



To:	Richmond City Council	Date:	November 2, 2006
From:	Christine McGilvray Manager, Lands and Property	File:	06-2275-20-297-011/Vol 01
Re:	22031 Fraserwood Way - Expropriation		

Staff Recommendation

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

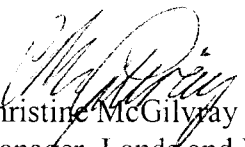
AND WHEREAS Section 31 of the Community Charter authorizes the Council to expropriate real property or an interest in real property for the purpose of exercising or performing its powers, duties and functions.

AND WHEREAS the Council of the City of Richmond considers it necessary to expropriate a portion of the land located at 22031 Fraserwood Way, Richmond, B.C. and legally described as Lot D Section 11 Block 4 North Range 4 West New Westminster District Plan LMP38491, 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 26th day of June 2006 (a reduced copy of which is Attachment 1 to this Report to Council dated November 2, 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;

- (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)

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 (ACTING)
					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

In 2004, 2005 and 2006, Council approved capital funding to complete the widening of Westminster Highway between Nelson Road and the Highway 91 Hamilton Interchange. Property acquisitions are proceeding on the affected properties. This report seeks authority to proceed with expropriation to finalize the acquisition requirements at 22031 Fraserwood Way. Council were advised of the possibility that such action may be required at the closed session of Council on October 23, 2006.

Findings Of Fact

Subject Property

Civic Address:	22031 Fraserwood Way
Owner:	Dayhu Investments Ltd.,
Tenant:	Daimler/Chrysler Corporation
Zoning:	I-3 (Business Park Industrial District)
Use:	single-tenant purpose built administration offices
Property Req'd:	614.6 sq.metres (6616.71 sq.ft.)
Temporary Work Area:	6943 sq.ft.

Analysis

General agreement was reached with the owner and the single-use tenant on the terms of acquisition of the land required at 22031 Fraserwood Way. The legal documentation to complete the acquisition, prepared in accordance with the requirements of both the owner and the tenant, was forwarded to the owner on September 5, 2006. The owner subsequently passed it to the tenant for signature on September 8, 2006. The tenant is Daimler/Chrysler Corporation with a Head Office in Michigan, and the tenant's legal department has been handling the processing of the signatures. While the City has been given several assurances that the matter is proceeding, the documents have not been returned in a timely way.

The City must take the necessary steps to ensure it has access to the lands so that its construction schedule will not be compromised.

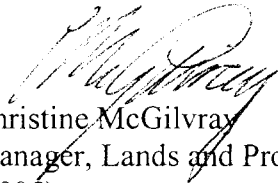
Financial Impact

An updated appraisal suitable for valuing the interests of both owner and tenant, is being prepared. This will indicate the amount of the payment the City should make. The City will bear the costs associated with the expropriation.

In addition to the payment for land and temporary working space at this location, the City will also bear the cost of relocation of signage and fencing, and relocation or reinstatement of landscaping. All costs are available in the previously approved capital funding budget for the Westminster Highway widening capital project 40250.

Conclusion

In order to proceed with the construction work in timely manner, Council approval is required by way of a formal resolution as contained in this report.



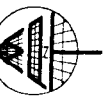
Christine McGilvray
Manager, Lands and Property
(4005)

CMG:

REFERENCE PLAN OF PART OF LOT D SECTION 11
BLOCK 4 NORTH RANGE 4 WEST
NEW WESTMINSTER DISTRICT
PLAN LMP38491

B.C.G.S. 926-016

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



R. 08-15992-11-REF

PLAN BCP

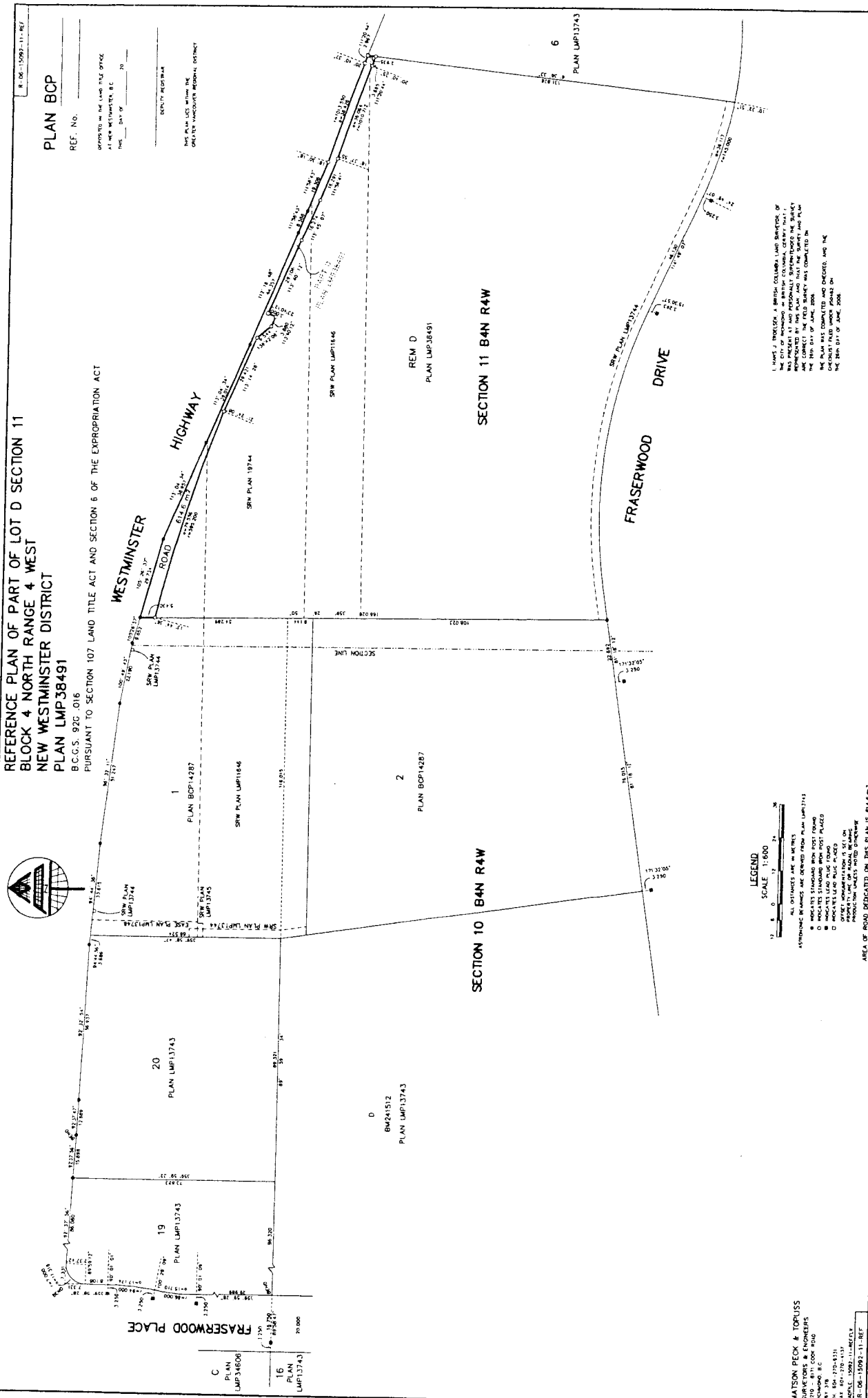
REF. NO.

APPROVED BY THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C.

DATE: _____

EXPIRES: _____

THIS PLAN WAS PREPARED BY
CERTAIN MEASUREMENTS DISTRICT



LEGEND

- SCALE 1:600
- ALL DIMENSIONS ARE IN METERS
- ASYMPTOTIC BENCHES ARE DERIVED FROM PLAN LMP37143
- INDICATES STANDARD BENCH POST PLACED
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AREA OF ROAD DEDICATED ON THIS PLAN IS 614.6 m²

L. HAWES, ENGINEER, A BRITISH COLUMBIA LAND SURVEYOR OF
THE PROFESSION OF LAND SURVEYING, CERTIFICATE NO. 1011,
REGISTERED IN THE PLAN AND THIS PLAN WAS PREPARED BY
MEASUREMENTS DISTRICT. THIS PLAN WAS APPROVED BY THE
LAND TITLE OFFICE ON THE 28th DAY OF JUNE, 2008.
THIS PLAN WAS COMPLETED AND CHECKED, AND THE
CHECKLIST FILED UNDER PLAN NO.
ON THE 28th DAY OF JUNE, 2008.

B.C.L.S.

MATSON PECK & TOPUSS
ENGINEERS
2710 - 8011 COOK ROAD
NEW WESTMINSTER, B.C. V3C 4G8
TEL: 604-270-2111
FAX: 604-270-4137
EMAIL: 15992-11-REF

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