

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE  MEETING ON OCTOBER 19, 2020</b>
<b>FROM:</b>	<b>KELLY SCHERR, P.Eng., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>
<b>SUBJECT:</b>	<b>EXPROPRIATION OF LAND FANSHAWE PARK ROAD AND RICHMOND STREET INTERSECTION 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, on the advice of the Manager of Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the Fanshawe Park Road and Richmond Street Intersection Improvements 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 Fanshawe Park Road / Richmond Street Intersection Improvements 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 19, 2020 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

Strategic Priorities and Policy Committee – June 23, 2014 – Approval of 2014 Development Charges By-Law and DC Background Study

Civic Works Committee – March 23, 2015 – Environmental Assessment Study Appointment of Consulting Engineer

Civic Works Committee – September 25, 2018 – Environmental Study Report

Civic Works Committee – April 16, 2019 – Detailed Design and Tendering Appointment of Consulting Engineer

## BACKGROUND

The subject properties are required to support the Fanshawe Park Road / Richmond Street Intersection Improvements Project.

The Fanshawe Park Road / Richmond Street Intersection Improvements Project was identified in the 2019 Transportation Development Charges Background Study with a recommendation for construction in 2022. Due to the area's strategic location, the Smart Moves 2030 Transportation Master Plan (TMP) identifies the need for traffic capacity optimization and transit priority on this corridor. The project will improve pedestrian amenities, extend cycling connectivity through the intersection and will implement landscaping and urban design features.

Construction of this project is predominantly planned to take place in 2022/2023 with commencement of utility relocations required in 2021 to facilitate the improvements. The project has received approval for the Fanshawe Park Road / Richmond Street Intersection Improvements Project Class EA and remains subject to property acquisitions.

There are 23 property requirements, one of which is a full buyout, with the balance requiring partial acquisitions. Five of the requirements have been obtained via dedications and 1 has been acquired amicably. Negotiations commenced in the spring of 2019 with the current outstanding requirements standing at 17. Of the 17 outstanding properties, 2 signed agreements for 8 of the property requirements have been achieved and await completion in 2021. Negotiations are ongoing with all remaining owners representing the remaining 9 property requirements.

The composition of the ownership interests in this area and more specifically along the corridor is of an adept and sophisticated nature. The owners represent mainly large commercial shopping centre and multi-tenant commercial interests. There are several businesses that will be impacted and some substantial landscaping and hardscaping improvements will have to be re-established.

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 project. 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 in 2021 to facilitate utility relocation with road construction to follow thereafter.

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

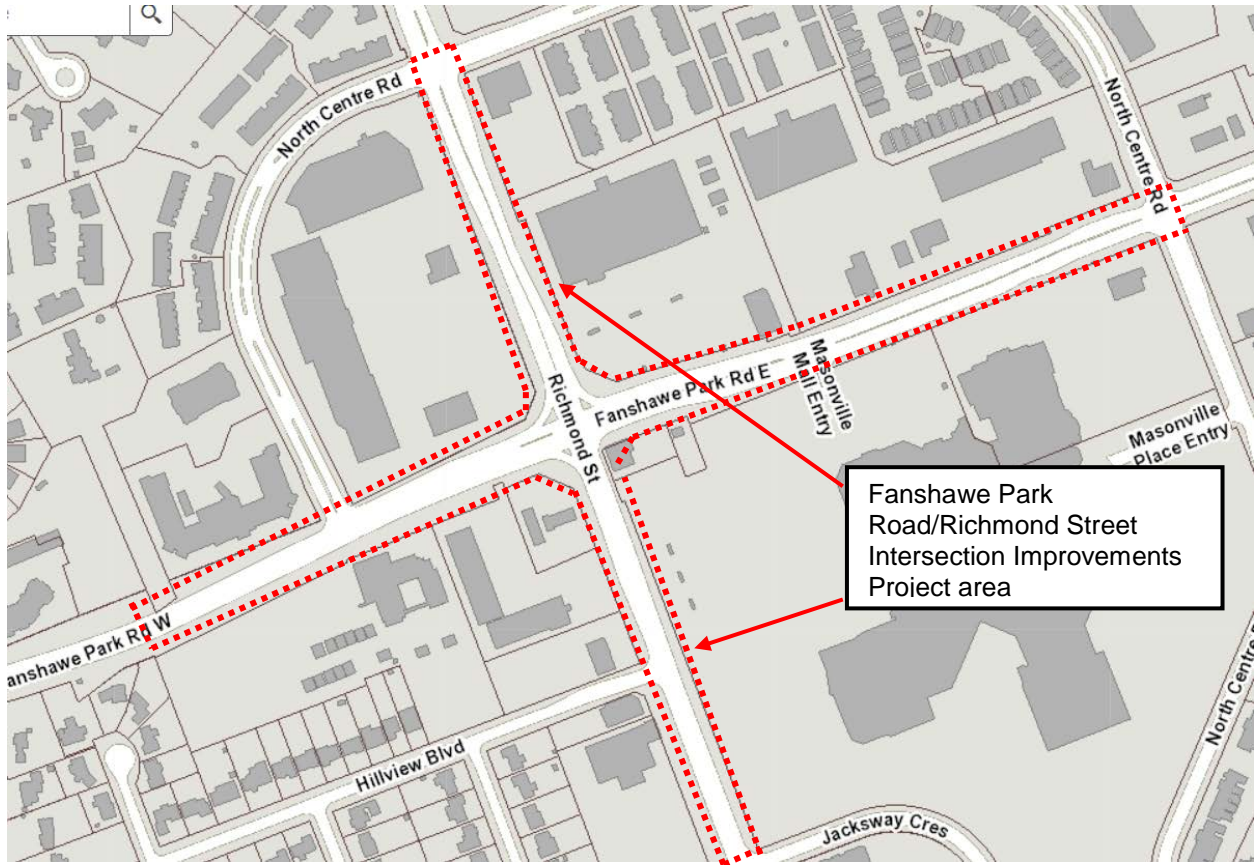
<b>PREPARED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>BILL WARNER MANAGER OF REALTY SERVICES</b>	<b>DOUG MACRAE, P. ENG. DIRECTOR ROADS AND TRANSPORTATION</b>
<b>RECOMMENDED BY:</b>	
<b>KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER</b>	

October 7, 2020  
Attach.

File No. P-2515

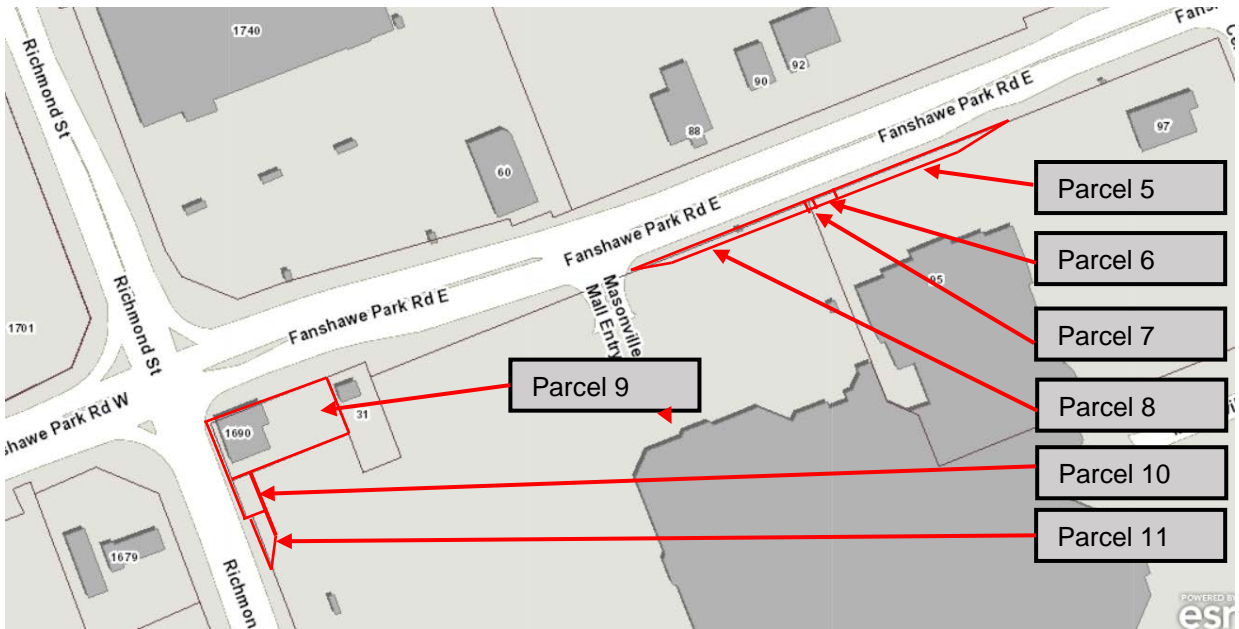
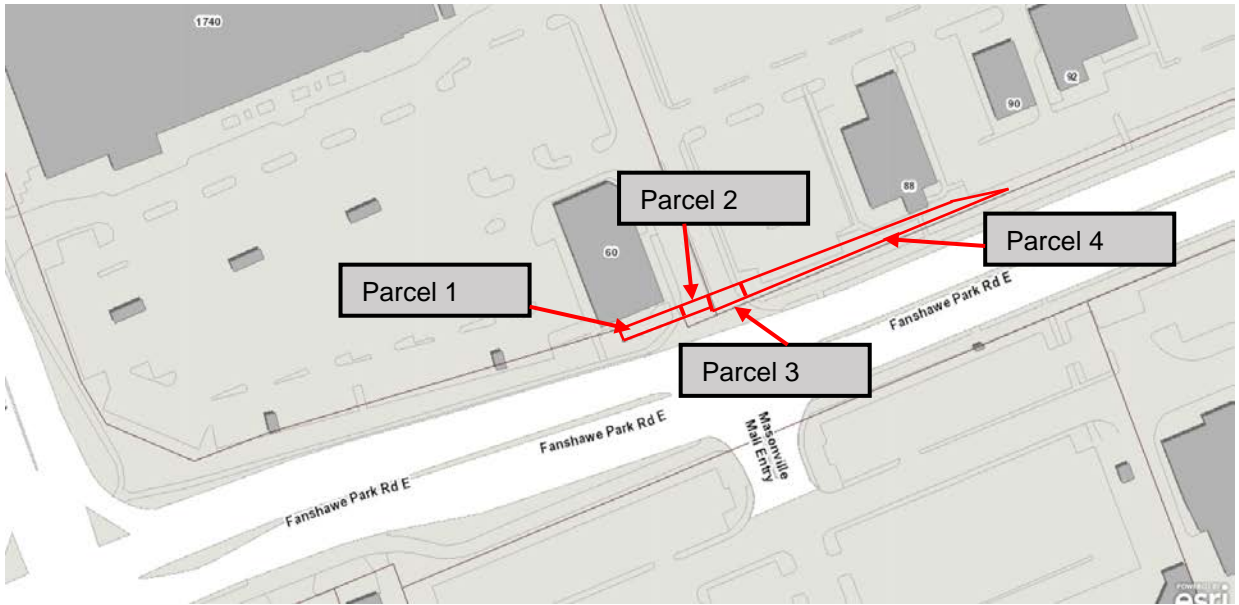
cc: Gary Irwin, Division Manager and Chief Surveyor, Geomatics  
Sachit Tatavarti, Solicitor

## Location Maps



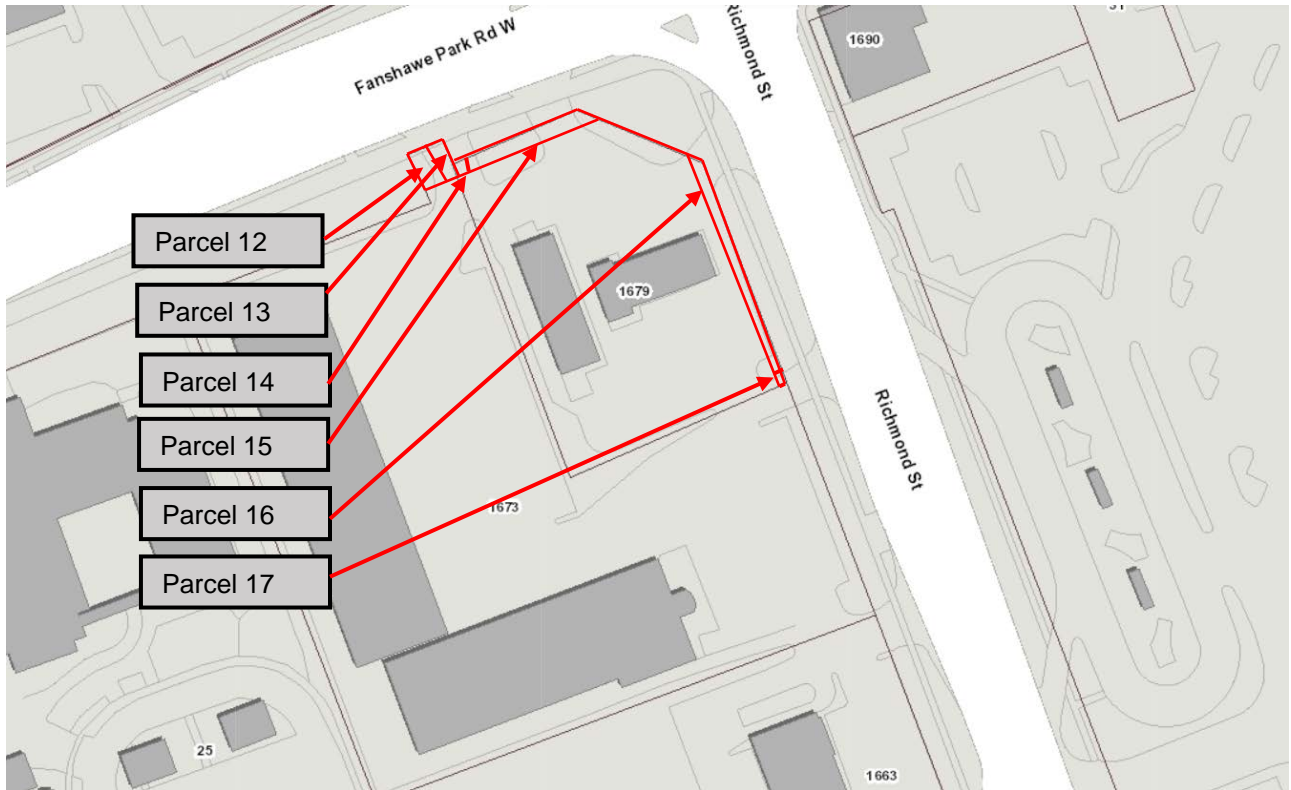
## Location Maps

(Continued)



## Location Maps

(Continued)



## **Schedule "A"**

Parcel 1: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20485, being Part of PIN 08084-2248(LT)

Parcel 2: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20485, being Part of PIN 08084-2248(LT)

Parcel 3: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20485, being Part of PIN 08084-1056(LT)

Parcel 4: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20485, being Part of PIN 08084-1056(LT)

Parcel 5: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 6: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 7: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 8: Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20496, being Part of PIN 08083-2233(LT)

Parcel 9: Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20496, being all of PIN 08083-0001(LT)

Parcel 10: Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-20496, being Part of PIN 08083-0003(LT)

Parcel 11: Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-20496, being Part of PIN 08083-2233(LT)

Parcel 12: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20472, being part of PIN 08066-0033(LT)

Parcel 13: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20472, being part of PIN 08066-0033(LT)

Parcel 14: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20472, being part of PIN 08066-0183(LT)

Parcel 15: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20472 being part of PIN 08066-0183(LT)

Parcel 16: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-20472 being part of PIN 08066-0183(LT)

Parcel 17: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20472 being part of PIN 08066-0183(LT)



## SCHEDULE "B"

Bill No.  
20

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 Fanshawe Park Road / Richmond Street Intersection Improvements 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 Fanshawe Park Road / Richmond Street Intersection Improvements 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 Fanshawe Park Road / Richmond Street Intersection Improvements 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 THE FANSHAWE PARK ROAD / RICHMOND STREET INTERSECTION IMPROVEMENTS PROJECT

The following lands are required in fee simple:

Parcel 1: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20485, being Part of PIN 08084-2248(LT)

Parcel 2: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20485, being Part of PIN 08084-2248(LT)

Parcel 3: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20485, being Part of PIN 08084-1056(LT)

Parcel 4: Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20485, being Part of PIN 08084-1056(LT)

Parcel 5: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 6: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 7: Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20496, being Part of PIN 08083-2235(LT)

Parcel 8: Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20496, being Part of PIN 08083-2233(LT)

Parcel 9: Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20496, being all of PIN 08083-0001(LT)

Parcel 10: Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-20496, being all of PIN 08083-0003(LT)

Parcel 11: Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-20496, being Part of PIN 08083-2233(LT)

Parcel 12: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20472, being part of PIN 08066-0033(LT)

Parcel 13: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20472, being part of PIN 08066-0033(LT)

Parcel 14: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20472, being part of PIN 08066-0183(LT)

Parcel 15: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20472 being part of PIN 08066-0183(LT)

Parcel 16: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-20472 being part of PIN 08066-0183(LT)

Parcel 17: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20472 being part of PIN 08066-0183(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 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20485, being Part of PIN 08084-2248(LT), Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20485, being Part of PIN 08084-2248(LT), Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20485, being Part of PIN 08084-1056(LT), Part of Lot 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20485, being Part of PIN 08084-1056(LT), Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20496, being Part of PIN 08083-2235(LT), Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20496, being Part of PIN 08083-2235(LT), Part of Block 2, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20496, being Part of PIN 08083-2235(LT), Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20496, being Part of PIN 08083-2233(LT), Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20496, being all of PIN 08083-0001(LT), Part of Lot 16, Concession 4, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 7 on Plan 33R-20496, being all of PIN 08083-0003(LT) Part of Block 1, Registered Plan 33M-103, in the City of London, County of Middlesex, designated as Part 8 on Plan 33R-20496, being Part of PIN 08083-2233(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20472, being part of PIN 08066-0033(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 2 on Plan 33R-20472, being part of PIN 08066-0033(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 3 on Plan 33R-20472, being part of PIN 08066-0183(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 4 on Plan 33R-20472 being part of PIN 08066-0183(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 5 on Plan 33R-20472 being part of PIN 08066-0183(LT), Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20472 being part of PIN 08066-0183(LT)

for the purpose of the Fanshawe Park Road / Richmond Street Intersection Improvements 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 16, Concession 5, Geographic Township of London, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20485, being Part of PIN 08084-2248(LT)

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Parcel 17: Part of Lot 33, Registrar's Compiled Plan No. 1029, in the City of London, County of Middlesex, designated as Part 6 on Plan 33R-20472 being part of PIN 08066-0183(LT)

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 \_\_\_\_\_, 2020.