

Public Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager,
Environment and Infrastructure

Subject: Expropriation of Lands
Dingman Drive Improvements Project

Date: June 21, 2021

Recommendation

That, on the recommendation of the Deputy City Manager Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the Dingman Drive 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 the Dingman Drive 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 July 6, 2021 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions

Executive Summary

The purpose of this report is to seek Municipal Council approval for the expropriation of lands required by The Corporation of the City of London for the Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401. The second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight property requirements have been identified to accommodate the design for improvements at this location associated with the first phase.

Negotiations with all property owners have been ongoing since Fall of 2020 and there are two properties outstanding. 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

In order to meet planned construction timelines, it is necessary to advance the utility relocation work in summer of 2022. As legal possession of all property requirements will be needed to commence utility work and award a construction contract, the expropriation of all outstanding property is necessary.

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 this corridor will enhance safe and provide 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 – February 5, 2019 – Environmental Assessment Appointment of Consulting Engineer

Strategic Priorities and Policy Committee – May 21, 2019 – Approval of the 2019 Development Charges By-Law and DC Background Study

Civic Works Committee – June 29, 2020 – Environmental Study Report

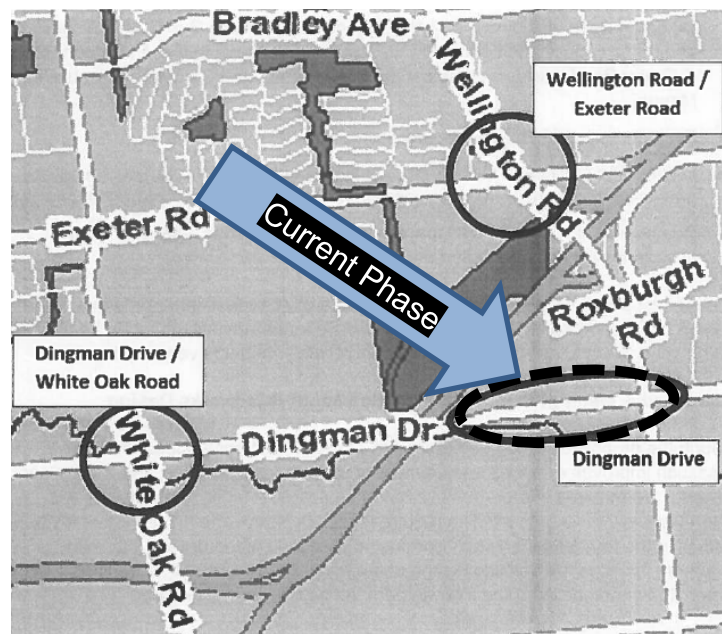
Civic Works Committee – March 2, 2021 Dingman Drive Improvements Appointment of Consulting Engineer - Detailed Design & Tendering

2.0 Discussion and Considerations

2.1 Background

The subject property is required to support the Dingman Drive improvements project.

The project limits are from Wellington Road to Highway 401 and the intersection of Dingman Drive and White Oak Road. See project limits map below. The current Phase includes Dingman Drive from Wellington Road through to the Highway 401 overpass.



Due to the traffic volumes and planned developments in the area, the Dingman Drive improvements were identified as a priority as part of the 2019 Development Charges Background Study.

Anticipated Construction Timeline

Property requirements to be secured for 2023 road construction and to facilitate utility

relocations in 2022. The project will commence with utility relocations with major road construction to follow thereafter.

Location Maps and legal descriptions of property are included as Schedule A.

Conclusion

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study, the timing of construction has been determined in coordination with planned development in the area.

Construction of the first phase of this project is predominantly planned to take place in 2023 with commencement of utility relocations required in 2022 to facilitate the improvements. The project has received approval as part of the Dingman Drive Improvements Project Class EA which identified the required property acquisitions.

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 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).

Commencement of the expropriation process is recommended at this time to ensure project timelines are achieved.

Prepared by: Bryan Baar, Manager II, Realty Services

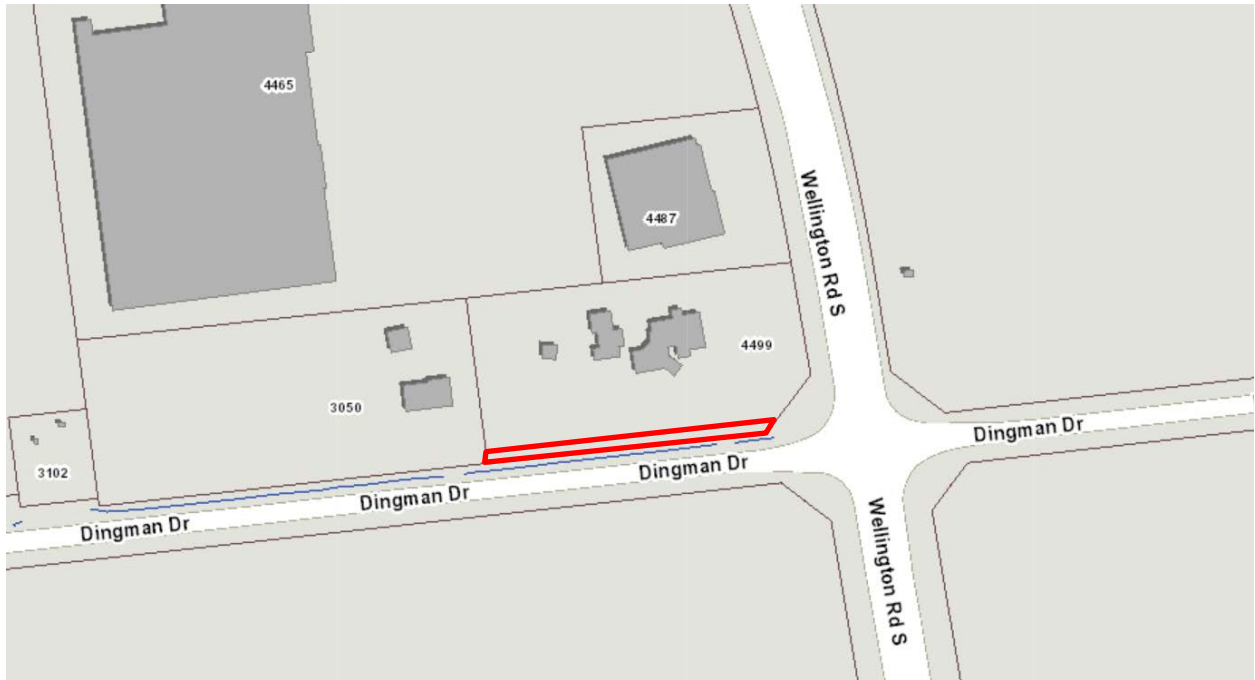
Submitted by: Bill Warner, AACI, Director, Realty Services

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

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

Schedule A - Location Maps

PARCEL 1



PARCEL 2



Schedule “A” Continued

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

Schedule "B"

Bill No.
2021

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 Dingman Drive 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 Dingman Drive 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 Dingman Drive 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 DINGMAN DRIVE
IMPROVEMENTS PROJECT**

The following lands are required in fee simple:

- Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

- Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(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 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT); Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT) for the purpose of the Dingman Drive Improvements Project.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the following lands described as follows:

- Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)
- Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(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

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 _____, 2021.