



SUBJECT	JOHN HINDLE DRIVE - FORTISBC INC. STATUTORY RIGHT OF WAY
----------------	---

MEETING DATE	FEBRUARY 15, 2018
---------------------	--------------------------

Forwarded to the Board of Governors on the Recommendation of the President

**APPROVED FOR
SUBMISSION**

Santa J. Ono, President and Vice-Chancellor

DECISION REQUESTED	<p>IT IS HEREBY REQUESTED that <i>the UBC Board of Governors:</i></p> <ol style="list-style-type: none"> 1. <i>Authorize the Administration to seek Ministerial approval for the grant of a statutory right of way over the lands shown on Attachment 2 to FortisBC Inc. for utility purposes, pursuant to Section 50(2) of the University Act.</i> 2. <i>Authorize the Administration to, upon receipt of Ministerial approval, grant the aforementioned statutory right of way to FortisBC on terms and conditions approved by the Administration.</i> 3. <i>Declare that the disposal of land (i.e., the grant of the statutory right of way described above) will not affect the future delivery of educational programs.</i>
-------------------------------	--

Report Date	January 10, 2018
--------------------	------------------

Presented By Deborah Buszard, Deputy Vice-Chancellor and Principal
Philip Steenkamp, Vice-President External Relations
Peter Smailes, Interim Vice-President Finance & Operations
Hubert Lai, Q.C., University Counsel
Michael White, Associate Vice-President, Campus & Community Planning

EXECUTIVE SUMMARY

A Statutory Right of Way (SRW) is a registered interest in land that grants the right to enter upon land for certain public purposes. The *University Act* requires UBC to seek ministerial approval before granting any interests in land, including SRWs.

An SRW over a 9.6 square metre portion of the UBC Okanagan campus is required to allow FortisBC Inc. to continue providing electrical service to the existing houses on lands to the west of Campus (presently owned by the UBC Foundation). Previously, FortisBC provided the electrical service directly to these houses, but the service connection needs to be relocated due to the construction of the John Hindle Drive Roadway.

Encumbering this small portion of land with an SRW does not impact any future development opportunities for the campus, nor the operation, function and future delivery of educational programs on the UBC Okanagan campus.

Once authorization is provided, the Administration will seek Ministerial Approval, and upon receipt of such approval, execute the required plans and agreement to effect the disposition, once said agreement has been vetted by the Office of the University Counsel to ensure full protection of UBC's rights and interests.

INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED

- Learning
 Research
 Innovation
 Engagement
 International
 (Internal / External)
- or **Operational**

DESCRIPTION & RATIONALE

Background

John Hindle Drive Roadway (Attachment 1)

On November 10, 2014, the federal and provincial governments and the City of Kelowna announced a joint partnership for the extension of John Hindle Drive from the Glenmore Landfill entrance eastward to the southern edge of the UBC Okanagan campus. In May 2017 the project to construct John Hindle Drive was initiated by the Ministry of Transportation and Infrastructure (MOTI) and is expected to be completed by July 2018. The future municipal roadway transects the university's West Campus lands, and is intended to connect Glenmore Road to Highway 97.

In February 2015, the Board of Governors approved the dedication of a portion of the West Campus lands for the John Hindle Drive roadway project, followed by approval from the Ministry of Advanced Education in October 2015. Two lots with single-family houses on the west side of campus (former Lots 27 & 28) were acquired by the UBC Foundation in 2014, and portions of these lots were also dedicated for the John Hindle Drive project in 2015.

FortisBC Statutory Right of Way (Attachment 2)

The single-family houses located on Lots B & C, Plan EPP60262 (former Lots 27 & 28 owned by the UBC Foundation) are supplied with electrical service by FortisBC. The service alignment comes from the south by way of above-ground wires and poles along Curtis Road and then runs along the western boundary of campus connecting to each of the residence properties. As a result of the John Hindle Drive roadway project and the new access road to the west side of campus, a portion of this electrical service alignment has been relocated and moved slightly north (i.e., the portion between John Hindle Drive and the western boundary of campus).

A Statutory Right of Way (SRW) for FortisBC is needed to cover the relocated electrical service alignment to service these houses. The majority of the SRW area

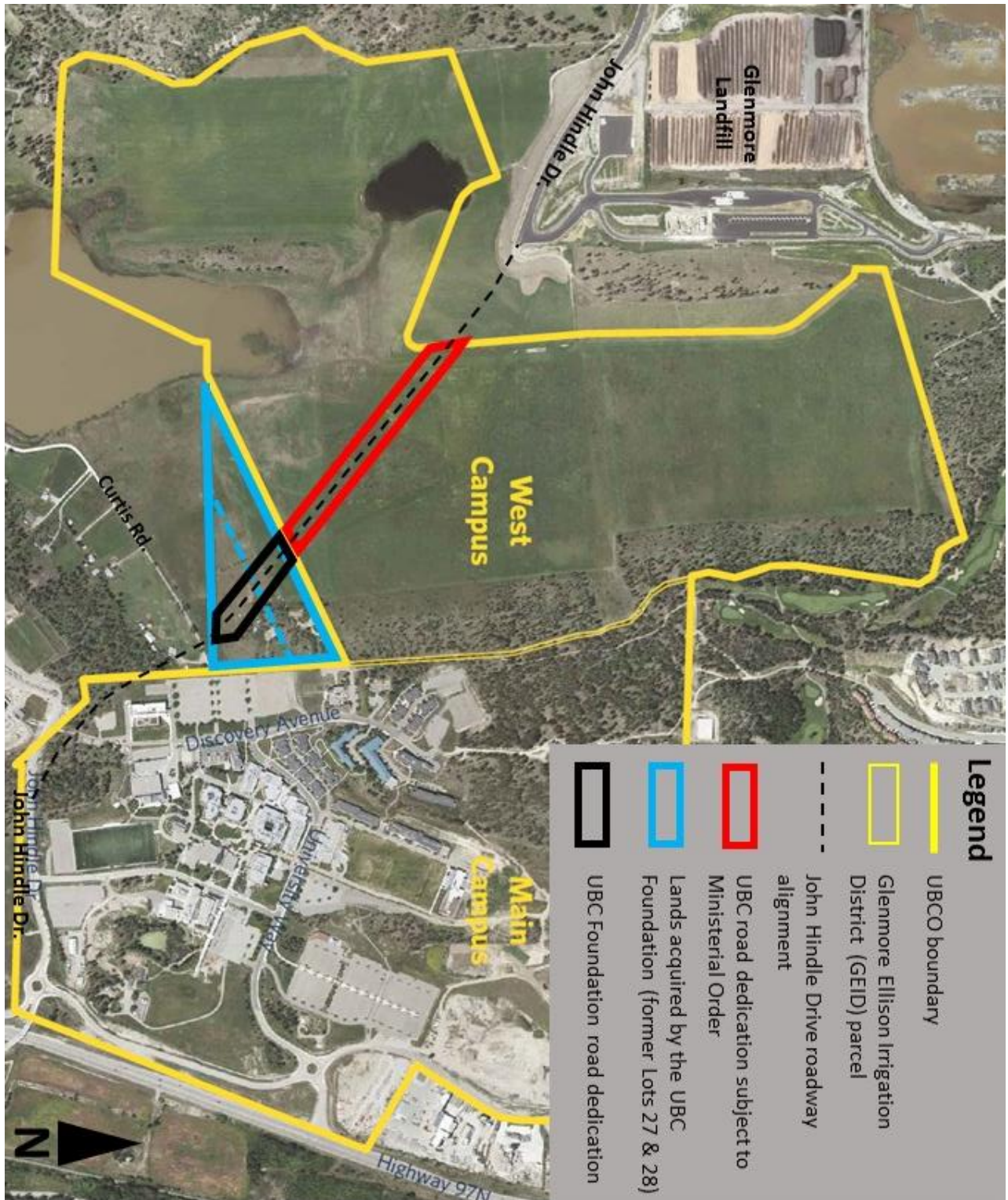
is located on Lots B & C owned by the UBC Foundation. However, a small portion of the SRW area (approx. 9.6 square metres) crosses over on to the main campus (Lot A, Plan KAP87188).

The SRW does not impact future development potential for the campus. It is sited strategically in alignment with the north side of the new campus access road. Additionally, this electrical service only serves the houses on Lots B & C (with above-ground, single-phase power). When these houses are no longer required, the electrical service and associated SRW could be removed.

The form of SRW agreement with FortisBC will be consistent with the forms of agreement previously reviewed and approved by UBC.

<p>BENEFITS Learning, Research, Financial, Sustainability & Reputational</p>	<p>N/A</p>
<p>RISKS Financial, Operational & Reputational</p>	<p>N/A</p>
<p>COSTS Capital & Lifecycle Operating</p>	<p>There are no cost implications for UBC</p>
<p>FINANCIAL Funding Sources, Impact on Liquidity</p>	<p>N/A</p>
<p>SCHEDULE Implementation Timeline</p>	<p>Upon Board approval, the University Administration will submit a request for Ministerial approval to the Ministry of Advanced Education as soon as it is practicable.</p>
<p>CONSULTATION Relevant Units, Internal & External Constituencies</p>	<p>UBC Operational staff have been consulted with regards to the SRW and no concerns have been identified.</p>

Attachment 1 – Background: 2015 Approvals for John Hindle Drive Roadway Land Dedications



Attachment 2 – UBC FortisBC SRW Area

