



IN CAMERA

ADMINISTRATIVE REPORT

Report Date: June 16, 2010  
Contact: Michael Flanigan  
Contact No.: 604.873.7422  
RTS No.: 8769  
VanRIMS No.: 08-2000-21  
Meeting Date: June 22, 2010

TO: Vancouver City Council

FROM: Director of Real Estate Services in consultation with the General Manager of Engineering and the Director of Legal Services

SUBJECT: Acquisition of Property for Left Turn Bays on Knight Street at 33rd Avenue - 4824 and 4832 Knight Street by Expropriation

**IN CAMERA RATIONALE**

This report is recommended for consideration by Council in the In Camera agenda as it relates to Section 165.2(1) of the *Vancouver Charter*: (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city.

**RECOMMENDATION**

THAT Council authorize the City as an expropriating authority to commence expropriation proceedings pursuant to the Provincial Expropriation Act to acquire the following interests in property for the construction of left turn bays on Knight Street at 33<sup>rd</sup> Avenue.

1. That 9.8 square metres (105 sq ft) portion of the lands located at 4824 Knight Street and legally described as Parcel Identifier 013-635-832 Lot 4, Except: Firstly: The West 7 Feet now Road, Secondly: Part Plan BCP9378; Block 7 District Lot 705 Plan 2571 shown in bold outline on the Reference Plan prepared by Fred L. Wong B.C.L.S., completed on June 16, 2010, and marginally numbered LD 4976, a copy of which is attached hereto as Appendix A. The source of funding to be paid to the owners of 4824 Knight Street on expropriation and for legal and professional fees, retaining walls and associated works estimated to be \$105,000 to be provided from 2009 Streets Basic Capital Budget for Arterial Improvements, Knight & 33<sup>rd</sup> Left- Turn Bay.

2. That 28.6 square metre (308 sq ft) portion of the lands located at 4832 Knight Street and legally described as Parcel Identifier 008-304-351 Lot 5, Except the West 7 Feet, now road, Block 7 District Lot 705 Plan 2571 the same as shown in bold outline on the Reference Plan prepared by Fred L. Wong, B.C.L.S., completed on June 16, 2010 and marginally numbered LD 4977, a copy of which is attached as Appendix B. The source of funding to be paid to the owners on expropriation and for legal and professional fees estimated to be \$95,000 to be provided from 2009 Streets Basic Capital Budget for Arterial Improvements, Knight & 33<sup>rd</sup> Left Turn Bay.

### ***GENERAL MANAGER'S COMMENTS***

The General Managers of Business Planning and Services and Engineering Services and the Director of Legal Services recommend approval of the foregoing.

### ***COUNCIL POLICY***

On May 27, 1997, Council approved the Vancouver Transportation Plan which recommended that staff develop improvements for goods movement and safety along Knight Street.

On January 15, 2002, Council approved the Victoria-Fraserview/Killarney Community Vision which provided direction to improve conditions and safety on Knight Street for residents, pedestrians and transit users.

On April 20, 2003, Council approved the Clark-Knight Corridor Whole Route Analysis project to develop a corridor plan that would recommend improvements for pedestrians, transit users, residents and goods movement.

On March 29, 2005, Council approved the Clark-Knight Corridor Plan which outlined various measures to improve liveability and transportation along the corridor, including a left turn bay on Knight Street at 33rd Avenue.

### ***PURPOSE***

The purpose of this report is to request Council approval to commence expropriation proceedings to acquire a 9.8 square metre (105 sq ft) portion of the lands located at 4824 Knight Street and a 28.6 square metre (308 sq ft) portion of the lands at 4832 Knight Street.

### ***STATUS OF NEGOTIATIONS***

On November 3, 2009, Council approved the design and budget for left turn bays on Knight Street at 33<sup>rd</sup> Avenue, including the authority to proceed with related property acquisitions.

- 1) 4824 Knight Street

An approximately 0.98 metre (3.2 ft) wide tapered widening strip is required from the front of this property. Negotiations have been underway with the owners of this property since January 2010, and the City has made them an offer of \$24,000 for the widening strip based on an appraisal report prepared by Carmichael Wilson Property Consultants Ltd. In addition to the acquisition price for the land, the City would also be responsible for removing and relocating the existing retaining wall and fence and

landscaping at an estimated cost of \$30,000. This work would be funded from the overall project budget.

The owners refused this offer and while the City will continue with negotiations with the owners, expropriation may be necessary to ensure that the project can commence in the Fall of 2010.

The estimated cost of acquiring by expropriation is \$105,000 based on the following breakdown; \$25,000 for the land, \$30,000 for the retaining wall, fencing and \$50,000 for legal and consulting fees.

2) 4832 Knight Street

An approximately 3.03 metre (9.9 ft) wide tapered widening strip is required from the front of this property. Staff have been advised by the Solicitor representing the owner of the property that he will not sell until all property owners affected by the widening have agreed to sell their portions of the widening strip to the City.

As it is not known if a negotiated settlement can be reached with the owners of 4824 Knight, expropriation may be necessary to ensure that the project can commence in the Fall of 2010.

The estimated cost of acquiring by expropriation is \$95,000 based on the following breakdown; \$45,000 for the land and \$50,000 for legal and consulting fees.

### *Expropriation Process*

Once Council authorizes the City, as expropriating authority, to commence the expropriation proceedings, the City will serve expropriation notices on the registered owners of 4824 and 4832 Knight Street, as well as the holders of any registered interests in the subject properties. The expropriation process will proceed pursuant to the Expropriation Act, as amended.

This expropriation must again be reviewed and approved by Council, as the Approving Authority, once the expropriation notices have been served but before any payment is made to any owner.

### **Impacts of Delay in Property Acquisition**

The General Manager of Engineering Services notes that the property acquisitions at 4824 and 4832 Knight Street are critical for proceeding with the construction of the left turn bays on Knight Street at 33<sup>rd</sup> Avenue this Fall. The location is one of the highest collision locations in the city. Left turn bays at this location will significantly improve safety, reduce shortcutting and improve goods flow from Clark/Knight to the Port of Vancouver by improving travel time reliability. Pedestrian amenity will also be enhanced by providing wider sidewalks, and boulevards with street trees.

Delaying the construction beyond 2010 could have a number of significant consequences that include:

- Delay of collision reduction benefits for at least one year;

- Possible loss of federal funding (\$500,000) from the Border Infrastructure Fund for this project (must be claimed by March 2011); and
- Possible loss of TransLink funding (\$1,233,500).

The approved City funding of \$1,057,000 in the 2009 Capital Budget would need to be increased to cover any losses in cost sharing.

#### *FINANCIAL IMPLICATIONS*

Funding for acquisition of required properties is available from the 2009 Streets Basic Capital Budget for Arterial Improvements, Knight and 33<sup>rd</sup> Avenue Left Turn Bay (gross project budget-\$3, 411,000).

#### *CONCLUSION*

In order to acquire the properties required to complete this project, and to take advantage of Federal and TransLink funding, the subject properties may require expropriation as soon as possible if construction is to be started in the Fall of 2010. Not proceeding with the Knight & 33<sup>rd</sup> Left Turn Bay project this Fall could have significant negative consequences, including delay of collision reduction benefits, possible loss of Federal and TransLink funding.

\* \* \* \* \*

92676

REFERENCE PLAN OF PORTION OF LOT 4, EXCEPT:  
FIRSTLY: THE WEST 7 FEET NOW ROAD,  
SECONDLY: PART PLAN BCP9378;  
BLOCK 7, DISTRICT LOT 705, PLAN 2571,  
GROUP ONE, NEW WESTMINSTER DISTRICT.

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 926.025

10 0 10 20 30 40 50 METRES

ALL DISTANCES ARE IN METERS AND DECIMALS THEREOF.

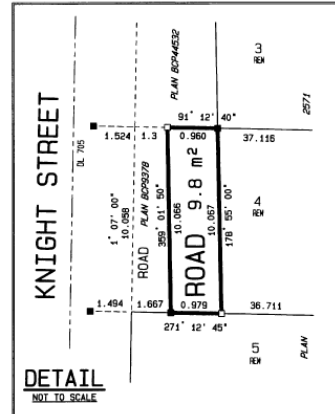
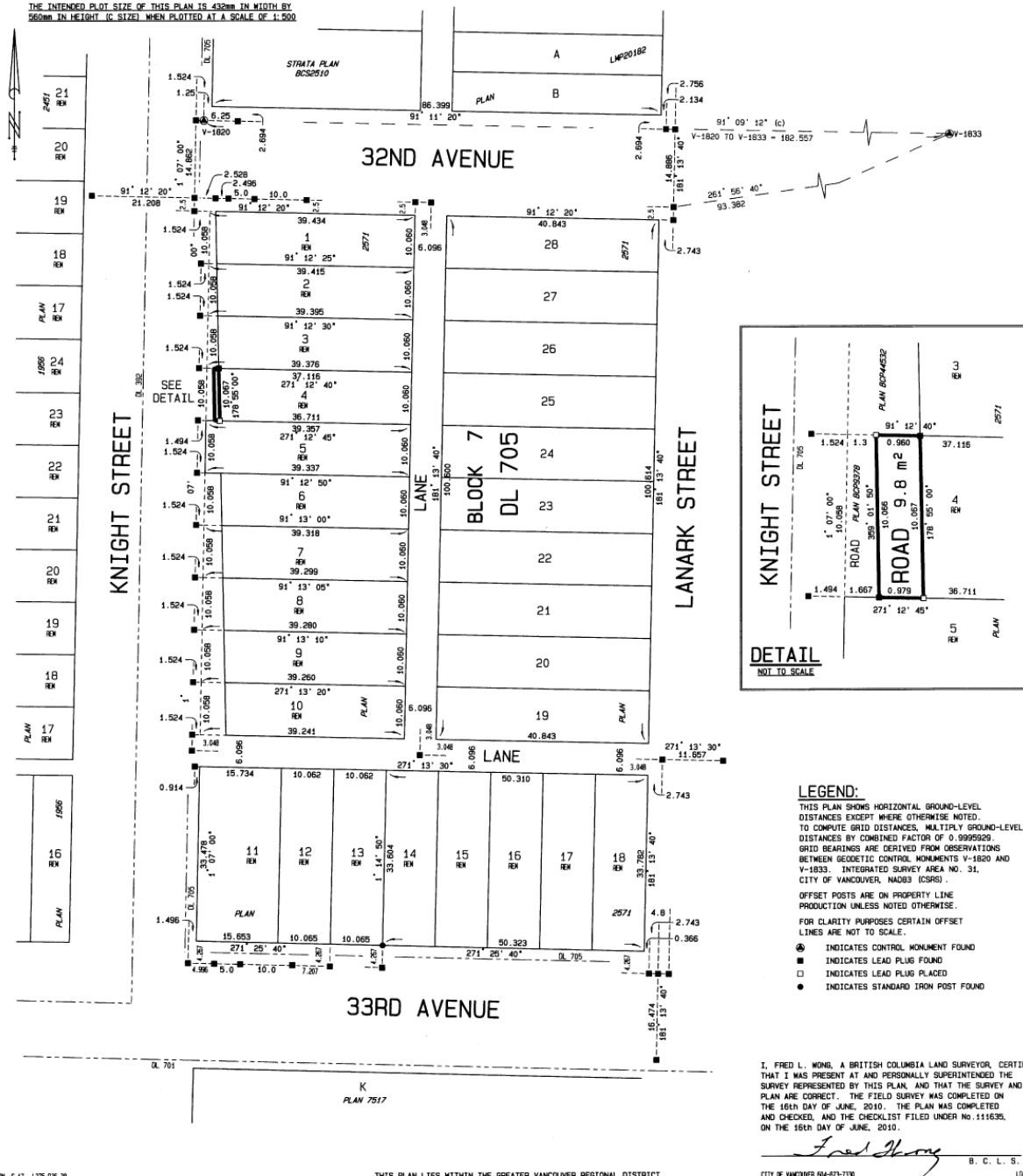
THE INTENDED PLOT SIZE OF THIS PLAN IS 9.8m IN WIDTH BY 180m IN HEIGHT (C.S.R.S.) WHEN PLOTTED AT A SCALE OF 1:500

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE AT  
NEW WESTMINSTER, BRITISH COLUMBIA,  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

REGISTRAR.

REFERENCE NO.



**LEGEND:**  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR OF 0.9995929. GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS V-1829 AND V-1833. INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, NADB3 (CSRS).  
OFFSET POSTS ARE ON PROPERTY LINE PRODUCTION UNLESS NOTED OTHERWISE.  
FOR CLARITY PURPOSES CERTAIN OFFSET LINES ARE NOT TO SCALE.

- INDICATES CONTROL MONUMENT FOUND
- INDICATES LEAD PLUS FOUND
- INDICATES LEAD PLUS PLACED
- INDICATES STANDARD IRON POST FOUND

I, FRED L. WONG, A BRITISH COLUMBIA LAND SURVEYOR, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 16TH DAY OF JUNE, 2010. THE PLAN WAS COMPLETED, AND CHECKED, AND THE CHECKLIST FILED UNDER NO. 111635, ON THE 16TH DAY OF JUNE, 2010.

*Fred Wong*  
B. C. L. S.

11697

**REFERENCE PLAN OF PORTION OF LOT 5,  
EXCEPT THE WEST 7 FEET, NOW ROAD,  
BLOCK 7, DISTRICT LOT 705, PLAN 2571,  
GROUP ONE, NEW WESTMINSTER DISTRICT.**

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 926.025

10 0 10 20 30 40 50 METRES

ALL DISTANCES ARE IN METERS AND DECIMALS THEREOF.

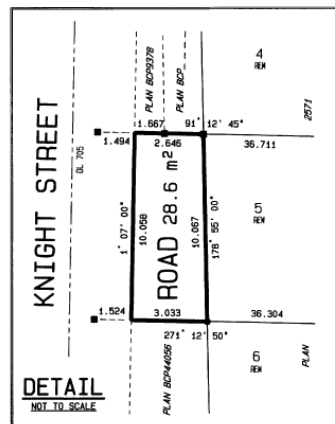
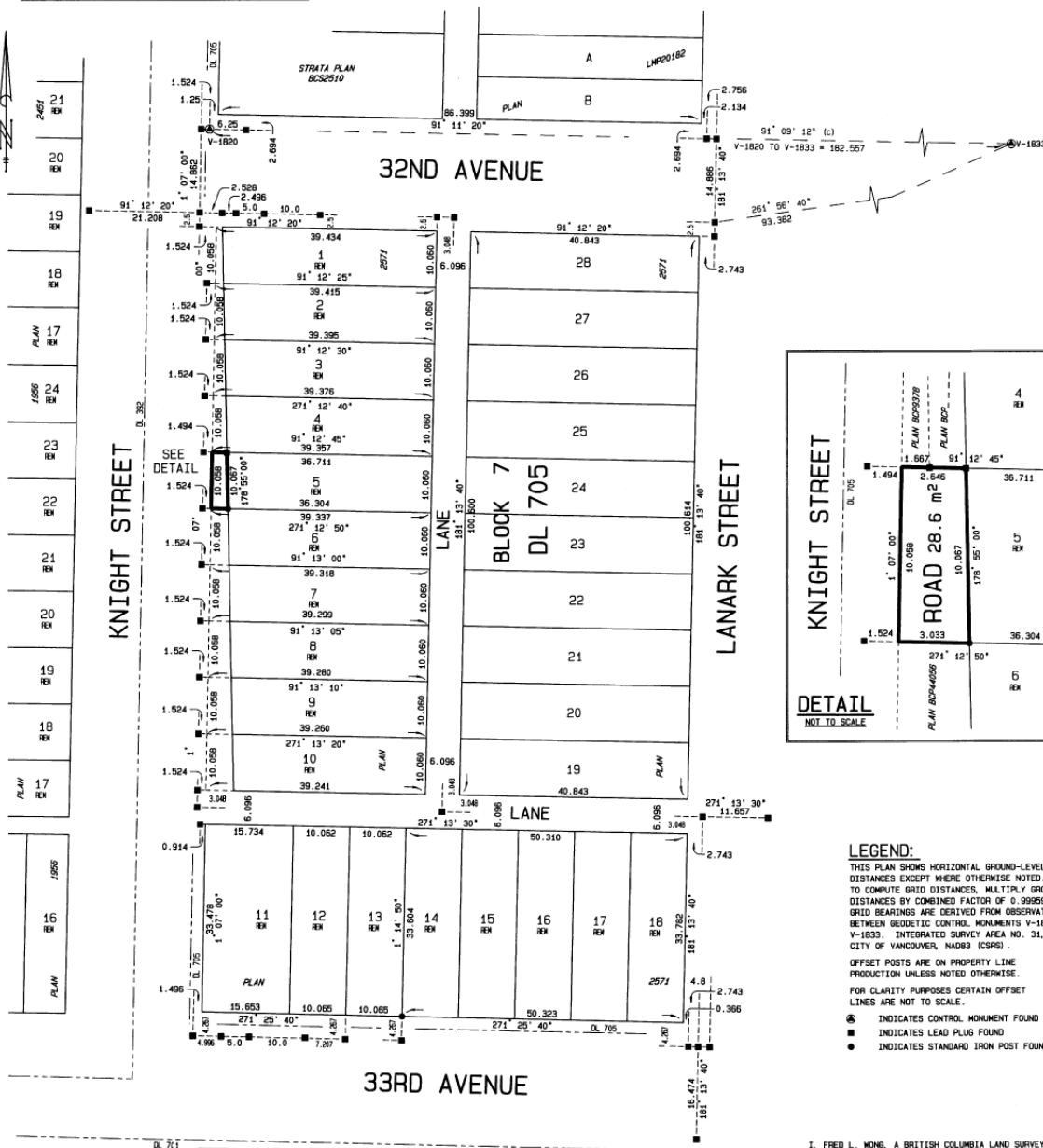
THE INTENDED PLOT SIZE OF THIS PLAN IS 432m IN WIDTH BY 550m IN HEIGHT (C. SIZE) WHEN PLOTTED AT A SCALE OF 1:500

PLAN BCP

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NEW WESTMINSTER, BRITISH COLUMBIA,  
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- ⊙ INDICATES CONTROL MONUMENT FOUND
- INDICATES LEAD PLUS FOUND
- INDICATES STANDARD IRON POST FOUND

I, FRED L. WONG, A BRITISH COLUMBIA LAND SURVEYOR, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 16th DAY OF JUNE, 2010. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER NO. 111636, ON THE 16th DAY OF JUNE, 2010.

*Fred Wong*

B. C. L. S. (14887)