



<b>SUBJECT</b>	UBC Okanagan Plant Growth Facility – FortisBC Inc. Statutory Right of Way
<b>SUBMITTED TO</b>	Property Committee
<b>MEETING DATE</b>	April 7, 2020
<b>SESSION CLASSIFICATION</b>	OPEN
<b>ACTION REQUESTED</b>	Decision requested: approval of proposed resolution <b>IT IS HEREBY REQUESTED that the Property Committee, on behalf of the Board of Governors:</b>  <ol style="list-style-type: none"> <li><b>(1) Authorize the Administration to seek Ministerial approval for the grant of statutory right of way over the lands to FortisBC Inc. for utility purposes (as shown on Attachment 1), pursuant to Section 50(2) of the <i>University Act</i>.</b></li> <li><b>(2) 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.</b></li> <li><b>(3) 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.</b></li> </ol>
<b>SUBMISSION DATE</b>	March 6, 2020
<b>LEAD EXECUTIVE</b>	Vice-President External Relations
<b>PRESENTED BY</b>	Michael White, Associate Vice-President, Campus & Community Planning Rob Einarson, Associate Vice-President Finance & Operations, Okanagan Campus
<b>SUPPORTED BY</b>	Deborah Buszard, Deputy Vice-Chancellor & Principal, UBC Okanagan Peter Smailes, Vice-President Finance & Operations Hubert Lai, Q.C., University Counsel

**PRIOR SUBMISSIONS**

The subject matter of this submission has not previously been considered by the Property Committee.

**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.

A SRW over an approximately 3-metre by 130-metre portion of the UBC Okanagan campus is required to allow FortisBC Inc. to provide gas service to the Plant Growth Facility (greenhouse), scheduled for occupancy in summer 2020. This line will occupy the same SRW area as the existing FortisBC Electric SRW, approved by the Board in April 2019, and will be located as shown on Plan EPP94900 (see Attachment 1). As such, no new lands are to be encumbered with this SRW, resulting in no impact to future development opportunities, nor affect the operation, function and future delivery of educational programs on the UBC Okanagan Campus. Please see Attachment 2 for location.

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.

## BACKGROUND

Project construction began in summer 2019, with a total construction cost of \$4.99 million. The Project received President's Executive approval on November 14, 2017 and revised budget approval on July 16, 2019. Project completion and subsequent occupancy is scheduled for summer 2020.

The Plant Growth Facility (greenhouse) is located on the University's West Campus lands, immediately west of the Main UBC Okanagan Campus. The West Campus lands are a separate legal parcel from the university's Main Campus lands, and are bisected by narrow legal parcel owned by the Glenmore Ellison Irrigation District (GEID). (Refer to Attachment 2). Historically, FortisBC Gas has not required a SRW for utility connection to new buildings. However, in this instance, as the gas line serving the Plant Growth Facility extends from the Main Campus to the West Campus lands, crossing the parcel owned by the GEID, FortisBC Gas requires a SRW for their utility to prevent legal trespass.

UBC staff have received confirmation that the FortisBC Gas utility will share the same trench as the FortisBC Electric utility servicing the Plant Growth Facility and extending from Discovery Avenue to the West Campus lands. The Board of Governors approved the SRW for the FortisBC Electric utility in April 2019. The Attachment 2 map shows the location of the existing SRW for FortisBC Electric that will be shared by FortisBC Gas utility. UBC staff are seeking approval for the FortisBC Gas SRW, which will share the same SRW area shown on Plan EPP94900, in order to extend gas service to the new Plant Growth Facility on West Campus lands (see Attachment 1).

The Fortis Gas SRW does not alter the size of the existing SRW registered under Plan EPP94900, and as such, will not impact future development potential of the campus. The existing SRW is sited strategically along the north edge of the existing driveway and parking lot for the Upper Campus Health Building, and remains outside of any future building sites identified in the *UBC Okanagan Campus Plan (2015)*.

The university has negotiated an easement agreement with the GEID permitting access and utilities to cross the GEID's legal parcel to service the Plant Growth Facility.

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

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## Attached

1. SRW Plan EPP94900
2. FortisBC SRW – Location Map



Attachment 2 – FortisBC SRW – Location Map

