

MOTION

EXPROPRIATION OF LAND

RESOLUTION OF THE VANCOUVER CITY COUNCIL

3. Expropriation of 1026 Powell Street for the Powell Street Grade Separation Project

MOVER: Councillor _____

SECONDER: Councillor _____

WHEREAS:

A. The City of Vancouver requires the lands legally described as:

Parcel Identifier No. 016-248-716
Lot B, Block 48, District Lot 181, Plan 22936 (the "Site")

for a linear development, namely, the Powell Street Grade Separation Project;

B. In the exercise of its powers of acquiring real property for this purpose, the City has failed to come to an agreement with the owners of the Site;

C. The *Vancouver Charter* provides that if, in the exercise of any of its powers of acquiring real property, the City fails to come to an agreement with its owner as to the terms of acquisition, the City may, by by-law or resolution of its Council, expropriate such real property;

D. The *Expropriation Act*, R.S.B.C. 1996, C. 125, provides that an "expropriating authority" means a person empowered under an enactment to expropriate land;

E. On October 31, 2012, Vancouver City Council passed a resolution authorizing the City as expropriating authority to commence expropriation proceedings under the *Expropriation Act* to acquire the Site; and

F. Under the *Expropriation Act*, the "approving authority" for an expropriation under the *Vancouver Charter* is the Vancouver City Council, unless the Lieutenant Governor in Council has designated the Minister of Municipal Affairs as the approving authority for the purpose of expropriations under the *Vancouver Charter* or any particular expropriation under the *Vancouver Charter* which designation has not been made;

BE IT RESOLVED that the Vancouver City Council, as the approving authority under the *Expropriation Act*:

1. approve the expropriation of the Site, and

2. authorize the Director of Legal Services to execute on behalf of Vancouver City Council and deliver to the owners a Certificate of Approval of Expropriation evidencing such approval.