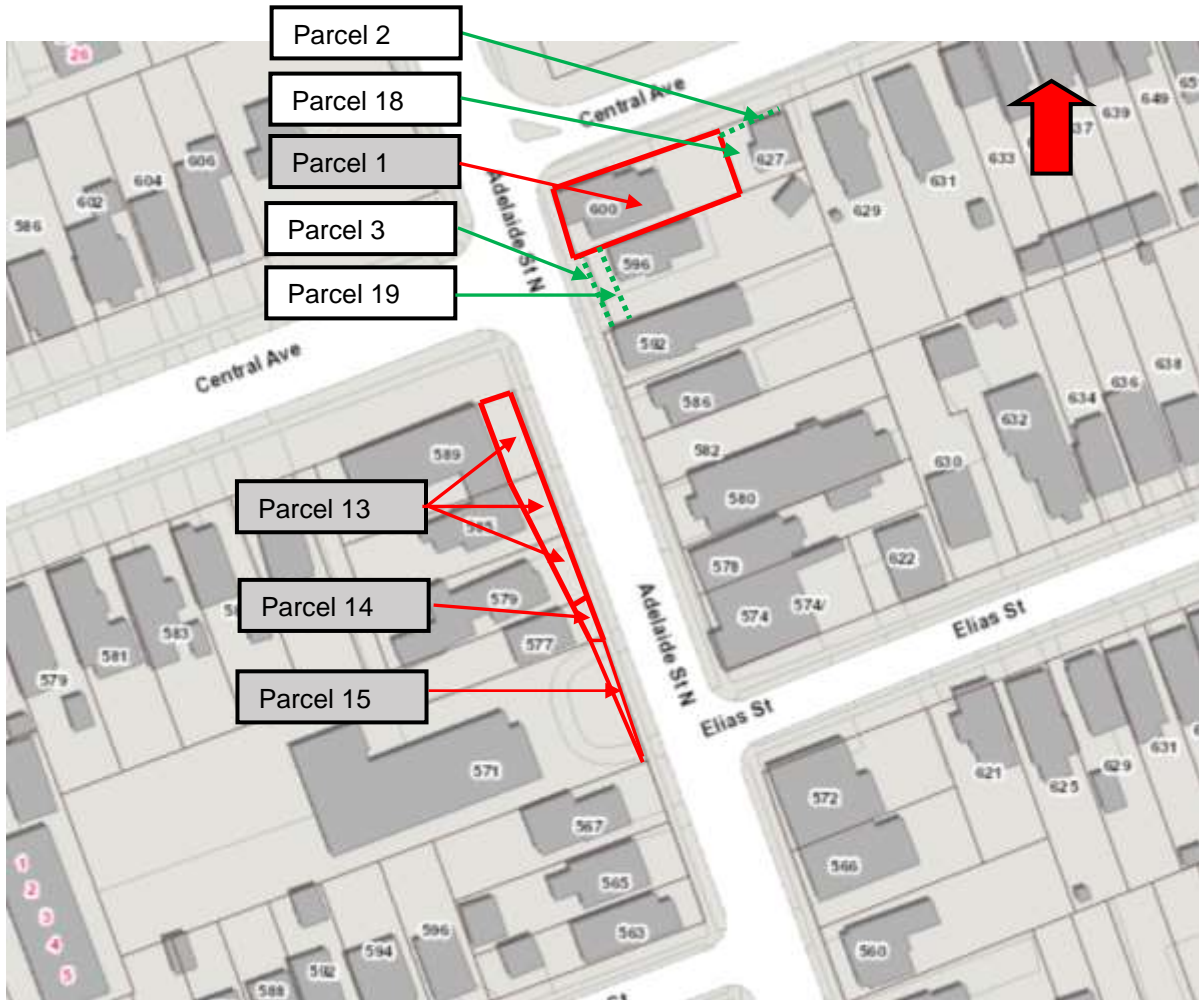
Property requirements to be secured for 2020/21 construction.

<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>	

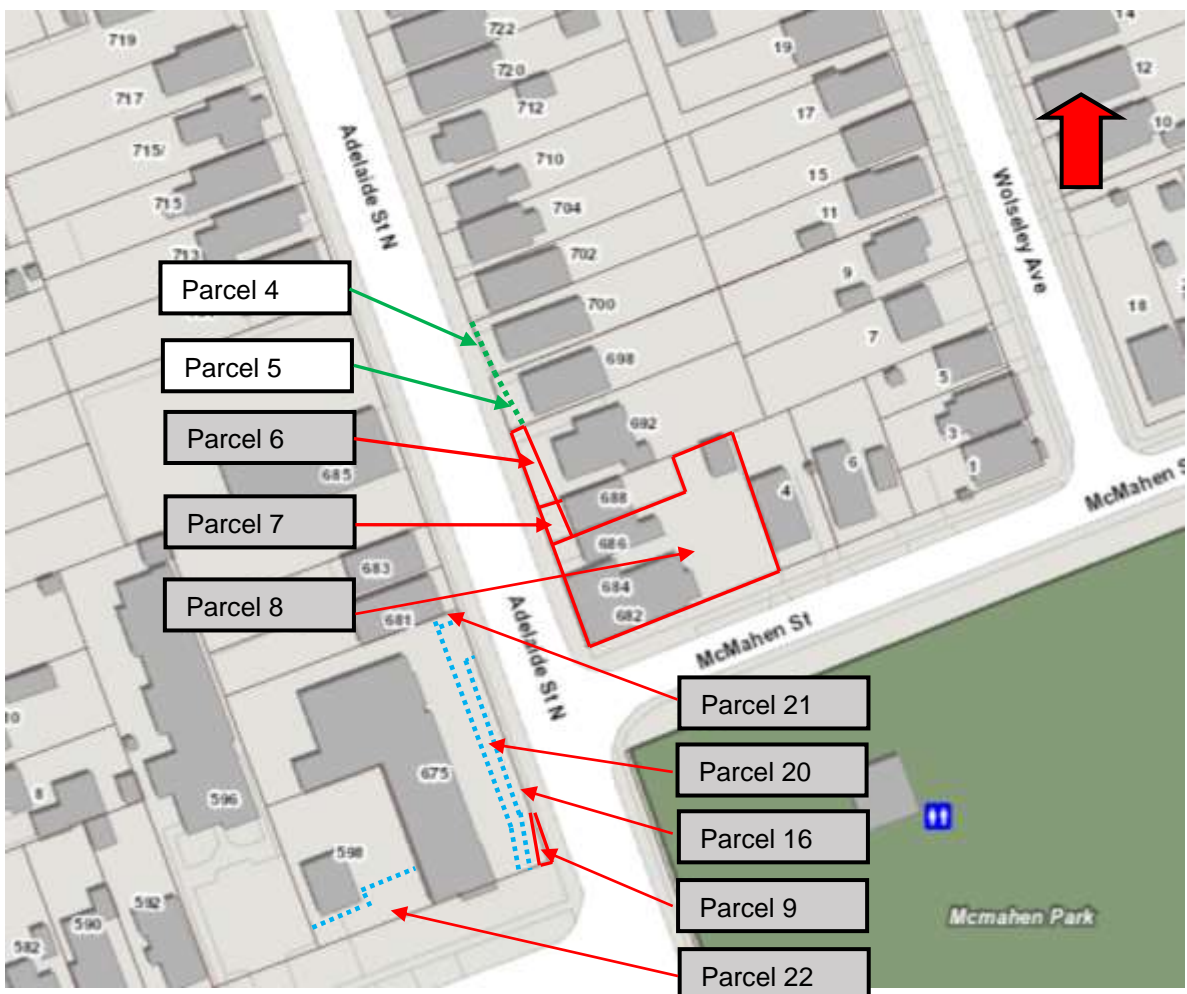
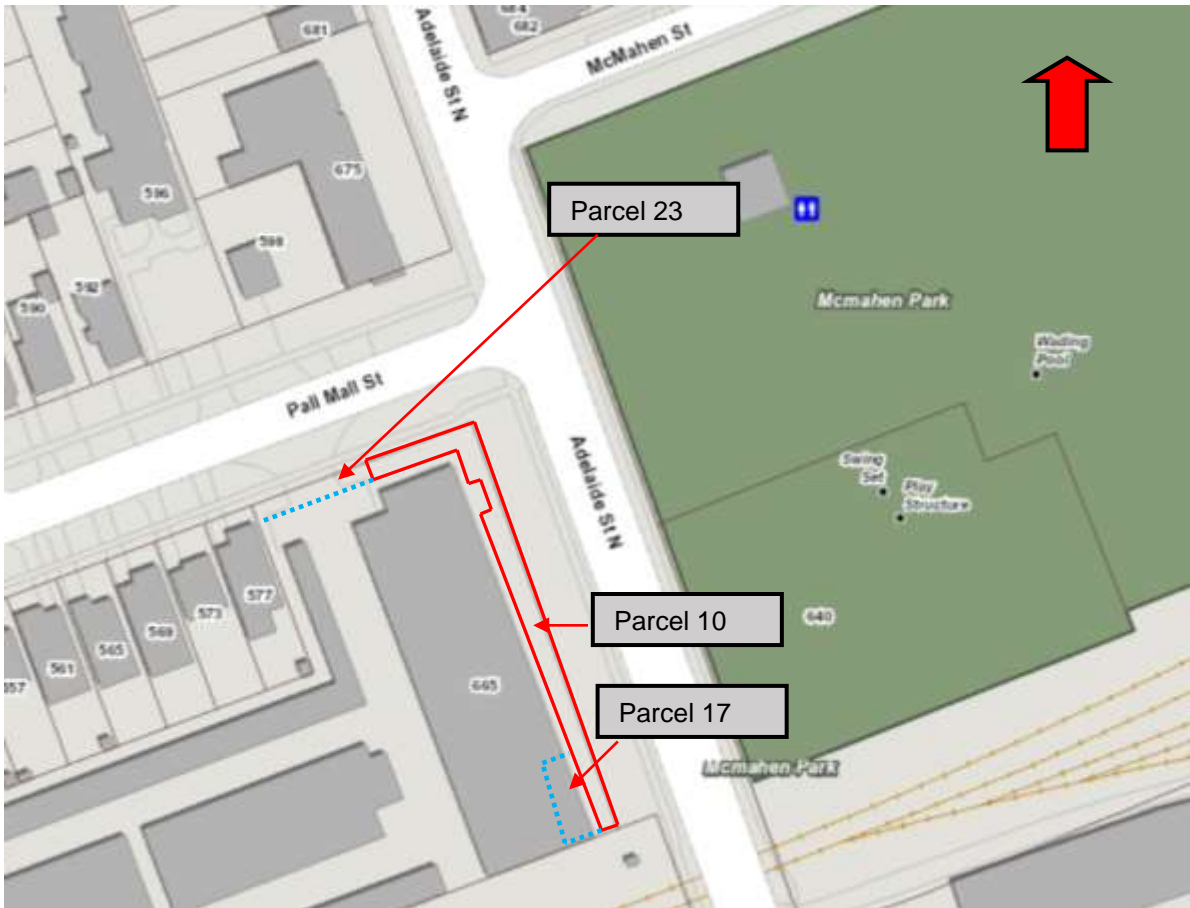
Location Maps



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(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 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 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.



**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 the Adelaide Street CP Rail Grade Separation Project, between Central Avenue and McMahan Street:

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*, as amended, at its meeting held on October 22, 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 October 22, 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 June 16, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – June 16, 2020  
Second reading – June 16, 2020  
Third reading – June 16, 2020

## Schedule "A"

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

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