

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **STATUTORY RIGHTS OF WAY FOR THIRD-PARTY UTILITIES ON CITY-OWNED SITES**
PURPOSE: To seek Council approval to grant Statutory Rights-of-Way over City-owned sites to facilitate the installation of third-party utility infrastructure required to service these sites.

RECOMMENDATION

THAT the granting and execution of any necessary Statutory Rights of Way over those City-owned sites (see Attachment 1) in this report titled “Statutory Rights of Way for Third-Party Utilities on City-Owned Sites”, dated February 12, 2024, in favour of third-party utility providers to install infrastructure required to service the sites, be authorized.

1.0 POLICY SECTION

The granting and execution of these Statutory Rights of Way are aligned and supported by the following Council-adopted policies and plans:

- Corporate Strategic Plan (2022); and
- Official Community Plan (1998).

2.0 BACKGROUND

Council approval is required for the granting and execution of any Statutory Rights of Way (SRW) over City-owned land. In recent years, there has been a steady increase in the number of development projects on City-owned sites. These projects include new civic facilities and non-market rental housing developments, all of which require one or more SRW in favour of third-party utilities, such as BC Hydro, Fortis, TELUS, and Rogers, to permit the installation, operation, repair and maintenance of utility infrastructure required to service the facilities and developments on site.

In previous instances where the granting of a SRW to a third-party utility provider was required to facilitate the development of a City-owned site, staff brought forward separate, stand-alone reports for the SRW required for each site. Recent examples include reports on April 3, 2023 (Item 6.3) and September 25, 2023 (Item 6.8) for a non-market housing project at 8305 11th Avenue and the new Fire Hall 4 site at 1556 Greystone Drive (1600 Greystone Drive), respectively.

3.0 GENERAL INFORMATION

Currently, several important projects on City-owned sites, including non-market rental housing and civic projects, require third-party utility SRW in order to service the projects prior to completion and occupancy. This report seeks Council approval to grant the necessary SRW in favour of third-party utility providers over these City-owned sites (see Attachment 1: List of City-Owned Properties Requiring Third-Party SRW). Attachment 1 includes the civic address, parcel identifier number (PID), legal description for each City property, as well as a brief description of the proposed development project. Attachment 2 provides sketches of the site areas.

Staff in the Legal, Engineering, Lands & Facilities, and Planning and Development Departments will work with the necessary third-party utility providers to finalize the terms of the applicable SRW agreement(s). Staff will ensure that the standard City terms for SRW, including terms and conditions that protect the City's right to build, install, develop and use infrastructure, amenities, facilities, or improvements on all or any part of the lands outside the applicable SRW area or area of the SRW works, will be included in each SRW agreement.

Where it is not possible to restrict the granting of a SRW to a defined area, or where the exact area required for the third-party utility infrastructure cannot be determined at the time the SRW agreement is registered, a blanket SRW will be granted. Where feasible, following the installation of the third-party utility infrastructure, the SRW area will be surveyed and the granting of the SRW will be restricted to the immediate area required to accommodate and maintain the required third-party infrastructure as defined by a survey plan.

Where the third-party utility infrastructure is required to service the development on the City-owned site, staff will not request compensation from the third-party utility provider for the granting of the required SRW.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

No community engagement or notification is required as part of this SRW approval request.

5.0 FINANCIAL CONSIDERATIONS

There will be no additional City costs associated with the preparation and execution of these SRWs.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – List Of City-Owned Properties Requiring Third-Party SRW

Attachment 2 – Site Sketches of City-Owned Properties

REPORT CONTRIBUTORS

This report was prepared by Chun Nam Law, Strategic Initiative Planner, and reviewed by Jennifer Wong, Assistant City Solicitor, Karin Hung, Director Strategic Initiatives, and Jesse Dill, Director Development.