

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

To: The Council of The Corporation of the City of London

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

Subject: Expropriation of Lands, Southdale Road West and Wickerson
Road Improvements Project

Date: January 25, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environmental and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, the following actions be taken with respect to the expropriation of land as may be required for the project known as Southdale Road West and Wickerson Road 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, Southdale Road West and Wickerson Road Improvements Project **BE INTRODUCED** at the Municipal Council meeting to be held on January 25, 2022;
- 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 Land; 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 approval for the expropriation of lands required by The Corporation of the City of London for the Southdale Road West and Wickerson Road Improvements Project.

Seven property requirements have been identified to accommodate the design for improvements at this location. Negotiations with all property owners have been ongoing since the Fall of 2020 and there is one property outstanding. Realty Services continues to negotiate with the outstanding property owner in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction time lines.

In order to meet planned construction time lines for 2022, it is necessary to advance the utility relocation contracts in Spring of 2022. 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 – May 21, 2019 – Approval of the 2019 Development Charges By-Law and DC Background Study

Civic Works Committee – August 25, 2014 – Southdale Road and Boler Road Intersection Improvements Environmental Assessment Appointment of Consulting Engineer

Civic Works Committee – July 18, 2016 – Environmental Assessment Appointment of Consulting Engineer

Civic Works Committee – February 20, 2019 – Southdale Road and Wickerson Road Improvements Environmental Study Report

Civic Works Committee – July 23, 2019 - Southdale Road and Wickerson Road Improvements Detailed Design & Tendering Appointment of Consulting Engineer

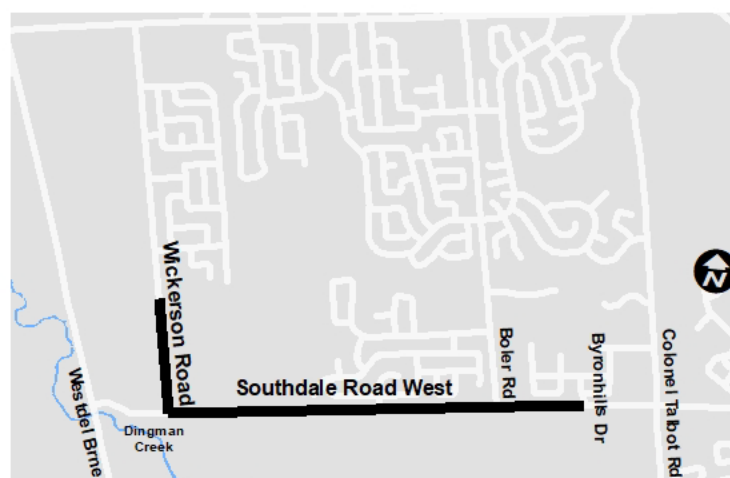
Corporate Services Committee – September 20, 2021 – Expropriation of Lands, The Southdale Road West and Wickerson Road Improvements Project.

2.0 Discussion and Considerations

2.1 Background

The subject properties will support the Southdale Road West and Wickerson Road Improvements Project.

The project limits are on Southdale Road West from Byron Hills Drive to Wickerson Road and northerly 650m on Wickerson Road. See project limits map below.



Due to the growing use of these roads and developments in the area, combined with operational needs to improve safety and support for all travel modes, the Southdale Road West corridor Improvements were identified as a priority as part of the 2019 Development Charges Background Study. Construction is currently scheduled to begin in 2022, subject to property acquisition and other approvals. Utility relocations and tree removals will be completed prior to capital construction.

The expropriation process has been initiated at the request of the Transportation and Mobility 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 owner in an effort to achieve acceptable outcomes to all parties involved.

The property ownership has changed during the course of the expropriation process but all interested parties have been served notice.

No hearing of necessity requests were received.

Anticipated Construction Timeline

Property requirements are required to be secured for 2022 road construction and to facilitate utility relocations prior to construction. 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 Southdale Road West and Wickerson Road 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 is planned to take place in 2022 with commencement of utility relocations planned prior to construction to facilitate the improvements. The project has received approval as part of the Southdale Road West Municipal Class EA which identified the required property acquisitions.

Realty Services continues to negotiate with the outstanding property owner 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 cannot be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal (OLT).

Prepared by: Bryan Baar, Manager II, Realty Services

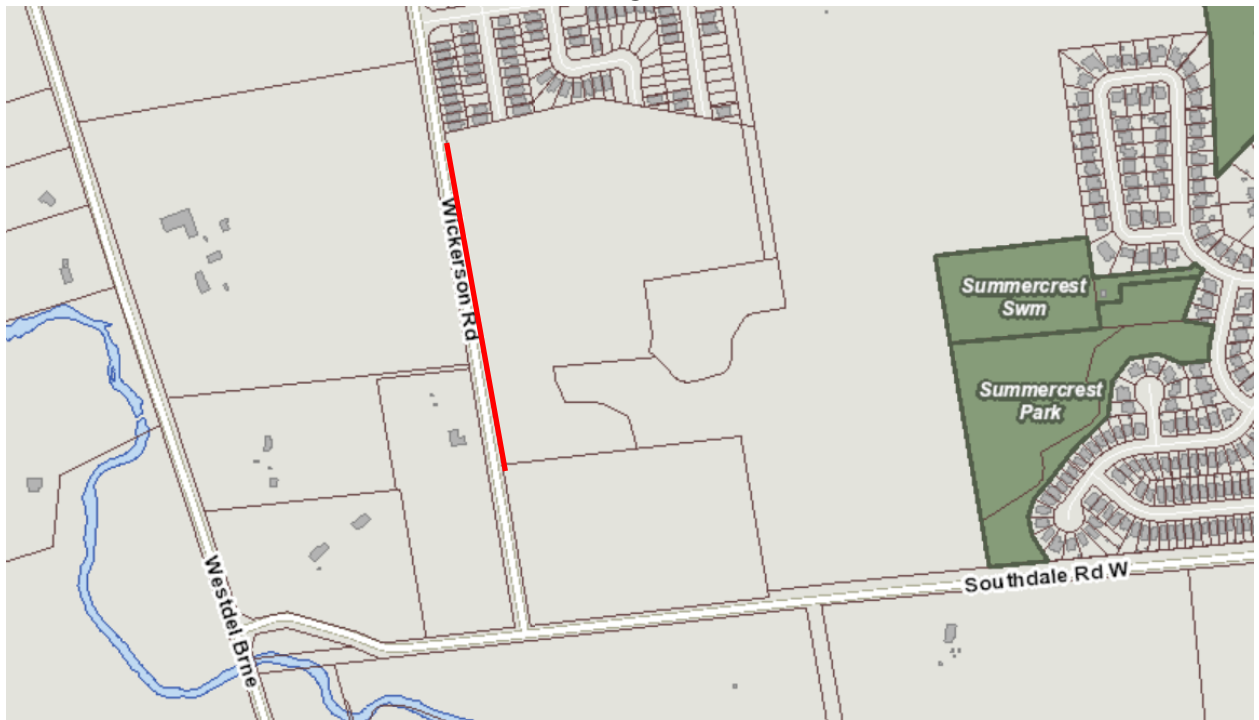
Submitted by: Bill Warner, AACI, Director, Realty Services

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

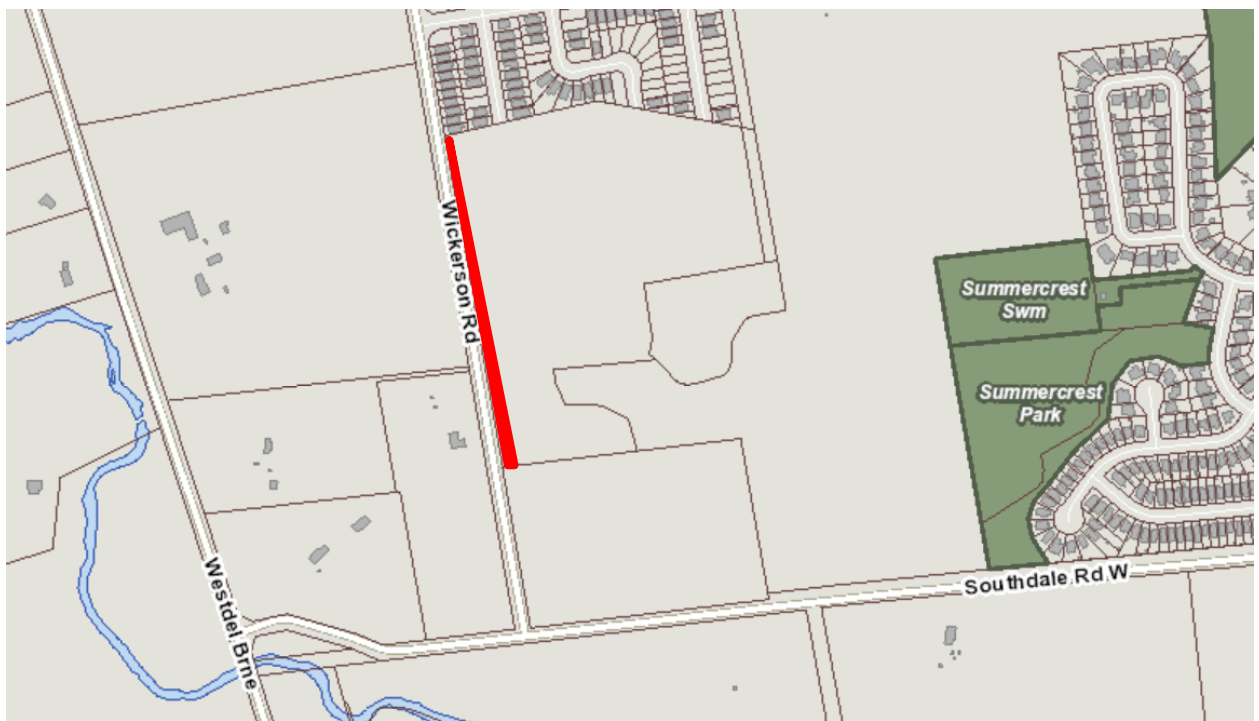
Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

Appendix A Location Maps

PARCEL 1



PARCEL 2



Schedule "A" Continued

Parcel 1: Part of Lot 48, Concession 1, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 22, 23, and 24 on Plan 33R-21075 being Part of PIN 08420-1502(LT)

Parcel 2: Part of Lot 48, Concession 1, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 3, 4, and 5 on Plan 33R-21075 being Part of PIN 08420-1502(LT)

APPENDIX "A"

Bill No.
2022

By-law No. L.S.P.

A by-law to expropriate lands in the City of London, in the County of Middlesex, for the as Southdale Road West and Wickerson Road 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 January 25, 2022, 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 January 25, 2022, 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 January 25, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First reading – January 25, 2022
Second reading – January 25, 2022
Third reading – January 25, 2022

Schedule "A"

To By-law L.S.P.-

**DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE AS SOUTHDALE
ROAD WEST AND WICKERSON ROAD IMPROVEMENTS PROJECT**

The following lands are required in fee simple:

Parcel 1: Part of Lot 48, Concession 1, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 22, 23, and 24 on Plan 33R-21075 being Part of PIN 08420-1502(LT)

Parcel 2: Part of Lot 48, Concession 1, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 3, 4, and 5 on Plan 33R-21075 being Part of PIN 08420-1502(LT)