

ADMINISTRATIVE REPORT

Report Date: June 29, 2011  
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Meeting Date: July 26, 2011

TO: Vancouver City Council

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

SUBJECT: 7309 Knight Street: Acquisition of a Statutory Right of Way for Left Turn Bays on Knight Street at 57th Avenue

**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**

- A. THAT Council authorize the Director of Real Estate Services to proceed with the acquisition of a Statutory Right of Way from Chevron Canada Limited ("Chevron") for a 50.3 square metre (541.42 sq.ft.) road widening strip at 7309 Knight Street, legally described as That portion of Parcel Identifier: 010-296-719, Lot 7 Except: Firstly: South 3 feet, Secondly: part Shown In Plan LMP33282, Block 23, District Lot 200, Group 1, New Westminster District, Plan 7942 as shown on Reference Plan of Statutory Right of Way, marginally numbered LD5060, a copy of which is attached as Appendix A, for the sum \$65,000 plus applicable taxes and such Statutory Right of Way may include:
- i. a grant of an indemnity by the City in favour of Chevron in which the City will indemnify Chevron for any losses it may suffer, as a result of any negligence or wilful misconduct of, or breach of the Statutory Right of Way by the City; and
  - ii. on such other terms and conditions to the satisfaction of the Directors of Real Estate and Legal Services and General Manager of Engineering Services.

- B. THAT Council approve the payment of \$40,000 plus applicable taxes to Chevron, 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 Statutory Right of Way area ("SRW Area") and \$105,633 for expected business losses that will be incurred during the time it takes to rebuild the commercial crossing in the SRW Area, plus a further payment of \$3,408 per day for each day that the work exceeds the 30 day time period Engineering estimates to complete the work in the SRW Area.

### ***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 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 57<sup>th</sup> Avenue left turn bays and related road safety geometric changes between 54<sup>th</sup> and 57<sup>th</sup> 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 Chevron Station at 7203 Knight Street to allow for, the installation of left turn bays on Knight Street at 57<sup>th</sup> Avenue. Construction of left turn bays on Knight Street at 57<sup>th</sup> Avenue was approved by Council in July 2010.

### ***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 the intersection of Knight Street and 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 57<sup>th</sup> 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 57<sup>th</sup> 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.

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 southwest corner of Knight Street and 57<sup>th</sup> Avenue is zoned C-1 and is improved with a Town Pantry store and gas bar. The widening of Knight Street at this location necessitates the acquisition of a 1.5 metre wide rectangular strip and corner cut that runs the length of the property's eastern border as shown outlined in bold on the attached Appendix A.

Chevron Canada Limited, the registered owners of the property, is not prepared to convey fee simple ownership of its property to the City for road purposes and is 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, Chevron will grant to the City a Statutory Right of Way to allow the City to use the widening strip. It has been standard practice that when the City acquires a Statutory Right of Way for road that the agreement contain an Option To Purchase allowing the City to purchase the SRW Area for one dollar when the property is redeveloped. Because of uncertainty as to the soil conditions on the property Chevron would not agree to grant such an option to purchase to the City.

Following negotiations, Chevron has 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 Chevron compensation of \$65,000, plus applicable taxes, for the Statutory Right of Way over the SRW Area inclusive of all disruptive costs and injurious affection.
- 2) The City will compensate Chevron \$40,000 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 compensate Chevron \$105,633 for expected business losses including lost gasoline sales that will be incurred when access to the property is restricted by the closing and relocation of the commercial crossing in the SRW Area. Additionally, the City will pay \$3,408 for each day that the work exceeds the 30 day time period Engineering Services estimates for completion of the work on the Chevron property.
- 4) The City will prepare all necessary plans and pay for all registration costs.
- 5) The City will grant an indemnity in favour of Chevron in which the City will indemnify Chevron for any losses it may suffer, as a result of any negligence or wilful misconduct of, or breach of the Statutory Right of way by the City.

***FINANCIAL IMPLICATIONS***

Funding for the acquisition, restoration work and payment for business losses is available from 2010 streets Capital Budget, for arterial improvements, Knight & 57<sup>th</sup> 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 \$65,000 plus applicable taxes plus a payment of \$145,633 for business losses and the cost to relocate signage, landscaping and restoration of the Chevron property is reasonable compensation for the Statutory Right of Way.

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