

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 proposed bylaw attached as Appendix “A” being “A by-law to expropriate lands in the City of London, in the County of Middlesex, the Wellington Gateway Project: **BE INTRODUCED** at the Municipal Council meeting to be held on April 25, 2023;
- 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 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 Phase 1 of the 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

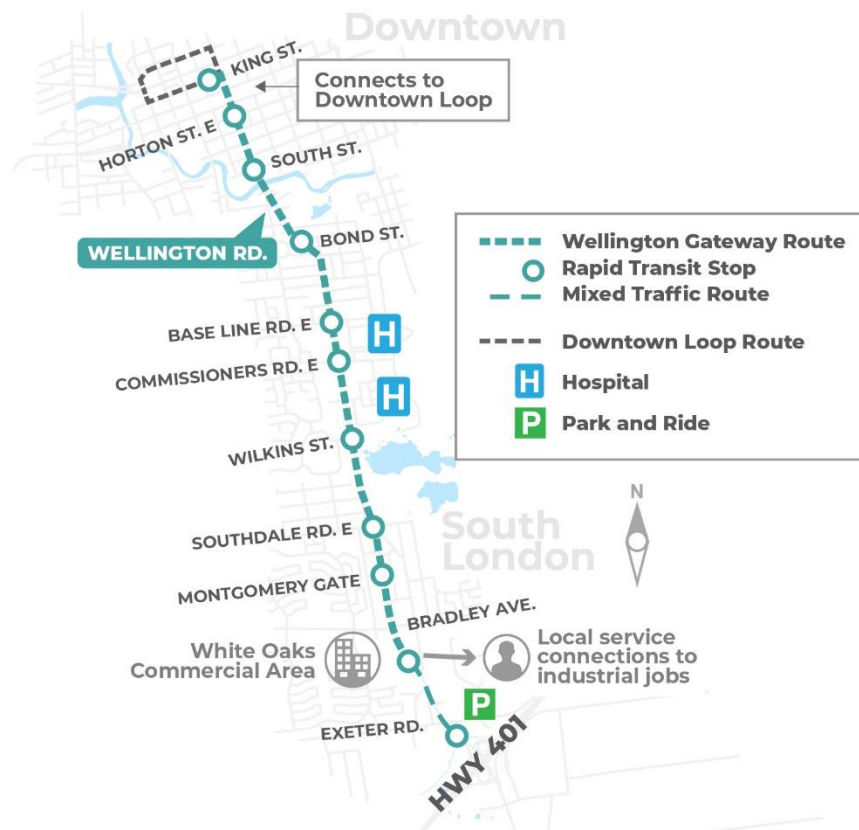
2.1 Background

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 Phase 1 property owners 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.

The 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 descriptions of outstanding property requirements are 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 can not be achieved on an amicable basis, the compensation may be arbitrated through the Ontario Land Tribunal.

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

Conclusion

Construction of Phase 1 of the Wellington Gateway Project 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

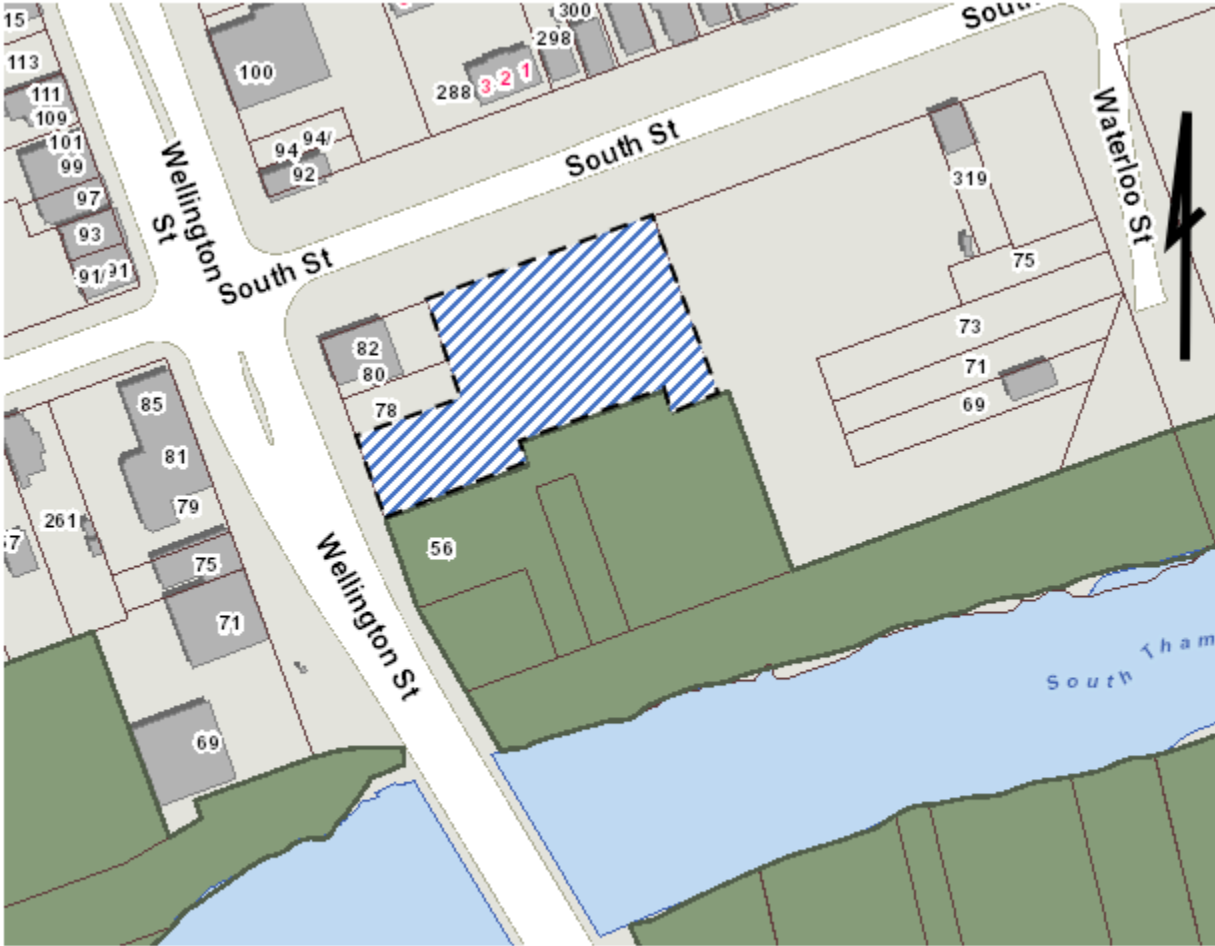
Submitted by: Bill Warner, AACI, Director, Realty Services

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" Continued

Fee Simple:

Parcel 1:

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):

Parcel 3:

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)

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 Wellington Gateway Project - Phase 1.

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 April 25, 2023, 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 April 25, 2023, 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

Josh Morgan, 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 WELLINGTON
GATEWAY PROJECT

Fee Simple:

Parcel 1:
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):

Parcel 3:
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)