



City of Richmond

Report to Council

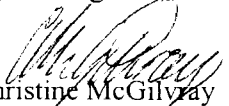
To: Richmond City Council **Date:** November 1, 2006
From: Christine McGilvray **File:** 06-2275-20-297-016/Vol. 01
 Manager, Lands and Property
Re: **21500 Westminster Highway - Expropriation**

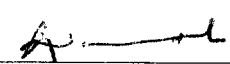
Staff Recommendation

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 24 October, 2006 registered in the New Westminster/Vancouver Land Title Office under number BA563615 does approve that expropriation.

And further, that the Director, City Clerk's Office, is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to the report dated November 1, 2006, from the Manager, Lands and Property, as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner (as defined in the *Expropriation Act*) of the City's approval of the expropriation;
- (c) make the advance payment or payments as required under Section 20(1)(d) of the *Expropriation Act* and serve the Notice of Advance Payment in Form 8 along with a copy of the appraisal report(s) on which the advance payment is made;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 or the *Expropriation Act*;
- (e) sign and seal the Notice of Advance Payment and Vesting Notice.


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

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Budgets	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Land Management	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
			(ACTING)		

Staff Report

Origin

At the October 23, 2006 closed Council meeting, an expropriation process for a portion of the lands at 21500 Westminster Highway commenced, and a resolution was passed by Council in open meeting on October 23, 2006 authorizing staff to serve the Notice of Expropriation and take other necessary steps.

Before the expropriation can be completed, Council must approve of the expropriation in its capacity of "Approving Authority" under the Expropriation Act. In addition, a resolution is required to authorize the remaining steps (including payment) to complete the expropriation.

Findings Of Fact

The expropriation action is deemed necessary because while the owners of the property have reached agreement regarding the land to be acquired for the highway widening project, the single tenant of the affected site does not agree to the terms.

Analysis

Before the expropriation can be completed, Council must approve of the expropriation in its capacity of "Approving Authority" under the Expropriation Act. In addition, a resolution is required to authorize the remaining steps (including payment) to complete the expropriation.

It is anticipated that the payment and filing of the Vesting Notice will take approximately seven working days, after which time the City will be able to access the land.

Financial Impact

The initial payment to the owners will be at the appraised value, \$25,000. The appraiser found the taking will have virtually no impact on the market value of the tenant's lease or on the existing operations and rights of the tenant. The owners and tenants will have one year in which to file claims under the expropriation to either challenge the value or prove other business losses.

Other costs such as signage, landscaping and other reasonable costs of reinstatement and processing are estimated at \$43,000. In addition, the City will bear costs for the expropriation process.

Capital funding for the acquisition/expropriation is available in capital project 40250.

Conclusion

The resolution of the Approving Authority and the resolution of Council authorizing the Certificate of Approval, the making of the advance payment and the filing of the vesting order, each as set out on the cover page of this report, are necessary in order to complete this expropriation.



Christine McGilvray
Manager, Lands and Property
(4005)

CMG:

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: Dayhu Investments Ltd.
1st Floor, 1777 West 75th Avenue, Vancouver, B.C. V6P 6P2

British Columbia Hydro and Power Authority
18th Floor, 333 Dunsmuir Street, Vancouver, B.C. V6B 5R3

Sun Life Assurance Company of Canada
1010 – 1140 West Pender Street, PO Box 28, Vancouver, B.C. V6E 4G1

Konica Minolta Business Solutions (Canada) Ltd.
21500 Westminster Highway, Richmond, B.C. V6V 2V1

Her Majesty the Queen in Right of the Province of British Columbia
c/o Ministry of Environment
1001 Douglas Street, PO Box 9290 Stn Prov Govt, Victoria, B.C. V8W 9J7

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

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 October 24, 2006 registered in the New Westminster/Vancouver Land Title Office under number BA563616 and affecting the land legally described as PID: 023-911-786, Lot A, Section 10, Block 4, North Range 4 West, New Westminster District, Plan LMP34606 and having a civic address at 21500 Westminster Highway, Richmond, B.C.

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 business loss referred to in section 34(3).

DATED at Richmond, B.C. this _____ day of _____, 2006.

City of Richmond, 6911 No. 3 Road,
Richmond, B.C. V6Y 2C1, (604) 276-4000

By: _____
Director,
City Clerks Office