



City of Richmond

Report to Council

To: Richmond City Council
From: Christine McGilvray
Manager, Property Services
Re: **22031 Fraserwood Way - Expropriation**

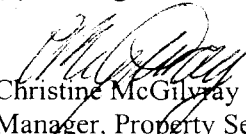
Date: November 29, 2006
File: 06-2275-20-297-011/Vol
01

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 22 November, 2006 registered in the New Westminster/Vancouver Land Title Office under number BA448218, 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 29, 2006, from the Manager, Property Services, 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, Property Services
(4005)

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"/>

Staff Report

Origin

At the November 14, 2006 Council meeting, a resolution was passed by Council authorizing staff to commence expropriation proceedings to acquire a portion of land at 22031 Fraserwood Way, including serving the Notice of Expropriation and taking 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 is deemed necessary because although the owners and tenants of the property have reached agreement with the City regarding the payment for the land to be acquired for the widening of Westminster Highway, the tenant has not executed the legal documentation and returned same in a timely manner. The tenant's head office is located in Michigan.

The City has taken the step of expropriation to ensure that it has access to the lands so that its construction project schedule will not be compromised.

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.

Financial Impact

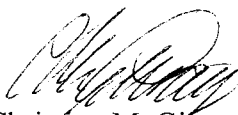
The advance payment to the owner will be at the appraised value of \$94,100. The appraiser found the taking will have virtually no impact on the market value of the tenant's lease or on the existing operations and rights of the tenant.

In addition to the payment for land, the City will also bear the cost of the temporary working space needed at the site (based on a percentage rent calculated from the payment for land), signage and fencing, and relocation or reinstatement of landscaping.

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, Property Services
(4005)

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

Her Majesty the Queen in Right of the Province of British Columbia
c/o Ministry of Environment
Room 112, Parliament Buildings
Victoria, B.C. V8V 1X4

Telus
555 Robson Street
Vancouver, B.C. V6B 3K9

DaimlerChrysler Canada Inc. (previously Chrysler Canada Ltd.)
care of Attorney: Donald M. Dalik
2100 – 1075 West Georgia Street
Vancouver, B.C. V6E 3G2

Bank of Montreal
6th Floor, 595 Burrard Street
PO Box 49400
Vancouver, B.C. V7X 1L5

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 November 22, 2006 registered in the New Westminster/Vancouver Land Title Office under number BA448218 and affecting the land legally described as PID: 024-203-467, Lot D Section 11 Block 4 North Range 4 West New Westminster District Plan LMP38491 and having a civic address at 22031 Fraserwood Way, 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