



IN CAMERA

ADMINISTRATIVE REPORT

Report Date: June 15, 2011
Contact: Michael Flanigan
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RTS No.: 9237
VanRIMS No.: 08-2000-21
Meeting Date: June 28, 2011

TO: Vancouver City Council

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

SUBJECT: Acquisition of a Statutory Right-of-Way for Left Turn Bays on Knight Street at 57th Avenue - 7282 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 Director of Real Estate Services to proceed with the acquisition of a Statutory Right-of-Way from Suncor Energy Inc. (Petro Canada) for a 72.20 square metre (777.15 sq.ft.) road widening strip at 7282 Knight Street, legally described as that portion of Lots 42, 43, 44 and 45, Except the West 7 Feet of each, Now Road, all of Blocks 29, 30 and 31 District Lot 200 Plan 1770 (Parcel Identifiers 004-069-561, 004-069-609, 004-069-455, 004-069-528) as shown on Reference Plan of Statutory Right-of-Way, marginally numbered LD 5056, a copy of which is attached as Appendix A, for the total sum \$149,500 plus applicable taxes and on such other terms and conditions to the satisfaction of the Directors of Real Estate and Legal Services and General Manager of Engineering Services;

FURTHER THAT Council approve the payment of \$45,800 plus applicable taxes to 7-Eleven Canada Inc, the occupier of the property, for business losses that will be incurred during the time of construction rebuilding the two commercial crossings at this location, plus a further payment of \$1,360 per day to it for each day that the work exceeds the 30-day time period Engineering Services estimates completion of the work; with funding to be provided from the 2010 Streets Capital Budget for Arterial Improvements Knight & 57th Avenue Left Turn Bays.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Council approval is required to acquire or dispose of civic properties.

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 livability and transportation along the corridor, including a left turn bays on Knight Street at 57th Avenue.

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.

PURPOSE

The purpose of this report is to request Council's authorization to acquire a widening strip by way of a Statutory Right-of-Way from the Petro Canada Station at 7282 Knight Street, for the installation of left turn bays on Knight Street at 57th Avenue and to compensate 7-Eleven, the operators of the convenience store and gas bar, for business losses incurred during the construction period.

BACKGROUND

Clark Drive and Knight Street provide a vital transportation corridor through Vancouver. It is the most heavily used truck route in the City and is a key regional connection between Vancouver and Richmond, Delta, Surrey and the United States.

ICBC has repeatedly identified 57th Avenue as one of the highest collision intersections on the Clark-Knight corridor. The prohibition of day-time northbound to westbound left-turns at Knight and 57th Ave (Monday to Saturday) results in short-cutting through residential side-streets and sudden weaving/erratic driving behaviour to avoid left-turning vehicles, a contributing factor to the high incidence of rear-end and sideswipe collision rates.

Construction of left turn bays on Knight at 57th were approved by Council in July 2010. Left turn bays at this location will improve safety, reduce shortcutting, and improve goods movement to the Port of Vancouver through better travel time reliability from reduced vehicle weaving and collisions. Left turn bays provide more controlled left turn movements which will reduce conflicts with pedestrians by introducing more orderly turn movements. Pedestrian access to the intersection will be improved as wider buffered sidewalks with boulevards will be provided on both sides of Knight Street.

DISCUSSION

The subject property situated at the northeast corner of Knight Street and 57th Avenue is zoned C-1 and is improved with a 7-Eleven convenience store and gas bar. The widening of Knight Street at this location necessitates the acquisition of a 1.8 metre wide rectangular strip and corner cut that runs the length of the property's western border as shown outlined in bold on the attached Appendix A.

Suncor Energy Inc., the registered owners of the property, are not prepared to convey fee simple ownership of their property to the City for road purposes and are opposed to any soil investigations on site until they redevelop the property. The General Manager of Engineering Services wishes to commence construction of the left turn bays this Summer. In order to proceed with the construction as scheduled, Real Estate Services has negotiated a Statutory Right-of-Way to acquire the widening strip ensuring that Suncor is responsible for any soil contamination found on site including the right-of way when the site is redeveloped in the future.

Following negotiations, Suncor and 7-Eleven have agreed to grant the City a Statutory Right-of-Way over the widening strip on the following terms and conditions:

- 1) The City will pay Suncor compensation of \$94,000, plus applicable taxes, for the Right-of-Way inclusive of all disruptive costs and injurious affection.
- 2) The City will compensate Suncor \$55,500, plus applicable taxes, for all on-site out-of-pocket costs associated with the relocation of the identification signs, landscaping and site restoration necessitated by the City's use of the SRW area.
- 3) The City will pay compensation to 7-Eleven, the occupier of the property, \$45,800 for expected business losses including lost gasoline sales that will be incurred when access to the site is restricted by the closing and relocation of the commercial crossing. Additionally, the City will pay 7-Eleven compensation of \$1,360 per day for each day that work exceeds the 30 day time period Engineering Services estimates for completion of the work.
- 4) The City will prepare all necessary plans and pay for all registration costs.

FINANCIAL IMPLICATIONS

Funding for the acquisition, restoration work and payment for business losses is available from 2010 Streets Capital Budget, for arterial improvements, Knight & 57th Avenue Left Turn Bays.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental implications for the City.

CONCLUSION

The Director of Real Estate Services considers the acquisition price of \$149,500 plus applicable taxes, plus the payment of \$45,800 and the applicable taxes to 7-Eleven is reasonable compensation for the Statutory Right-of-Way.

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905071

**REFERENCE PLAN OF STATUTORY RIGHT OF WAY
OVER PORTIONS OF LOTS 42 TO 45; ALL EXCEPT
THE WEST 7 FEET, NOW ROAD, BLOCKS 29, 30
AND 31, DISTRICT LOT 200, PLAN 1770, GROUP 1,
NEW WESTMINSTER DISTRICT**

PLAN BCP

DEPOS'D IN THE LAND TITLE OFFICE AT
NEW WESTMINSTER, BRITISH COLUMBIA
ON THE DAY OF 1904

REGISTRAR

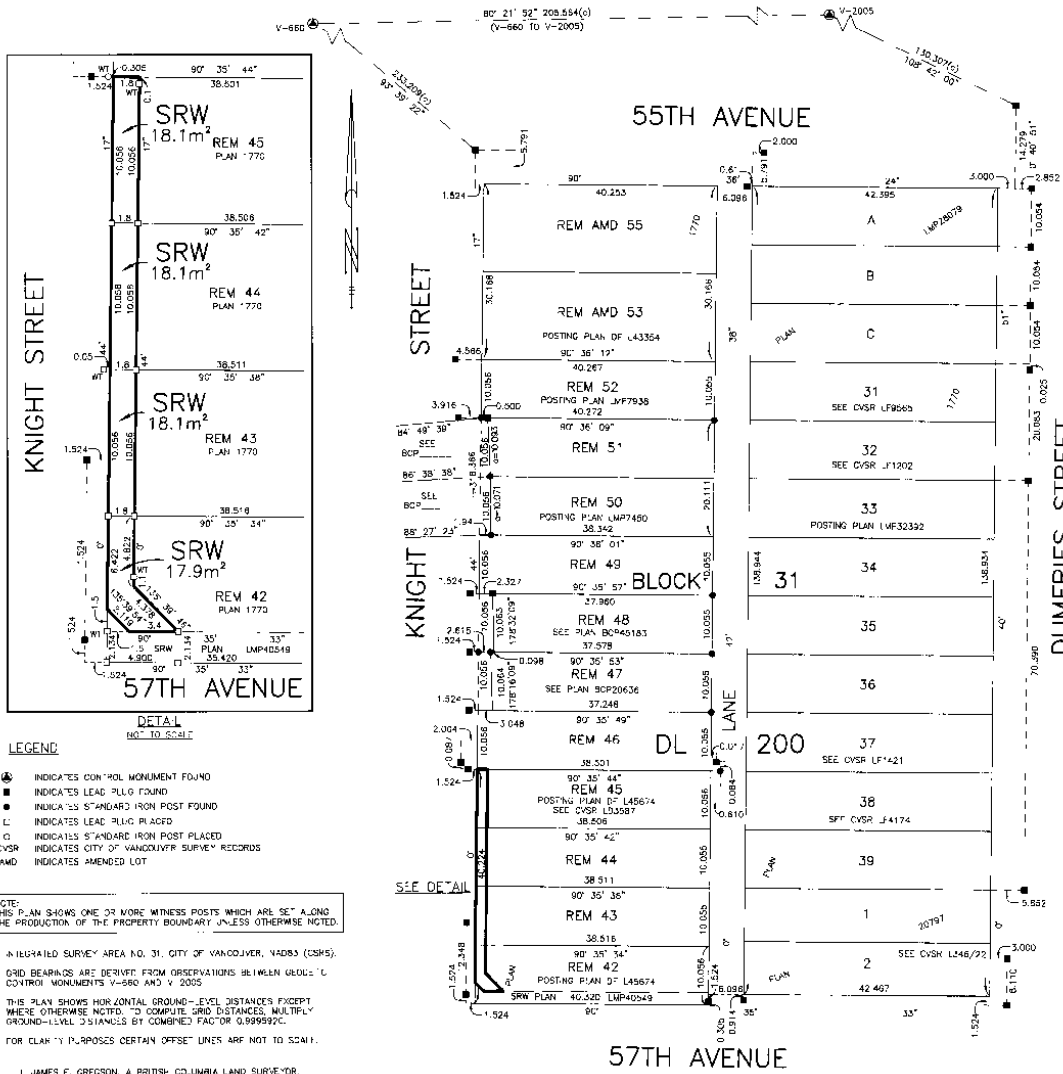
REFERENCE NO.

PURSUANT TO SECTION 99(1)(e), LAND TITLE ACT

BCGS 926.025



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY
560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500.
DISTANCES ARE IN METRES AND DECIMALS THEREOF.



- LEGEND**
- ⊙ INDICATES CONTROL MONUMENT FOUND
 - ⊙ INDICATES LEAD PILE FOUND
 - ⊙ INDICATES STANDARD IRON POST FOUND
 - ⊙ INDICATES LEAD PILE PLACED
 - ⊙ INDICATES STANDARD IRON POST PLACED
 - CVSR 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.

IN REGRADED SURVEY AREA NO. 31, CITY OF VANCOUVER, VADBS (CVSR), GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODESIC CONTROL MONUMENTS V-560 AND V-2005.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.9999920.

FOR CLARITY PURPOSES CERTAIN OFFSET LINES ARE NOT TO SCALE.

I, JAMES C. GREGSON, 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 7TH DAY OF JANUARY, 2011. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKS AT FIFTY UNDER #19041, ON THE 18TH DAY OF JANUARY, 2011.

[Signature]
B. C. L. S.

BOOK OF REFERENCE
STATUTORY RIGHT OF WAY OVER PORTIONS OF:

LOT 42, EXCEPT THE WEST 7 FEET, NOW ROAD, BLOCKS 29, 30 AND 31, DISTRICT LOT 200, PLAN 1770	17.9m ²
LOT 43, EXCEPT THE WEST 7 FEET, NOW ROAD, BLOCKS 29, 30 AND 31, DISTRICT LOT 200, PLAN 1770	18.1m ²
LOT 44, EXCEPT THE WEST 7 FEET, NOW ROAD, BLOCKS 29, 30 AND 31, DISTRICT LOT 200, PLAN 1770	18.1m ²
LOT 45, EXCEPT THE WEST 7 FEET, NOW ROAD, BLOCKS 29, 30 AND 31, DISTRICT LOT 200, PLAN 1770	8.1m ²
TOTAL	72.2m²

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT CITY OF VANCOUVER (2011-100)

LD5056