

TO: CITY MANAGER DATE: APRIL 14, 1993

FROM: CITY SOLICITOR

RE: TRANS MOUNTAIN PIPELINE RIGHT OF WAY THROUGH
BURNABY MOUNTAIN CONSERVATION AREA

PURPOSE: To obtain Council's authority to execute in favour of Trans Mountain Pipeline Company Ltd. an agreement for a statutory right of way through Burnaby Mountain Conservation Area and to authorize acceptance of compensation in the amount of \$43,269.00.

Recommendation:

1. THAT Council authorize the execution of a statutory right of way agreement giving Trans Mountain Pipe Line Company Ltd. the right to install and maintain a pipeline through Burnaby Mountain Conservation Area along the route approved by Council at its meeting held on January 23, 1993.
2. THAT Council approve of the sum of \$43,269.00 as the compensation to be paid by Trans Mountain Pipe Line Company Ltd. for the right of way.

REPORT

At its regular meeting held on January 25, 1993 Council approved the granting to Trans Mountain Pipe Line Company Ltd. ("TMPL") of a right of way of approximately 5 m x 520 m through the Burnaby Mountain Conservation Area (see attachment) and authorized the City Solicitor to negotiate an appropriate level of compensation and to prepare a right of way agreement.

A right of way agreement has now been settled in a form satisfactory to both staff and TMPL.

TMPL originally offered \$10.00 nominal consideration for the right of way on the basis that the parkland through which the right of way will run has only nominal market value, that much of the right of way will run within the boundaries of an existing B.C. Hydro right of way and that the subsurface installation of the pipeline would not seriously affect the use of the land.

It was staff's position, however, that something more than nominal compensation should be paid in view of the fact that the granting of the right of way would result in the disturbance of the existing natural state of a part (approximately 150 m in length) of the right of way area.

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Of the total area of 27,986.40 sq. ft. of the right of way, 20,343.96 sq.ft. will be within the existing B.C. Hydro right of way and 7,642.44 sq.ft. will be outside of that area.

In the acquisition of private lands within the Burnaby Mountain Conservation Area staff are currently using \$6.00 per square foot as the market value of such lands. Based on this value, it was staff's position that TMPL should pay \$3.00 per square foot for the 7,642.44 sq.ft. of lands that are outside of the existing B.C. Hydro right of way, and \$1.00 per square foot for the 20,343.96 sq.ft. within the existing B.C. Hydro right of way. On this basis the total compensation would be \$43,269.00. TMPL has advised staff that they are agreeable to paying compensation in the amount of \$43,269.00.


Patricia W. Fliieger
City Solicitor

BR:sb
Attach.

- c.c. Director Engineering
- Director Finance
- Director Planning & Building
- Director Recreation & Cultural Services

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LEGEND

- ==== ALTERNATIVE 1 SECTION E-G
- ==== ALTERNATIVE 2 SECTION E-F-G

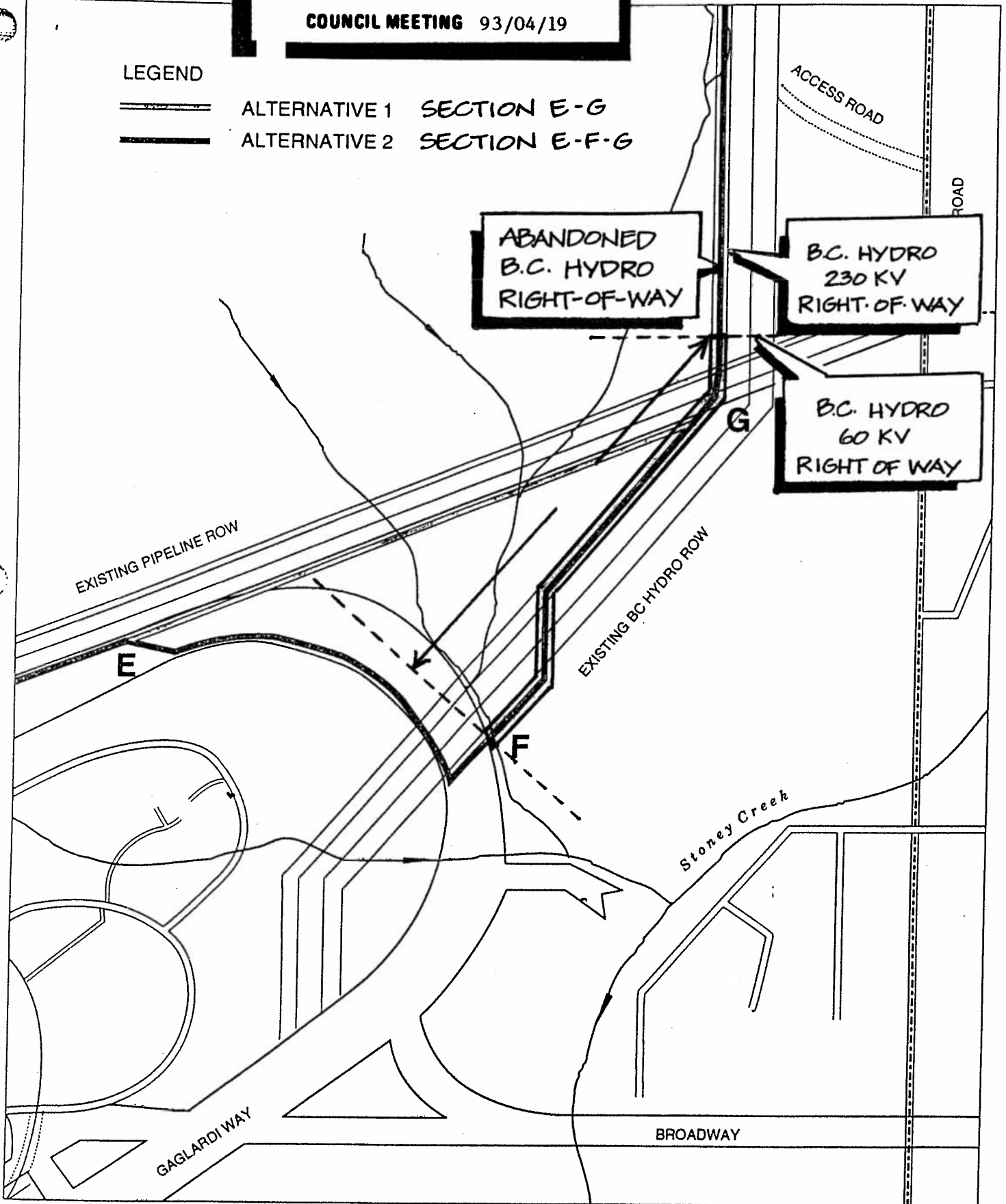


Figure 10. Stage 2 route selection: two alternatives

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