



City of Richmond

Report to Council

To: Richmond City Council
From: Christine McGilvray
Manager, Lands and Property
Re: **Authority to Expropriate and
Adoption of Expropriation Bylaw 7736**

To Council - Aug 30, 2004

Date: August 23, 2004

Xr: 06-2275-20-236/Vol 01

File: 8060-20-7736

Staff Recommendation

(1) That the Council of the City of Richmond, pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c.125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated August 5, 2004 registered in the Lower Mainland Land Title Office under number BW393347 approve that expropriation;

and further

(2) That the City Clerk is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
- (c) make the advance payments to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve the owner with a copy of the appraisal report and any other reports on which the advance payment is based and with the Notice of Advance Payment in Form 8;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act* in Form 9; and
- (e) sign and seal the Notice of Advance Payment and Vesting Notice.

and


(3) That the Council of the City of Richmond, pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c.125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated August 5, 2004 registered in the Lower Mainland Land Title Office under number BW393348 approve that expropriation;

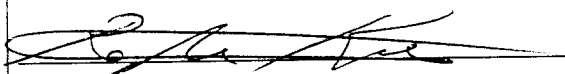

and further

- (4) That the City Clerk is authorized and directed to:
- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
 - (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
 - (c) make the advance payments to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve the owner with a copy of the appraisal report and any other reports on which the advance payment is based and with the Notice of Advance Payment in Form 8;
 - (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act* in Form 9; and
 - (e) sign and seal the Notice of Advance Payment and Vesting Notice.

and further:

- (5) That Bylaw 7736 to expropriate portions of 4200 and 4260 No. 3 Road be adopted;


 Christine McGilvray
 Manager, Lands and Property
 (4005)
 Att. 1

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....	Y	<input checked="" type="checkbox"/>	N		
Transportation	Y	<input checked="" type="checkbox"/>	N		
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO		
	<input type="checkbox"/>	<input type="checkbox"/>		YES	NO
				<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

At the Council meeting of July 26, 2004, Council gave 1st, 2nd and 3rd readings to Bylaw 7736, being a bylaw to expropriate portions of lands located at 4200 and 4260 No. 3 Road which are required to complete the easterly extension of Browngate Road from No. 3 Road to Hazelbridge. Council also authorized the Mayor and Clerk to carry out certain other requirements with respect to delivery of the Expropriation Notices.

Findings Of Fact

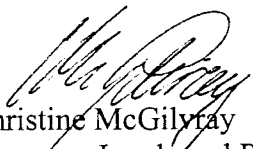
The Notices of Expropriation was subsequently delivered according to the requirements of the Expropriation Act; they have been posted on the sites; and they have been registered at the Land Titles Office. The Bylaw authorizing the expropriations must now be adopted, and the Council, as expropriating authority, is required to pass a resolution to carry out the necessary steps to complete the expropriation process.

Financial Impact

Funds for the expropriation and the road construction project are available from 2004 Road DCCs, 2004 Capital Reserve, and 2001 Infrastructure Land account.

Conclusion

In order to proceed with submitting advance payment to the owners, serving the owners with a copy of the appraisal report, issuing the vesting notice and serving it on the owners, Council, as expropriating authority, should resolve to approve the expropriations of portions of the properties at 4200 and 4260 No. 3 Road, and the Expropriation Bylaw should be adopted.



Christine McGilvray
Manager, Lands and Property
(4005)

Expropriation Act
Form 5
(Section 18(2))

Schedule A to
Resolution (2)

Certificate of Approval of Expropriation

TO: City of Richmond
6911 No. 3 Road, Richmond, B.C. V6Y 2C1

Yin Wan Enterprises Ltd.
6809 Neal Street, Vancouver, B.C. V6P 3N4

British Columbia Hydro and Power Authority
Property Rights Management
12430 – 88th Avenue, Surrey, B.C., V3W 3Y1

TELUS Communications Inc.
Telus Right of Way Dept.
1st floor, 15079 – 64th Avenue, Surrey, B.C. V3S 1X9

Citibank Canada
123 Front Street West, Toronto, Ontario M5J 2M3

The Manufacturers Life Insurance Company
200 Bloor Street East, Toronto, Ontario M4W 1E5

TAKE NOTICE that the City of Richmond, 6911 No. 3 Road, Richmond, B.C. V6Y 2C1, has approved the expropriation contemplated in the Expropriation Notice dated August 5, 2004, registered in the Lower Mainland Land Title Office under number BW393347 and affecting PID: 000-468-975 Lot 92 Section 33 Block 5 North Range 6 West New Westminster District Plan 54877.

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for a business loss referred to in section 34(3).

DATED at Richmond, B.C. this _____ day of _____, 2004.

CITY OF RICHMOND, 6911 No.3 Road,
Richmond, B.C. V6Y 2C1, (604) 276-4000

By: _____
CITY CLERK

Expropriation Act
Form 5

Schedule A to
Resolution (4)

(Section 18(2))

Certificate of Approval of Expropriation

TO: City of Richmond
6911 No. 3 Road, Richmond, B.C. V6Y 2C1

Yin Wan Enterprises Ltd.
6809 Neal Street, Vancouver, B.C. V6P 3N4

British Columbia Hydro and Power Authority
Property Rights Management
12430 – 88th Avenue, Surrey, B.C., V3W 3Y1

TELUS Communications Inc.
Telus Right of Way Dept.
1st floor, 15079 – 64th Avenue, Surrey, B.C. V3S 1X9

Canadian Tire Corporation Ltd.
2500 – 595 Burrard Street, Vancouver, B.C. V7X 1L1

The Manufacturers Life Insurance Company
200 Bloor Street East, Toronto, Ontario M4W 1E5

TAKE NOTICE that the City of Richmond, 6911 No. 3 Road, Richmond, B.C. V6Y 2C1, has approved the expropriation contemplated in the Expropriation Notice dated August 5, 2004, registered in the Lower Mainland Land Title Office under number BW393348 and affecting PID: 003-907-465 Lot 1 Section 33 Block 5 North Range 6 West New Westminster District Plan 58627.

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for a business loss referred to in section 34(3).

DATED at Richmond, B.C. this ___ day of _____, 2004.

CITY OF RICHMOND, 6911 No.3 Road,
Richmond, B.C. V6Y 2C1, (604) 276-4000

By: _____
CITY CLERK



To Expropriate Lands at 4200 and 4260 No. 3 Road

The Council of the City of Richmond enacts as follows:

- 1. The Council of the City of Richmond hereby takes and expropriates fee simple title to the portions of the following properties:

PID: 000-468-975
 Lot 92 Section 33 Block 5 North Range 6 West
 New Westminster District Plan 54877
 known by civic address as 4200 No. 3 Road, and

PID: 003-907-465
 Lot 1 Section 33 Block 5 North Range 6 West
 New Westminster District Plan 58627
 known by civic address as 4260 No. 3 Road

which are shown outlined in heavy black on the reference plan prepared by Stephen Campbell, B.C.L.S. and certified correct on the 14th day of April, 2004, a reduced copy of which is attached as Schedule A and forms a part of this bylaw.

- 2. The land described in Section 1 is required for the purposes of establishing, constructing and operating a public highway.
- 3. The Council of the City is hereby authorized to enter on the land described in section 1 to establish, construct, operate and maintain a public highway, and to alter and improve the land described in Section 1 as a public highway.
- 4. This Bylaw is cited as "Expropriation of parts of 4200 and 4260 No. 3 Road Bylaw No. 7736".

FIRST READING

JUL 26 2004

SECOND READING

JUL 26 2004

THIRD READING

JUL 26 2004

ADOPTED

MAYOR

CITY CLERK

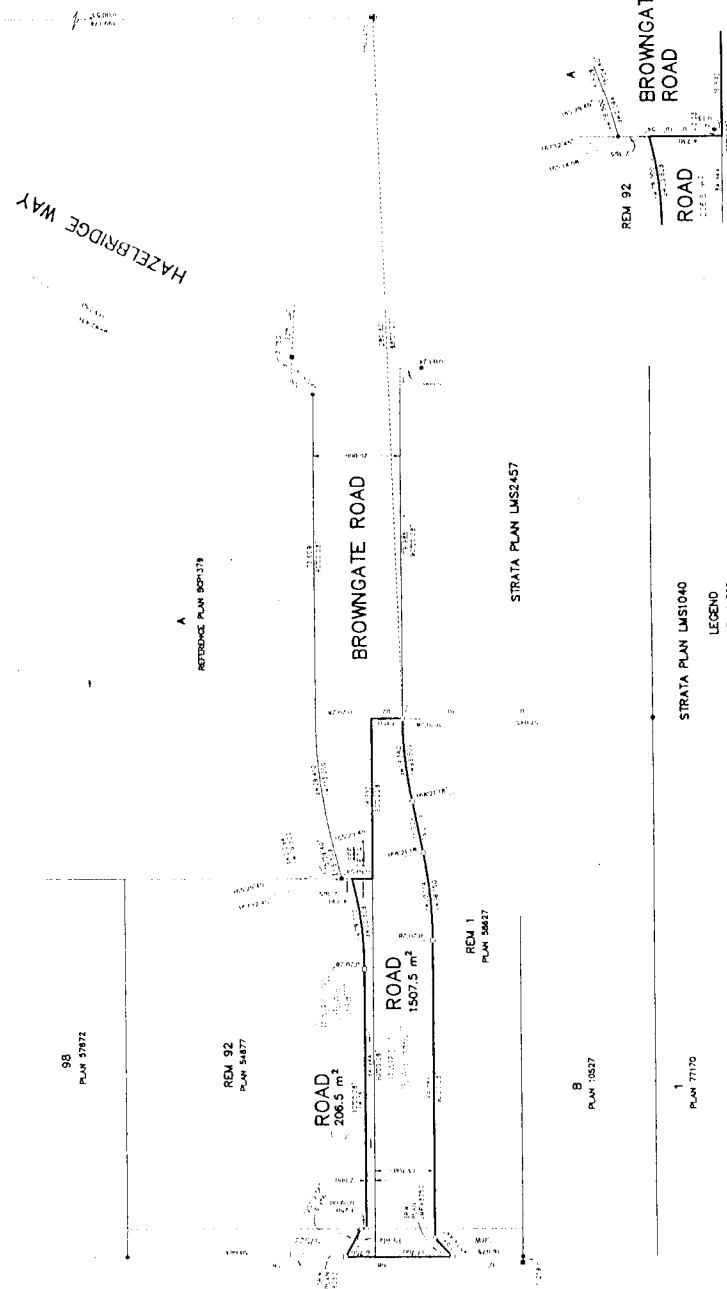
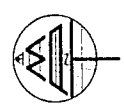
CITY OF RICHMOND
APPROVED as to content only
Dept. Head
APPROVED as to form only
Solicitor
DATE OF COUNCIL APPROVAL (if applicable)

PLAN BCP

REF. No. _____
DEPARTMENT OF LANDS AND FORESTRY
1000 WESTMINSTER DISTRICT
VICTORIA 3181
DATE: 14/04/2014
PROJECT: 8-04-1428-REF

REFERENCE PLAN OF PART OF SECTION 33 BLOCK 5 NORTH
RANGE 6 WEST NEW WESTMINSTER DISTRICT

B.C.G.S. 92G-015
PURSUANT TO SECTION 107 LAND TITLE ACT
AND SECTION 6 EXPROPRIATION ACT
LANDS DEALT WITH:
PART OF LOT 92 SECTION 33 BLOCK 5 NORTH RANGE 6 WEST N.W.D. PLAN 54877
PART OF LOT 1 SECTION 33 BLOCK 5 NORTH RANGE 6 WEST N.W.D. PLAN 58627



ROAD
DETAIL
NOT TO SCALE

MATSON PECK & TOPPUS
SURVEYORS & ENGINEERS
1000 WESTMINSTER DISTRICT
VICTORIA 3181
DATE: 14/04/2014
PROJECT: 8-04-1428-REF

REVISIONS
NO. DATE BY
1 14/04/2014 [Name]
2 14/04/2014 [Name]
3 14/04/2014 [Name]
4 14/04/2014 [Name]
5 14/04/2014 [Name]
6 14/04/2014 [Name]
7 14/04/2014 [Name]
8 14/04/2014 [Name]
9 14/04/2014 [Name]
10 14/04/2014 [Name]

NOTES
1. THIS PLAN IS A REFERENCE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
2. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE SURVEYING AND MAPPING OF LAND IN VICTORIA.
3. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE EXPROPRIATION OF LAND IN VICTORIA.
4. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE LAND TITLE ACT IN VICTORIA.
5. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE EXPROPRIATION OF LAND IN VICTORIA.
6. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE LAND TITLE ACT IN VICTORIA.
7. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE EXPROPRIATION OF LAND IN VICTORIA.
8. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE LAND TITLE ACT IN VICTORIA.
9. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE EXPROPRIATION OF LAND IN VICTORIA.
10. THE PLAN IS SUBJECT TO THE ACTS AND REGULATIONS GOVERNING THE LAND TITLE ACT IN VICTORIA.

TOTAL AREA OF ROAD DEDICATED ON THIS PLAN IS 1714.0 m²

Expropriation Act

Form 1

(Section 6(1))

Expropriation Notice

Expropriation Notice No.
(to be filled in by Land Title Office)

TO: Yin Wan Enterprises Ltd.
6809 Neal Street, Vancouver, B.C. V6P 3N4

AND TO: [List other Chargeholders]

AND: City of Richmond
6911 No. 3 Road, Richmond, BC V6Y 2C1

AND: Registrar
Lowermainland Land Title Office

TAKE NOTICE that:

1. The City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1, telephone no. 604-276-4000, (the "expropriating authority") intends to expropriate land or an interest in land in respect of which Yin Wan Enterprises Ltd. is the registered owner, the particulars of which are as follows:

That portion of the land legally described as PID: 003-907-465 Lot 1 Section 33 Block 5 North Range 6 West New Westminster District Plan 58627, civic address as 4260 No. 3 Road, shown outlined in heavy black on the reference plan prepared by J. Stephen Campbell, B.C.L.S. and certified correct on the 14th day of April, 2004 (a reduced copy of which is attached as Schedule A).

2. The nature of the interest in the land intended to be expropriated is the fee simple estate.

NOTE: Where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

3. The work or purpose for which the interest in the land is required is for the establishment, construction and operation of a public highway.

4. The approving authority for this expropriation is the City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1, telephone no. 604-276-4000.
5. Where an owner is eligible under section 10 of the *Expropriation Act* to request an inquiry, the Expropriation Compensation Board and the expropriating authority must be served with a Notice of Request for Inquiry (Form 2), a copy of which is attached hereto, within 30 days after the date this Expropriation Notice is served on the owner.
6. Where less than an entire parcel is affected by the expropriation and a fee simple interest is intended to be expropriated a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act*.

Dated at Richmond, BC this ____ day of _____, 2004.

City of Richmond, by

REF. NO.

DATE OF ISSUE

DATE OF EXPIRY

DATE OF REVISION

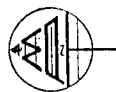
Schedule "A" to Form 1
Expropriation Notice

REFERENCE PLAN OF PART OF SECTION 33 BLOCK 5 NORTH
RANGE 6 WEST NEW WESTMINSTER DISTRICT

B.C.C.S. 950.015

PURSUANT TO SECTION 107 LAND TITLE ACT
AND SECTION 6 EXPROPRIATION ACT

LANDS DEPARTMENT
PART OF LOT 92 SECTION 33 BLOCK 5 NORTH RANGE 6 WEST N.W.C. PLAN 54277
PART OF LOT 1 SECTION 33 BLOCK 5 NORTH RANGE 6 WEST N.W.C. PLAN 56627



98
PLAN 51872

REN 92
PLAN 54277

ROAD
206.5 m²

ROAD
1507.5 m²

REN 1
PLAN 56627

B
PLAN 10227

1
PLAN 7170

BROWNGATE ROAD

STRATA PLAN LMS2457

A
REFERENCE PLAN 809178

HAZELBRIDGE WAY

BROWNGATE ROAD

REN 92

ROAD

ROAD

DETAIL
NOT TO SCALE

STRATA PLAN LMS1040

LEGEND

SCALE 1:500



- 1. UNIMPROVED LAND
- 2. IMPROVED LAND
- 3. EXISTING ROAD
- 4. EXISTING DRIVEWAY
- 5. EXISTING FENCE
- 6. EXISTING UTILITY
- 7. EXISTING STRIP

TOTAL AREA OF ROAD LOCATED ON THIS PLAN IS 1714.0 m²

NO. 3 ROAD

WATSON BROS. & CO. LTD.
SURVEYORS & ENGINEERS
1000 BROADVIEW AVENUE
VANCOUVER, B.C. V6A 1K1

THIS PLAN IS A REFERENCE PLAN AND DOES NOT CONSTITUTE A REPRESENTATION OF THE ACTUAL STATE OF THE LAND OR THE POSITION OF ANY BOUNDARY OR INTEREST THEREIN. IT IS THE RESPONSIBILITY OF THE APPLICANT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED AND TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES.

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