

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
Dingman Drive Improvement Project

Date: March 22, 2022

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, with respect to the expropriation of land as may be required for the project known as the Dingman Drive improvements project, the following actions **BE TAKEN**:

- 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 Dingman Drive improvements project” **BE INTRODUCED** at the Municipal Council meeting to be held on March 22, 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 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 Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401 and the second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight (8) property requirements have been identified to accommodate the design for improvements at this location associated with the first phase.

Negotiations with all property owners has been ongoing since the Fall 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 for 2023, it is necessary to advance the utility relocation contracts in the Summer 2022. The project timelines are being

coordinated with planned development in the area. 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 – 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

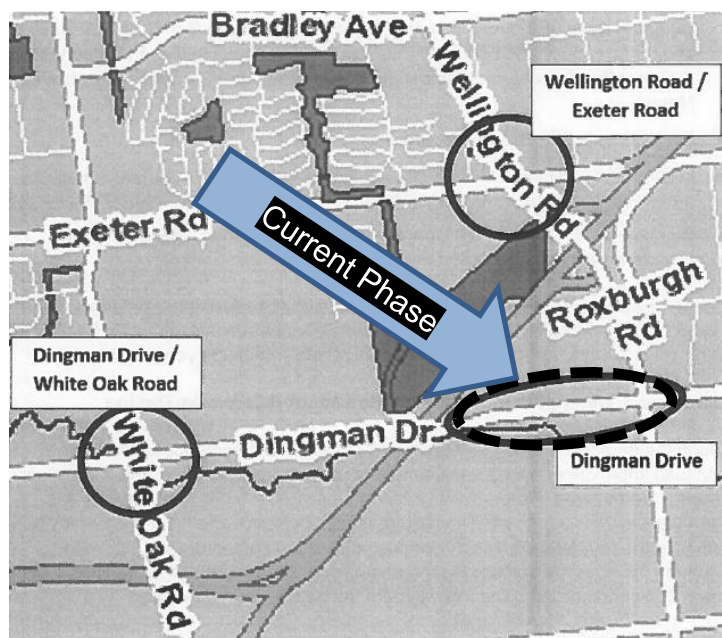
Corporate Services Committee – June 21, 2021 - Expropriation of Land the Dingman Drive Improvements Project

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 are 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 are attached for the Committee's information. Legal descriptions of the properties are included in Schedule A.

Conclusion

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study and 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 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

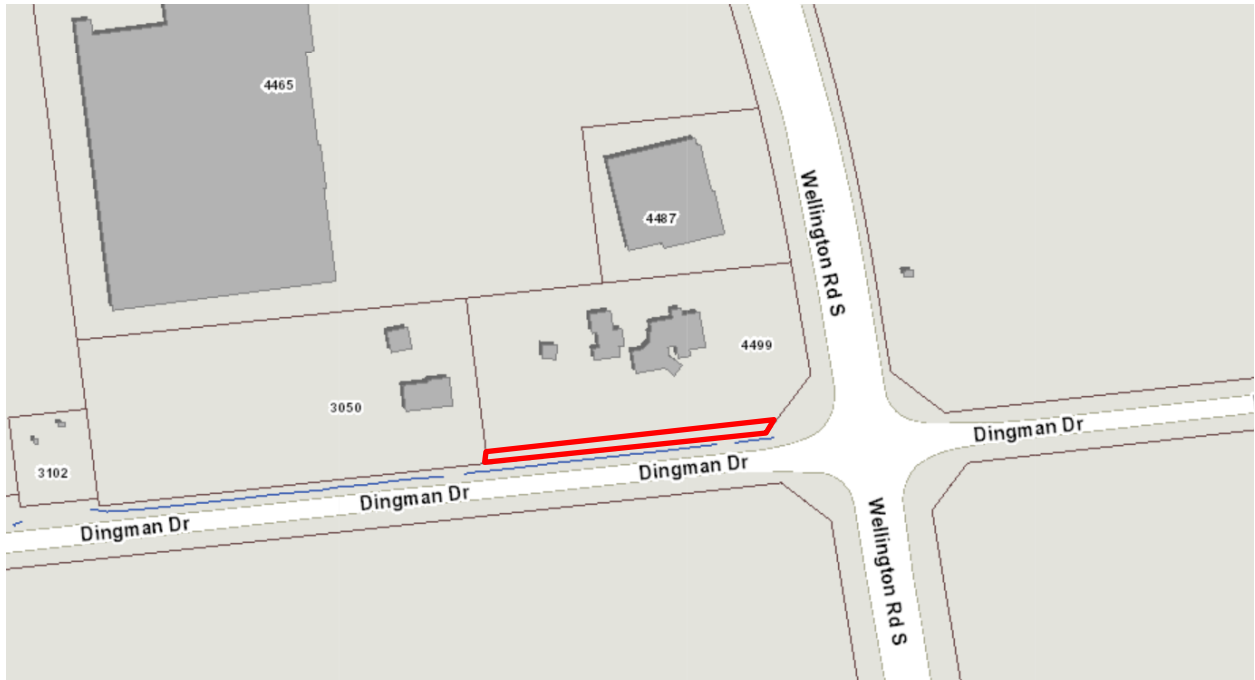
Submitted by: Bill Warner, AACI, Director, Realty Services

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

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

Location Maps

PARCEL 1



PARCEL 2



Schedule “A”

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 A

Bill No.

By-law No. L.S.P.

A by-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Drive 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 22, 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 March 22, 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 March 22, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First reading –
Second reading –
Third reading –

Schedule "A"

To By-law L.S.P.-

**DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE DINGMAN DRIVE
IMPROVEMENT 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)