



To: General Purposes Committee **Date:** November 30, 2015
From: Andrew Nazareth **File:** 12-8060-20-009501/Vol01
 General Manager, Finance and Corporate Services
Re: **Sale of Park Bylaw No. 9501 (11191 Twigg Place) and Alternative Approval Process**

Staff Recommendation

1. That 11191 Twigg Place -- Sale of Park Bylaw No. 9501 (11191 Twigg Place), which authorizes the sale of 11191 River Road to River Road Investments Ltd. for \$5,125,000 be introduced and given First, Second and Third readings; and
2. That, following third reading of 11191 Twigg Road - Sale of Park Bylaw No. 9501, an Alternative Approval Process be conducted under the following parameters:
 - a) The deadline for receiving completed elector response forms is 5:00 pm (PST) on Monday, February 22, 2016;
 - b) The elector response form is substantially in the form as found in Attachment 1 to the staff report titled "Sale of Park Bylaw No. 9501 (11191 Twigg Place) and Alternative Approval Process" dated November 30, 2015 from the General Manager Finance and Corporate Services; and
 - c) the number of eligible electors is determined to be 124,185 and the ten percent threshold for the AAP is determined to be 12,419.

Andrew Nazareth
 General Manager, Finance and Corporate Services
 (604-276-4095)

REPORT CONCURRENCE			
ROUTED TO: Parks City Clerk's Office Law	CONCURRENCE <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER 	
		REVIEWED BY DIRECTORS	INITIALS:

Staff Report

Origin

On November 23, 2015, at a closed Council Meeting, Council approved the purchase of 7080 River Road from River Road Investments Ltd. (Attachment 2) with the cost of the purchase to be comprised of a cash component as well as the proceeds from dispositions including 11191 Twigg Place to River Road Investments Ltd (Attachment 1).

As part of the approval, it was noted that 11191 Twigg Place was received as park from a subdivision process on the west end of Mitchell Island (although the property has never been utilized as park). As a result, the disposition of 11191 Twigg Place requires a bylaw and the approval of the electors which can be achieved by way of the Alternative Approval Process (AAP).

Analysis

The purpose behind the above noted transactions is the formation of the Middle Arm Waterfront Park which was approved by Council as part of the City Centre Area Plan ("CCAP") on February 12, 2007. The park will encompass five (5) properties along River Road stretching from Dinsmore Bridge to the future extension of Browngate Road including River Road which will be relocated to the former CP Rail corridor directly adjacent to the southeast of the properties (Attachment 2). Since the plan was approved in 2007, the City has purchased 7500, 7400 and 7360 River Road representing approximately 11 acres of the planned 37 acre park. The acquisition of 7080 River Road (approximately 12 acres) represents the fourth of five properties required to complete the park.

This report specifically concerns the disposition of 11191 Twigg Place which was received as park from a subdivision process on the west end of Mitchell Island. In 2007 Mitchell Island Holdings Inc. applied to the City to subdivide the parcel located at 11200 Twigg Road into 6 separate parcels of land. As part of the subdivision the City received transfer of one of the parcels-- specifically 11191 Twigg Place (approximately 2.77 acres) -- for park purposes. At the time of the transfer, the land was valued at \$894,320.

The property has never been developed or utilized as a park and has served as a strategic holding property in the interim. The creation of the Middle Arm Park affords the City of the opportunity to dispose of the park designated land at 11191 Twigg Road located in the heavily industrialized west end of Mitchell Island and purchase park land located adjacent to the most populous area in Richmond -- the City Centre Area.

In order to dispose of 11191 Twigg Place to raise a portion of the funds required to purchase 7080 River Road and thereby utilize funds for park in another area of the City, the City commissioned an independent 3rd party appraisal to value 11191 Twigg Place. The appraisal was thorough and staff supported the appraised value of \$5,125,000 for 11191 Twigg Place.

Given the original value of the land -- \$894,320 -- and the proposed disposition value of \$5,125,000, the City has reaped a return of over 24% annually over the 15 year holding period. The proceeds from the disposition of 11191 Twigg Place will be directly applied to the purchase of 7080 River Road which will form part of Middle Arm Waterfront Park.

Under the requirements of the *Community Charter* (section 27), the City may sell park land with the passage of a bylaw that is subject to elector assent. The City must seek the approval of the electors through a voting opportunity (referendum) or by alternative approval process. An Alternative Approval Process (AAP) allows a Council to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period. If more than 10% of the electors state their opposition to the proposed action, the Council may not proceed with the action unless the matter is made subject to and successfully passes a full referendum.

Alternative Approval Process Parameters

Before an AAP is conducted, Council must establish through resolution, several key parameters for the process.

The first parameter that must be set by Council is the deadline for receiving elector responses. The date and deadline that would meet the 30-day minimum notice period following publication of the second notice is 5:00 pm (PST) on Monday, February 22, 2016

The second parameter that Council must establish is the form to be used for elector responses. Attached to this report (Attachment 4) is an Elector Response Form which would meet all the statutory requirements. A valid elector response form must be originally signed by the elector (photocopies or faxed forms with signatures cannot be accepted), and the form must have the person's full name and residential address and be submitted to the Corporate Officer before the deadline. Non-resident property electors are also eligible. The eligibility requirements are the same as those for voting in a local government election.

The third parameter that must be set by Council is the total number of electors to which the 11191 Twigg Road - Sale of Park Bylaw No. 9501 AAP applies. Using the total number of electors registered and new registrations for the 2014 General Local and School Election, this number is 124,185. The 10% threshold for the AAP is therefore 12,419 valid response forms received in opposition.

Financial Impact

None.

Conclusion

As outlined above, Council must establish several key parameters for the 11191 Twigg Road - Sale of Park Bylaw No. 9501 Alternative Approval Process. If the bylaw receives first, second and third readings and approval of the electors is obtained through the AAP, adoption of bylaw may proceed. The proceeds from the disposition of 11191 Twigg Road will be applied to the purchase of 7080 River Road which in turn will form part the Middle Arm Waterfront Park.

November 30, 2015

- 4 -



Michael Allen
Manager, Property Services

- Att. 1: Site Plan (Disposition)
2: Site Plan (Acquisitions)
3: 11191 Twigg Road - Sale of Park Bylaw No. 9501
4: Elector Response Form

Site Plan (Disposition)



Site Plan (Acquisitions)





City of Richmond

Bylaw 9501

11191 Twigg Place - Sale of Park Bylaw 9501

The Council of the City of Richmond enacts as follows:

- 1. Subject to a compliance with Section 27 of the Community Charter, S.B.C., 2003, c.26, that Lot 1 District Lot 459, 1014, and 5091 Group 1 New Westminster District Plan BCP32626 (PID 027-226-794) as outlined in bold on the attached plan (Schedule A) be sold to River Road Investments Ltd. or its designate for \$5,125,000 (the purchase price).
- 2. This Bylaw is cited as "**11191 Twigg Place - Sale of Park Bylaw 9501**".

FIRST READING

SECOND READING

PUBLIC NOTICE GIVEN

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>KT</i>
APPROVED for legality by Solicitor
<i>JL</i>

MAYOR

CORPORATE OFFICER



I am OPPOSED to the City of Richmond proceeding with the proposed sale of park land located at 11191 Twigg Place.

and I, the undersigned, hereby declare that:

- ✓ I am eighteen years of age or older; and
- ✓ I am a Canadian Citizen; and
- ✓ I have resided in British Columbia for at least six months; and
- ✓ I have resided in, OR have been a registered owner of property in the City of Richmond for at least 30 days; and
- ✓ I am not disqualified by law from voting in local elections; and
- ✓ I am entitled to sign this elector response form, and have not previously signed an elector response form related to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road).

Elector's Full Name (print)	
Residential Address ¹	
AND mailing address if different from residential address	
Signature of Elector	

See the reverse side of this form for further information regarding the Alternative Approval Process.

Personal Information provided on this form is collected in compliance with the *Freedom of Information and Protection of Privacy Act* (FOIPOP) and will be used only for the purposes of the City of Richmond Alternate Approval Process. If you require further information regarding the FOIPOP, please contact the FOI Coordinator at 604.276.4165.

¹ Non-resident Property Electors must include the address of their property in Richmond in order to establish their entitlement to sign the elector response form.



Pursuant to Section 86 of the *Community Charter*, the City of Richmond is proposing to seek elector approval by alternative approval process.

The question before the electors is whether they are opposed to the City of Richmond proceeding with the proposed sale of park land located at 11191 Twigg Place.

INSTRUCTIONS

1. If you are opposed to the proposed sale of park land at 11191 Twigg Place, you can sign an elector response form **if you qualify as an elector in the City of Richmond.**
2. If you are NOT opposed to the proposed sale of park land 11191 Twigg Place, you do not need to do anything.
3. Forms are available at the City of Richmond, 6911 No. 3 Road, Richmond, BC, V6Y 2C1 between 8:15 am – 5:00 pm beginning November 20, 2013.
4. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the City of Richmond. If you are unsure if you qualify, please contact the City of Richmond at 604.276.4007.
5. A person who obtains an Elector Response Form may make accurate copies of the form.
6. One elector of the City of Richmond may sign each Elector Response Form.

1.

All Elector Response Forms must be received by the City of Richmond on or before **5:00 pm on January 17, 2014** to be considered.

No faxed or scanned Elector Response Forms will be accepted. In other words, originally signed forms must be submitted.

2.

The number of electors in the City of Richmond is estimated to be 131,082. If ten percent (10% or 13,108 electors) of the estimated number of electors in the City of Richmond sign an Elector Response Form in opposition to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), the City of Richmond cannot proceed without receiving the assent of the electors by referendum.

3.

For further information, contact:

David Weber
City Clerk
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1
604.276.4007