

Report to the Council of The Corporation of the City of London

To: Chair and Members
Council of The Corporation of the City of London

From: Kelly Scherr, P. Eng., MBA, FEC, Managing Director,
Environmental and Engineering Services, City Engineer

Subject: Expropriation of Lands
Fanshawe Park Road and Richmond Street Intersection
Improvements Project

Date: March 23, 2021

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 Fanshawe Park Road / Richmond Street Intersection Improvements Project:

- 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, the Fanshawe Park Road / Richmond Street Intersection Improvements Project: **BE INTRODUCED** at the Municipal Council meeting to be held on March 23, 2021;
- 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.

Executive Summary

The purpose of this report is to seek Municipal Council direction and approval of a By-law to expropriate lands required by The Corporation of the City of London for the Fanshawe Park Road and Richmond Street Intersection Improvements Project.

Twenty Three property requirements have been identified to accommodate the design for improvements to the intersection at this location. Negotiations with all property owners has been ongoing since spring 2019 and there are Eleven properties outstanding.

In order to meet planned construction timelines for 2022, it is necessary to advance the utility relocation contracts in Fall 2021. As legal possession of all property requirements will be needed to award the utility and construction contracts, the expropriation of all outstanding property is necessary to be advanced.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Building a Sustainable City by building new transportation infrastructure as London grows. The improvements to the Corridor will enhance safe and convenient mobility choices for transit, automobiles, pedestrians and cyclists.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

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

Corporate Services Committee – October 19, 2020 – Expropriation of Land Fanshawe Park Road and Richmond Street Intersection Improvements Project

2.0 Discussion and Considerations

2.1 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) also identifies the need for traffic capacity optimization and transit priority on this corridor.

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 were 23 property requirements, one of which is a full buyout, with the balance requiring partial acquisitions. 5 of the requirements have been obtained via dedications and 7 have been acquired amicably. Negotiations commenced in the spring of 2019 with the current outstanding requirements standing at 11. Negotiations are ongoing with all remaining owners representing the remaining 11 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.

No Hearing of Necessity requests were received from any affected owners.

Anticipated Construction Timeline

Property requirements to be secured for 2021 construction to facilitate utility relocation with road construction to follow thereafter.

Conclusion

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.

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Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

Impacted Property Owner's property compensation is protected through the expropriation legislation and Council Property Acquisition policy. If negotiated property compensation settlements can not be achieved on an amicable basis, the compensation may be arbitrated through the Local Planning Appeal Tribunal (LPAT).

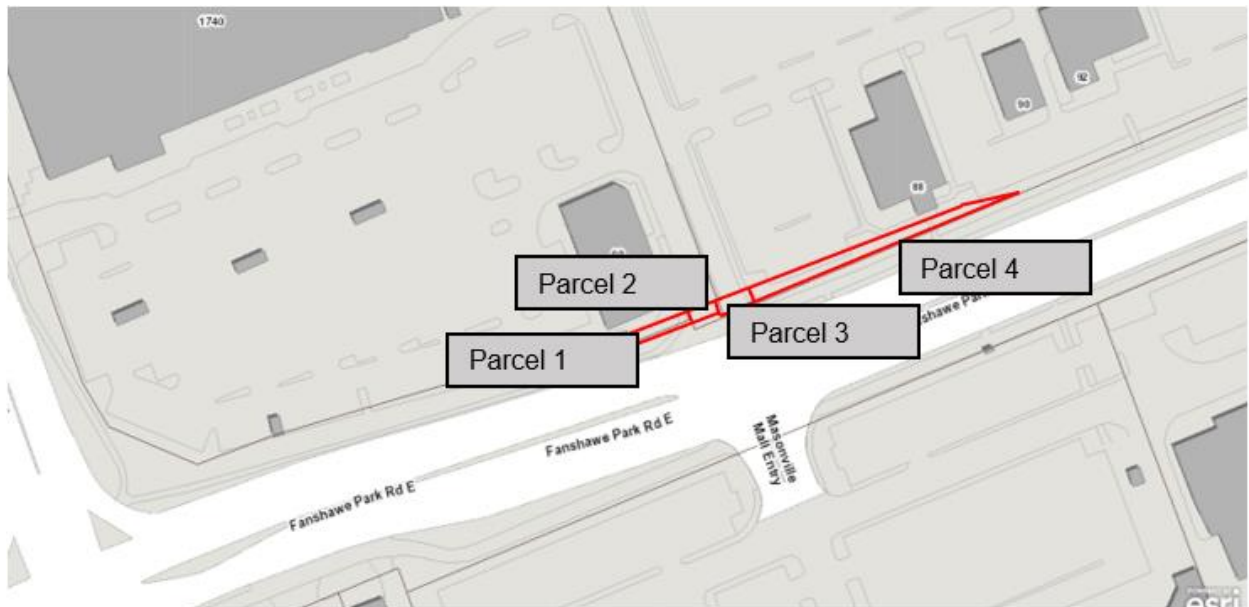
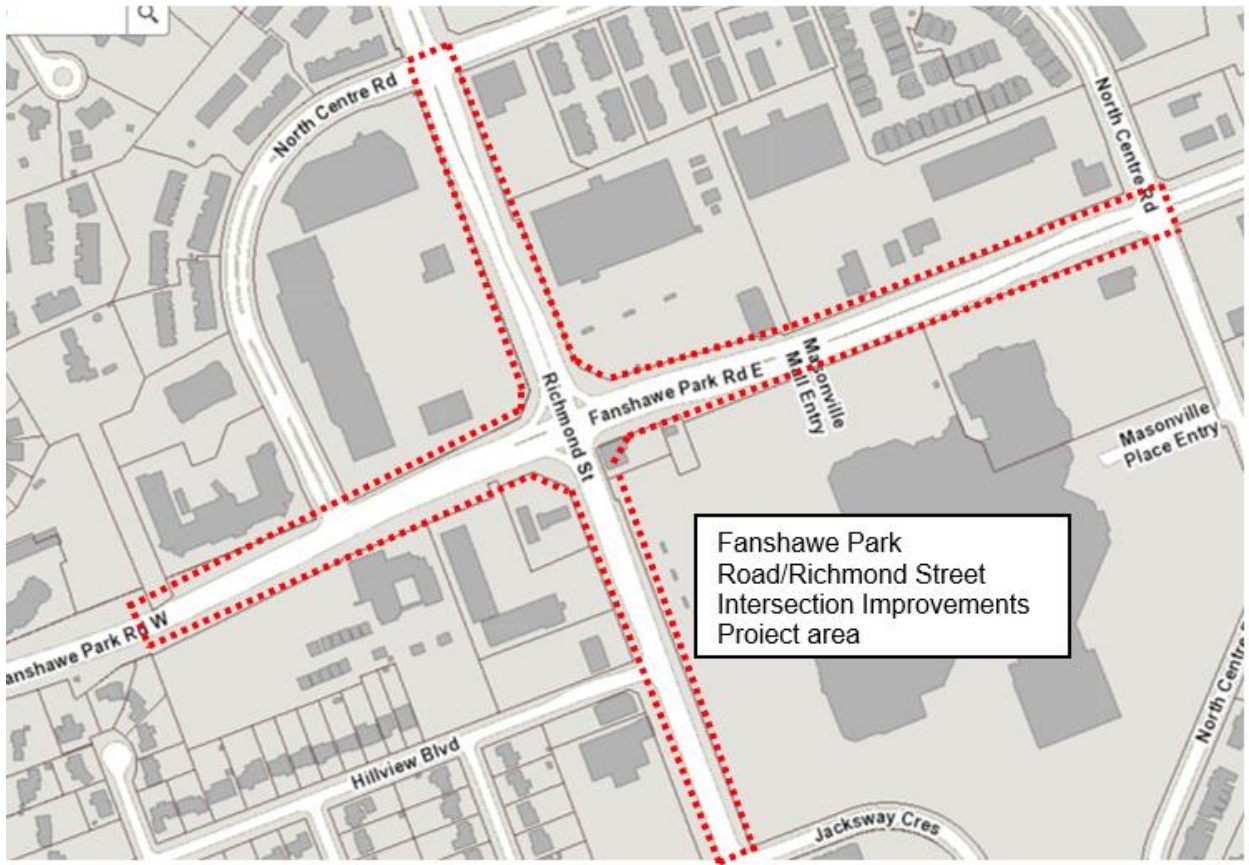
Prepared by: Ron Sanderson, AACI, Manager II, Realty Services

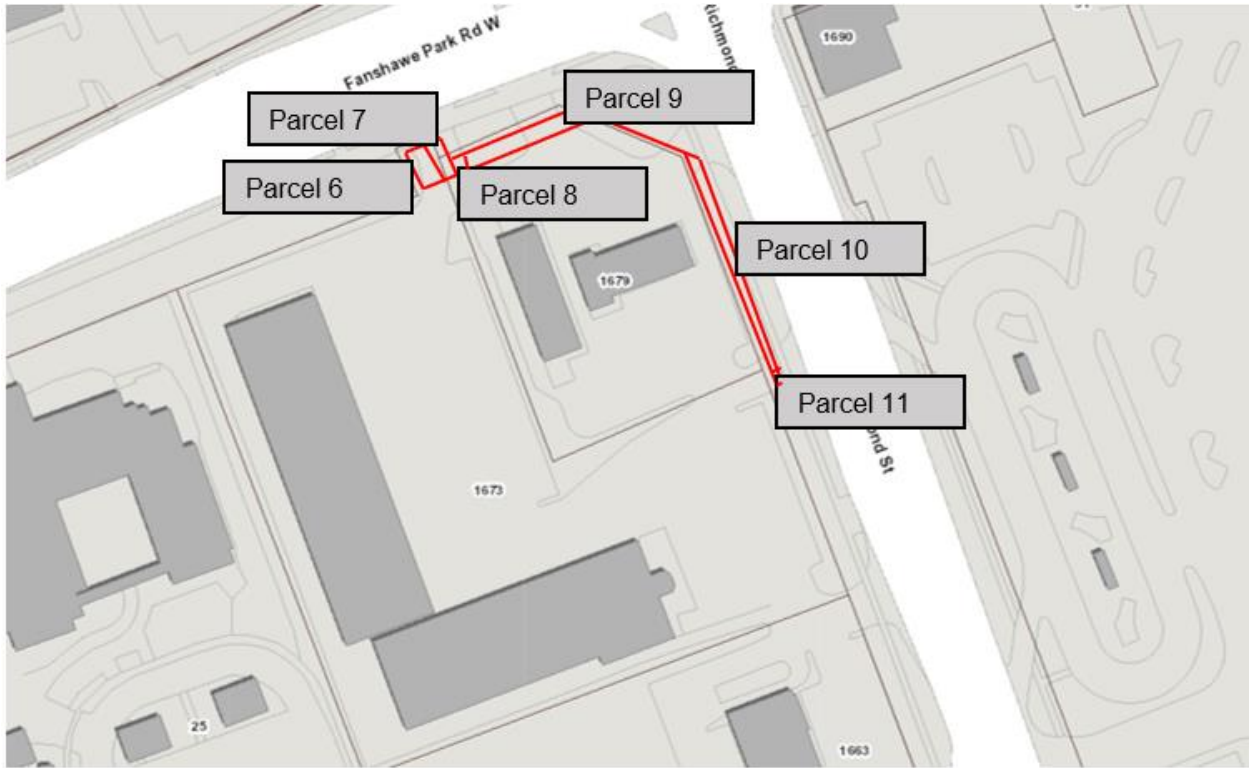
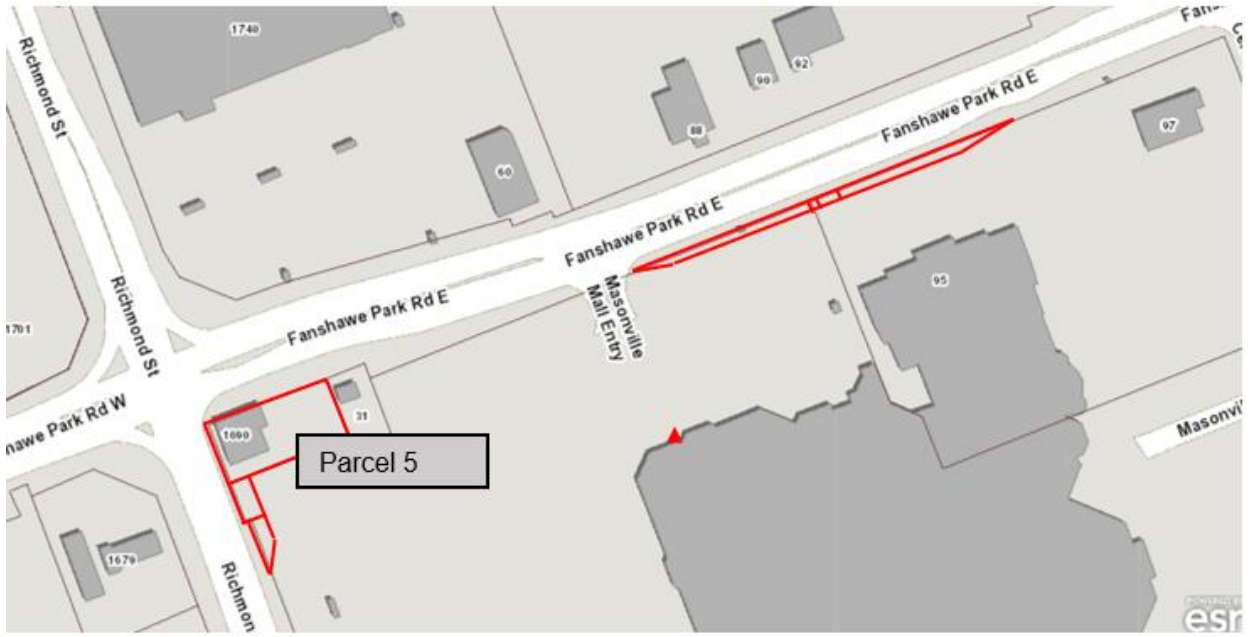
Submitted by: Bill Warner, AACI, Manager of Realty Services

Concurred by: Doug MacRae, P. Eng., Director, Roads and Transportation

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Managing Director, Environmental and Engineering Services, City Engineer

Location Map





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 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 6: 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 7: 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 8: 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 9: 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 10: 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 11: 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 "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 Fanshawe Park Road / Richmond Street Intersection Improvements Project

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 March 23, 2021, 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 March 23, 2021, 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 March 23, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – March 23, 2021
Second reading – March 23, 2021
Third reading – March 23, 2021

Schedule "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)

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