



City of Richmond

Report to Council

To:	Richmond City Council	Date:	July 13, 2006
From:	Christine McGilvray Manager, Lands and Property	File:	06-2275-20-297-006/Vol 01
Re:	21000 Westminster Highway Expropriation for Highway Widening		

Staff Recommendation

WHEREAS the Council of the City of Richmond operates public highways within its boundaries.

AND WHEREAS Section 31 of the Community Charter authorizes the Council to expropriate real property or an interest in real property for the purpose of exercising or performing its powers, duties and functions.

AND WHEREAS the Council of the City of Richmond considers it necessary to expropriate a portion of the land located at 21000 Westminster Highway, Richmond, B.C. and legally described as Common Property, Strata Plan LMS1095, which portion is shown outlined in heavy black on the reference plan prepared by Hans Troelsen, B.C.L.S. and certified correct on the 10th day of July 2006 (a reduced copy of which is included in the Report to Council dated July 13, 2006) and is hereinafter referred to as the "Land", for the purpose of using the Land as part of the adjacent public highway.

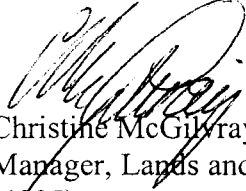
Council of the City of Richmond hereby resolves that:

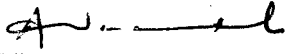


1. the City of Richmond take and expropriate the Land and is hereby authorized to enter on the Land and establish, operate, maintain, alter and improve the Land as part of the adjacent public highway;
2. the work or purpose for which the Land is required is for widening and improving the adjacent public highway;
3. an expropriation notice pursuant to the *Expropriation Act* be issued (the "Expropriation Notice") in respect of the expropriation;
4. the Director, City Clerk's Office, is authorized and directed to:
 - (a) sign and seal the Expropriation Notice;
 - (b) cause the Expropriation Notice to be filed in the appropriate land titles office and to execute all documents required in connection with such filing;
 - (c) serve the Expropriation Notice, together with a copy of the Expropriation Act, on the registered owner of the Land, the holders of any charges registered against title to the Land and to any person in legal possession or occupation of the portion to be expropriated, other than a person who leases residential premises under an agreement that has a term of less than one year;

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- (d) cause an expropriation sign to be placed on the Land in accordance with the *Expropriation Act*; and
- (e) serve the Expropriation Notice on the approving authority for the expropriation.


Christine McGilvray
Manager, Lands and Property
(4005)

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER 		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> 	NO <input type="checkbox"/>
REVIEWED BY CAO	YES  <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

At the June 26, 2006 closed Council meeting, staff were authorized to:

- (1) advise the owners of 21000 Westminster Highway that expropriation of the property required to complete the widening of Westminster Highway will proceed; and
- (2) bring forward to Council the appropriate legal notices and other documentation for expropriation of property at 21000 Westminster Highway.

The owners have been advised that the City is proceeding with expropriation. The resolution set out in this report fulfils the requirements for a formal resolution as set out in the Expropriation Act.

Findings Of Fact

Adoption of the resolution contained in this report will enable staff to commence a number of actions which are required before Council, as the Approving Authority, can finally approve the expropriation.

Subject Property:

Civic Address:	21000 Westminster Highway
Owners:	Strata Corporation LMS1095
Zoning:	CD/5 (Business Park)
Use:	Two separate buildings on site, with frontage parking, accommodating a variety of businesses and tenants
Property Req'd:	872.4 sq.metres (9,390.74 sq.ft.)

Analysis

An appraisal conducted for expropriation purposes is under preparation. This will advise the appropriate amount of compensation to be paid, and the information will be presented to Council before making the advance payment. If costs are higher than anticipated, Council could abandon the process at that time.

Negotiation will still continue with the owners.

Having commenced the expropriation, the City may be exposed to potential compensation claims in the event of abandonment, for any damages suffered or costs incurred due to the initiation of the expropriation.

A satisfactory settlement in a timely manner for the start of the road widening project is unlikely to be achieved in view of the severe property impacts on the owners, and the number of owners involved in the decision.

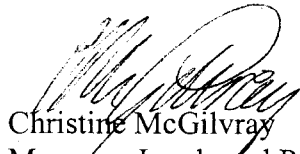
Financial Impact

Once the appraisal is received, a more detailed estimate of costs will be compiled, and this information will be presented to Council prior to completion of the expropriation.

Previously approved capital funding is available for the acquisition, as part of the Westminster Highway Widening Project.

Conclusion

If the property acquisition at this site is to be completed in timely manner, staff recommend it be accomplished by expropriation. Council approval is required by way of a formal resolution with the wording provided by legal counsel, as contained in this report.



Christine McGilvray
Manager, Lands and Property
(4005)

CMG: