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IN CAMERA

ADMINISTRATIVE REPORT

Report Date: May 10, 2011
Contact: Michael Flanigan
Contact No.: 604.873.7422
RTS No.: 9184
VanRIMS No.: 08-2000-21
Meeting Date: May 17, 2011

TO: Vancouver City Council

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

SUBJECT: Acquisition of Property by Expropriation for Left Turn Bays on Knight Street at 57th Avenue - 7248 Knight Street

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 interest in property for the construction of left turn bays on Knight Street at 57th Avenue.

That 31.2 square metre (336 sq. ft.) portion of lands located at 7248 Knight Street, legally described as Parcel Identifier 014-325-632 Lot 46, Except the West 7 Feet, Now Road, Blocks 29 To 31, District Lot 200 Plan 1770 shown in bold outline on the Reference Plan prepared by James E Gregson B.C.L.S., completed on April 4, 2011, and marginally numbered LD5089, a copy of which is attached hereto as Appendix A. The source of funding to be paid to the owners of 7248 Knight Street on expropriation and for legal and professional fees, retaining walls and associated works estimated to be s.17(1) will be provided from 2010 Streets Capital Budget for Arterial improvements, Knight & 57th Left Turn Bays.

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 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 movements.

On March 29, 2005 Council approved the Clark- Knight Corridor Plan which outlined various measures to improve liveability and transportation along the corridor, including left turn bays on Knight Street at 57th Avenue.

PURPOSE

The purpose of this report is to request Council approval to commence expropriation proceedings to acquire a 31.2 square metre (336 sq. ft.) portion of the lands located at 7248 Knight Street.

STATUS OF NEGOTIATIONS

On July 22, 2010, Council approved the detailed design and construction of the Knight Street at 57th Avenue Left Turn Bays and related road safety geometric changes between 54th and 57th Avenues, including a project budget of s.17(1) and the authority to proceed with property acquisitions.

7248 Knight Street

An approximately 3.100 metre (10.17 ft.) wide widening strip is required from the western portion of this property. Negotiations have been underway with the representative of the owner of this property since January 2011 and the City made them an offer of s.17(1) for the widening strip based on an appraisal report prepared by Carmichael Wilson Property Consultants Ltd. This offer was later adjusted to s.17(1) to account for the presence of a bus stop and shelter which is to be relocated to the south western corner of the property. In addition to the acquisition price for the land, the City would also be responsible for removing and relocating the existing retaining wall, fence and landscaping at an estimated cost of s.17(1). This work would be funded from the overall project budget.

The owner refused this offer and while the City will continue with negotiations with the owner's representative, expropriation may be necessary to ensure that the project can commence in July 2011. The targeted start date of July 2011 is critical for completing construction before the end of 2011, to satisfy cost-sharing deadlines with funding partners.

The estimated cost of acquiring the widening strip by expropriation is s.17(1) based on the following breakdown; s.17(1) for the land; s.17(1) for the retaining wall, fencing, and related works; and s.17(1) 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 7248 Knight Street, as well as the holders of any registered interests in the subject property. 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 the owner.

Impacts of Delay in Property Acquisition

The General Manager of Engineering Services notes that the property acquisition at 7248 Knight Street is critical for proceeding with the construction of the left turn bays on Knight Street at 57th Avenue this summer. Over half of the funding for this s.17(1) project is coming from external partners whose funding will expire shortly. Start of construction is targeted for July 2011 to ensure that deadlines to qualify for cost-sharing are met.

The location is one of the highest collision locations in the city. Left turn bays at this location will significantly improve safety, reduce short cutting 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 2011 could have a number of significant consequences that include:

- Loss of TransLink funding of up to s.17(1) - TransLink will fund 50% of the cost of qualifying work completed by December 31, 2011;
- Possible loss of federal funding of up to s.17(1) from the Border Infrastructure Fund - Transport Canada will fund costs incurred up to March 31, 2012; and
- Delay of collision reduction benefits for at least one year.

The approved City funding of s.17(1) in the 2010 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 2010 Streets Capital Budget, for Arterial improvements, Knight & 57th Avenue Left Turn Bays.

CONCLUSION

In order to acquire the properties required to complete this project, and to take advantage of Federal and Translink funding, the subject property may require expropriation as soon as possible if construction is to be started in the summer of 2011. Not proceeding with the Knight & 57th Avenue Left Turn Bay project this summer could have significant negative consequences, including delay of collision reduction benefits, possible loss of Federal and Translink funding.

* * * * *

6805071

REFERENCE PLAN OF A PORTION OF
 LOT 46, EXCEPT THE WEST 7 FEET, NOW ROAD
 BLOCKS 29 TO 31, DISTRICT LOT 200, PLAN 1770,
 GROUP 1, NEW WESTMINSTER DISTRICT

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE AT
 NEW WESTMINSTER, BRITISH COLUMBIA,
 THIS ____ DAY OF _____, 2011

PURSUANT TO SECTION 1, EXPROPRIATION ACT

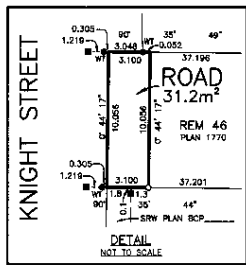
BCGS 92G.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY
 565mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.
 DISTANCES ARE IN METRES AND DECIMALS THEREOF.

REGISTRAR

REFERENCE NO.



- LEGEND**
- INDICATES CONTROL MONUMENT FOUND
 - INDICATES LEAD PILE FOUND
 - INDICATES STANDARD IRON POST FOUND
 - INDICATES STANDARD IRON POST PLACED
 - INDICATES CITY OF VANCOUVER SURVEY RECORDS
 - AMD INDICATES AMENDED LOT

NOTE:
 THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE SET ALONG
 THE PRODUCTION OF THE PROPERTY BOUNDARY UNLESS OTHERWISE NOTED.

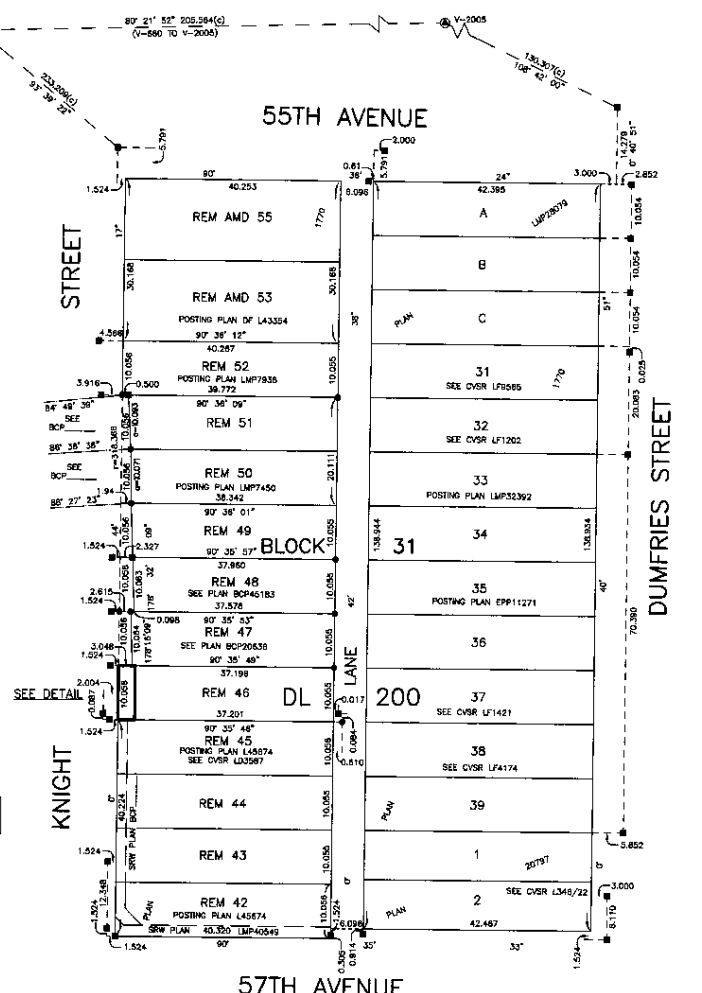
INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, M483 (CSRS).
 GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC
 CONTROL MONUMENTS V-650 AND V-2005.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT
 WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY
 GROUND-LEVEL DISTANCES BY CORRECTION FACTOR 0.9999922.

FOR CLARITY PURPOSES CERTAIN OFFSET LINES ARE NOT TO SCALE.

I, JAMES E. GREGSON, A BRITISH COLUMBIA LAND SURVEYOR,
 CERTIFY THAT I WAS PRESENT AT AND PERSONALLY
 SUPERVISED THE SURVEY REPRESENTED BY THIS PLAN AND
 THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY
 WAS COMPLETED ON THE 17TH DAY OF MARCH, 2011. THE PLAN
 WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED
 UNDER #21446, ON THE 4TH DAY OF APRIL, 2011.

James E. Gregson
 B. C. L. S.



THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

CITY OF VANCOUVER (604) 671-7330