

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 - Wellington Gateway Project - Phase 1

Date: April 25, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, with the concurrence of the Director, Construction and Infrastructure Services, on the advice of the Director, Realty Services, with respect to the expropriation of lands as may be required for the project known as the Wellington Gateway Project, the following actions be taken:

- a) the 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, **HEREBY APPROVES** the proposed expropriation of lands, as described in Schedule "A" attached hereto, in the City of London, County of Middlesex, it being noted that the reasons for making this decision are as follows:
 - i) the subject lands are required by The Corporation of the City of London for the Wellington Gateway Project;
 - ii) the design of the project will address the current and future transportation demands along the corridor; and,
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study recommendations for the Wellington Gateway Project approved by Municipal Council at the meeting held on May 21, 2019; and
- b) subject to the approval of (a) above, a certificate of approval **BE ISSUED** by the City Clerk on behalf of the Approving Authority in the prescribed form.

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 Wellington Gateway Phase 1 Project.

Multiple property needs have been identified to accommodate the project design and legal possession is required to construct the project in accordance with approved plans and standards.

One property remains outstanding for the Phase 1 Wellington Gateway Project. Realty Services will continue to negotiate with the property owner in parallel with the expropriation process in efforts to achieve an amicable settlement subject to Council approval.

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 – June 19, 2012 – London 2030 Transportation Master Plan;
- Civic Works Committee – July 21, 2014 – Rapid Transit Corridors Environmental Assessment Study Appointment of Consulting Engineer;
- Strategic Priorities and Policy Committee – July 24, 2017 – Rapid Transit Master Plan and Business Case;
- Strategic Priorities and Policy Committee – April 23, 2018 – Bus Rapid Transit Environmental Assessment Initiative;
- Civic Works Committee – March 14, 2019 – History of London's Rapid Transit Initiative; and
- Strategic Priorities and Policy Committee – March 25, 2019 – Investing in Canada Infrastructure Program, Public Transit Stream, Transportation Projects for Submission;
- Strategic Priorities and Policy Committee – October 28, 2019 – Investing in Canada Infrastructure Program, Public Transit Infrastructure Stream, Approved Projects;
- Civic Works Committee – January 7, 2020 – Downtown Loop and Municipal Infrastructure Improvements Appointment of Consulting Engineer
- Civic Works Committee – August 11, 2020 – East London Link Transit and Municipal Infrastructure Improvements – Appointment of Consulting Engineer
- Civic Works Committee – August 11, 2020 – Wellington Gateway Transit and Municipal Infrastructure Improvements – Appointment of Consulting Engineer
- Corporate Services Committee – November 28, 2022 – Expropriation of Lands – Wellington Gateway Project Phase 1
- Civic Works Committee – January 31, 2023 – Contract Award: Tender No. RFT-2022-248 Rapid Transit Implementation – Wellington Street from Queens Avenue to the Thames River (South Branch) – Irregular Result

2.0 Discussion and Considerations

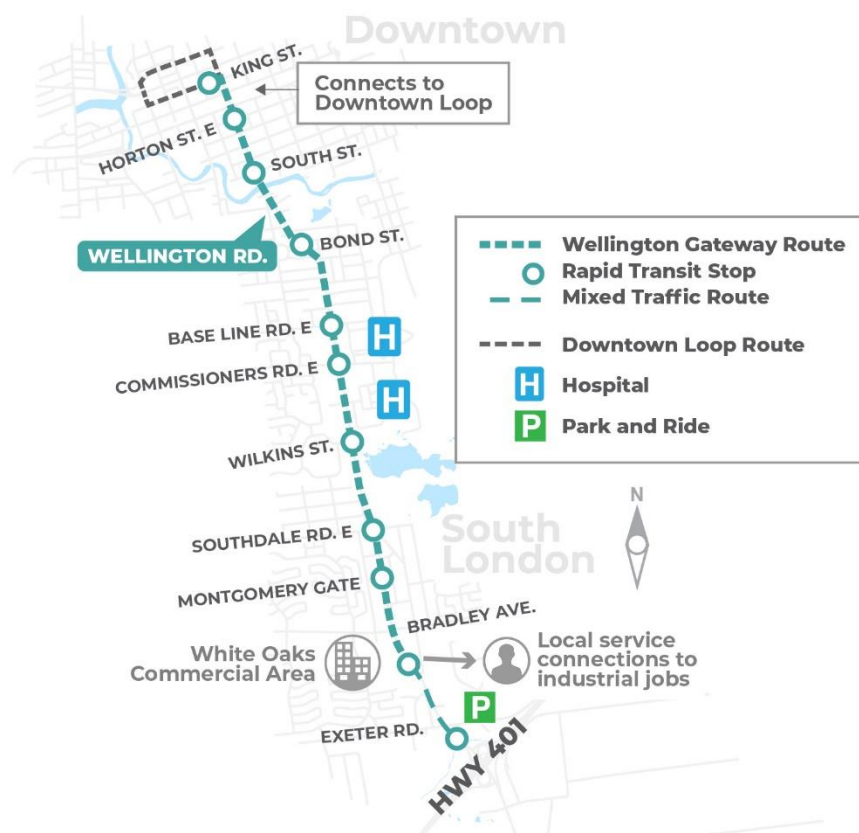
2.1 Background

The Wellington Gateway Project was identified as a priority to deliver a critical component of London's rapid transit system central to London's land use and transportation policies.

The Wellington Gateway Project will revitalize approximately six kilometres of key arterial road between Downtown and Highway 401. The project will widen Wellington Road to add continuous transit-only lanes. The goal is to improve traffic capacity and increase transit frequency and reliability while also addressing necessary underground work, including replacing aging sewers and underground infrastructure.

The project has received Provincial approval of the Environmental Assessment (EA) which identified requirements for property acquisitions.

The full limits of the Wellington Gateway Project are shown below.



2.2 Anticipated Construction Timeline

The Wellington Gateway Project is planned for construction from 2023 and 2027 with a phased approach. The first phase of construction will rebuild Wellington Street from York Street to just north of Clarks Bridge over the Thames River. See project limits map below.



Construction of Phase 1 began in March 2023, with some utility relocations and tree removals completed prior to the start of construction.

Negotiations with all property owners for Phase 1 have been ongoing since Fall of 2021 and there is one property outstanding. Legal possession of all property requirements is needed to commence utility work and award construction contracts. In this case, an interim design solution was possible that allowed construction to proceed on schedule.

Expropriation of the outstanding property is necessary to implement the final design within the Wellington Gateway construction contract. Implementation of the final design is necessary to achieve a safe pedestrian environment in accordance with Complete Streets design manual and the approved environmental assessment.

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

Location Maps and legal description of outstanding property requirements is included as Schedule A.

3.0 Financial Implications and Considerations

3.1 Compensation for Land Acquisition

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.

There is budget available for Wellington Gateway Project land acquisition costs.

Conclusion

Construction of the Wellington Gateway Project Phase 1 is scheduled for 2023 subject to property acquisition and other approvals. Property acquisitions need to be secured to construct the project in accordance with approved plans and standards.

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

Realty Services will continue to negotiate with the outstanding property owner in parallel with the expropriation process.

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

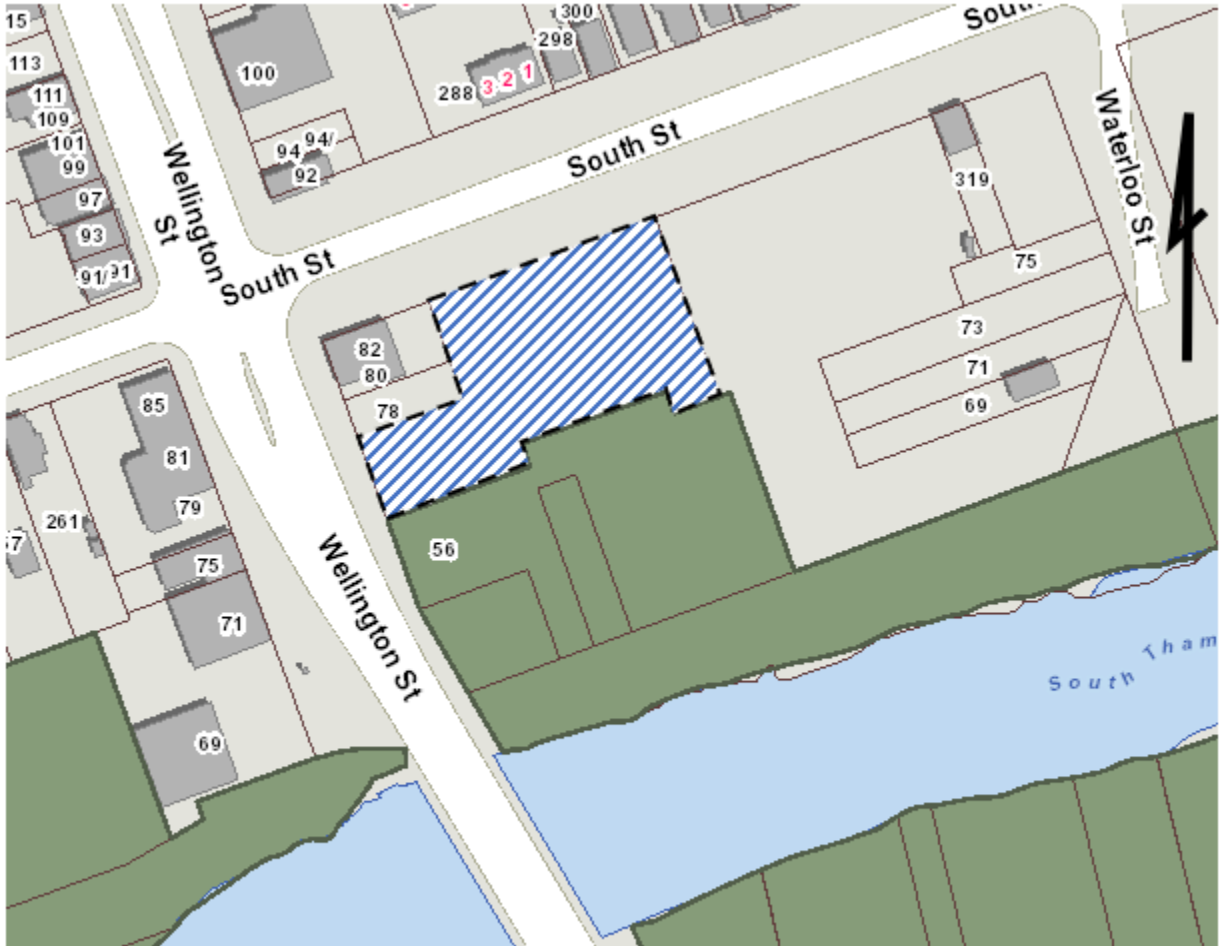
Submitted by: Bill Warner, AACI, Director, Realty Services

Concurred by: Jennie Dann, P. Eng., Director, Construction and Infrastructure Services

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

April 11, 2023

Schedule A - Location Map



72-76 Wellington Street

Schedule A

Fee Simple:

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 4 on Plan 33R-21309 being part of PIN 08330-0003(LT)

Limited Interest (Easement):

Part of Lot 1, South of South Street East in the City of London, County of Middlesex designated as Part 5 on Plan 33R-21309 being part of PIN 08330-0003(LT)