



SUBJECT 1260 Discovery Avenue, Kelowna – FortisBC Inc. Statutory Right of Way

SUBMITTED TO Property Committee

MEETING DATE March 12, 2024

SESSION CLASSIFICATION Recommended session criteria from Board Meetings Policy:
OPEN

REQUEST APPROVAL REQUESTED

IT IS HEREBY RESOLVED that the Property Committee, in accordance with authority delegated by the Board of Governors:

- i. authorizes the Administration to seek Ministerial approval for the grant of statutory right of way over the lands shown on Attachment 1 to the briefing to FortisBC Inc. for utility purposes pursuant to Section 50(2) of the *University Act*;
- ii. authorizes the Administration to, upon receipt of Ministerial approval, grant the aforementioned statutory right of way to FortisBC Inc. on terms and conditions approved by the University Counsel; and,
- iii. declares that the disposal of an interest in land (i.e., the grant of statutory right of way described above) will not affect the future delivery of educational programs.

LEAD EXECUTIVE Robin Ciceri, Vice-President External Relations

SUPPORTED BY Michael White, Associate Vice-President Campus & Community Planning
Rob Einarson, Associate Vice-President Finance & Operations, UBC Okanagan
Ben Johnson, Director, Office of Campus Planning, UBC Okanagan

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. This report provides information regarding the proposed disposition of land and requests the Board’s authorization.

The SRW over a 71m² portion of the UBC Okanagan campus at 1260 Discover Avenue is required to allow FortisBC Inc. to provide electrical service to the new Child Care Facility, scheduled for completion in August 2024. Encumbering this small portion of land with an SRW does not hinder future development opportunities, nor affect the operation, function and future delivery of educational programs at 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 affect 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

The Child Care Facility project is currently under construction and involves a total construction cost of \$4.2 million, of which \$2.7 million is provided by the Childcare BC New Spaces Fund. The project received Executive 1,2 approval on April 14, 2022 and Executive 3 approval on October 10, 2023. Project completion is scheduled for August 2024, with occupancy by September 2024.

A new transformer is required to provide electrical service to the new Child Care Facility. The transformer will be located at the northeast corner of the Child Care Facility adjacent to the site's existing driveway access. A SRW for FortisBC Inc. is required for the new transformer and conduit connecting it to the existing primary service on Discovery Avenue, covering a relatively modest area of 71m². Refer to Attachment 1 for a context map showing the location of the FortisBC SRW, and Attachment 2 for the surveyed SRW Plan EPP129361.

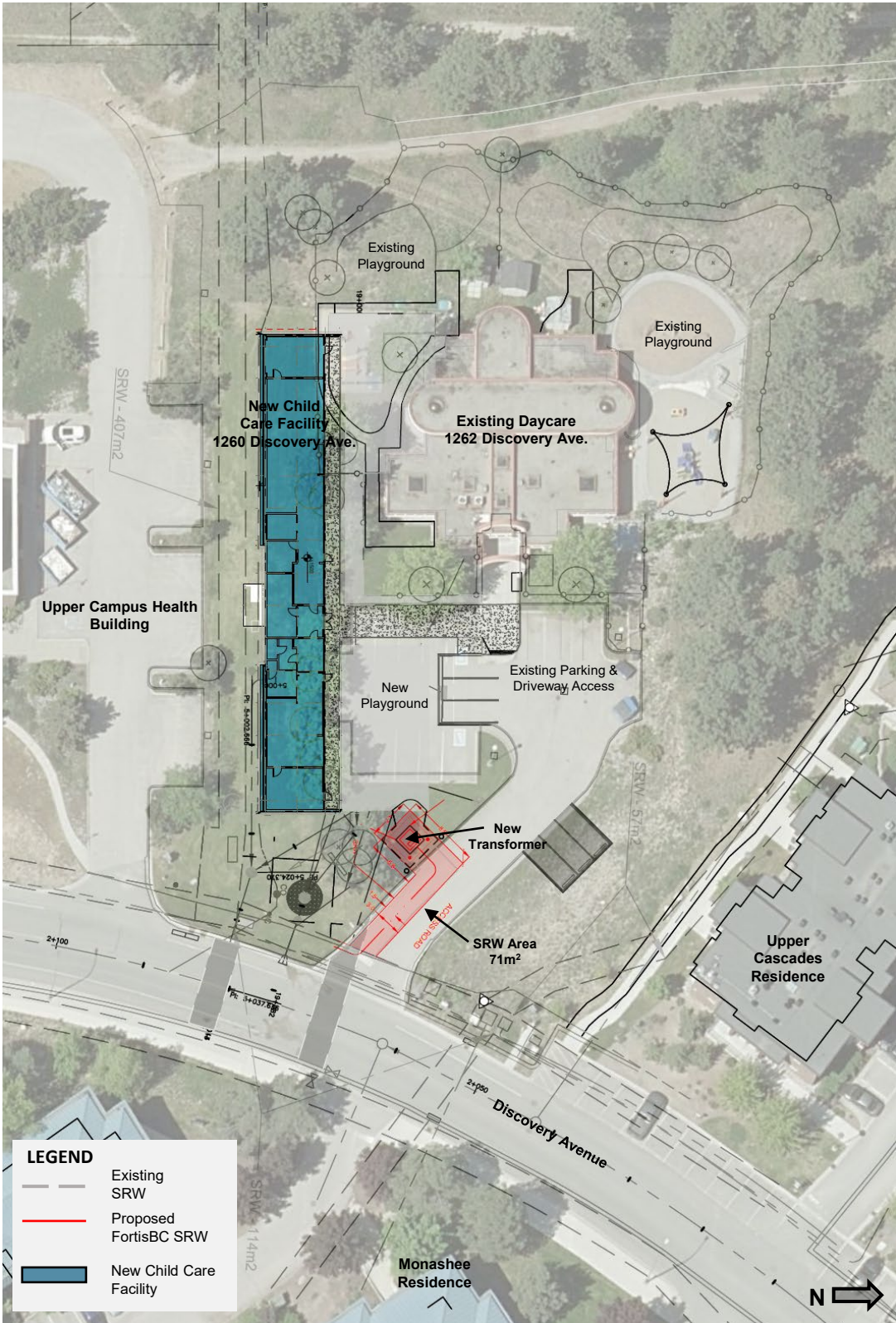
The SRW location does not impact future development potential of the campus. It is sited strategically between the new Child Care Facility and the adjacent driveway access, and does not impact any future building sites identified in the *UBC Okanagan Campus Plan*.

The SRW agreement with FortisBC Inc. will be consistent with the forms of agreement previously reviewed and approved by UBC. Upon Board approval, Campus Planning will submit a request for Ministerial approval to the Ministry of Post Secondary Education and Future Skills.

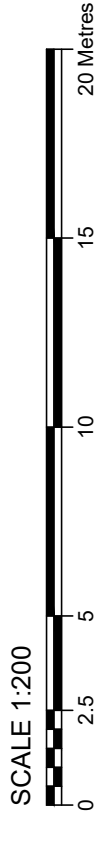
APPENDICES

1. Context Map – 1260 Discovery Avenue
2. FortisBC SRW Plan EPP129361

Appendix 1: Context Map – 1260 Discovery Avenue



**STATUTORY RIGHT OF WAY PLAN
OVER PART OF LOT A SECTIONS
10 AND 11 TOWNSHIP 23
OSOYOOS DIVISION YALE
DISTRICT PLAN KAP87188 EXCEPT
PART ON PLAN EPP57644 AND
EPP53665
PURSUANT TO SECTION 113 OF THE LAND TITLE ACT
BCGS 82E.093**



The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:200.

LEGEND

- Found Standard Iron Post
- Placed Standard Iron Post
- ⊙ Found Control Monument

Integrated Survey Area No. 4, City of Kelowna NAD83 (CSRS) 2002.0

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 11 (117° West Longitude).

The UTM coordinates and estimated absolute accuracy achieved are derived from dual frequency GNSS observations to CANNET Active Control Station BC_Kelowna.

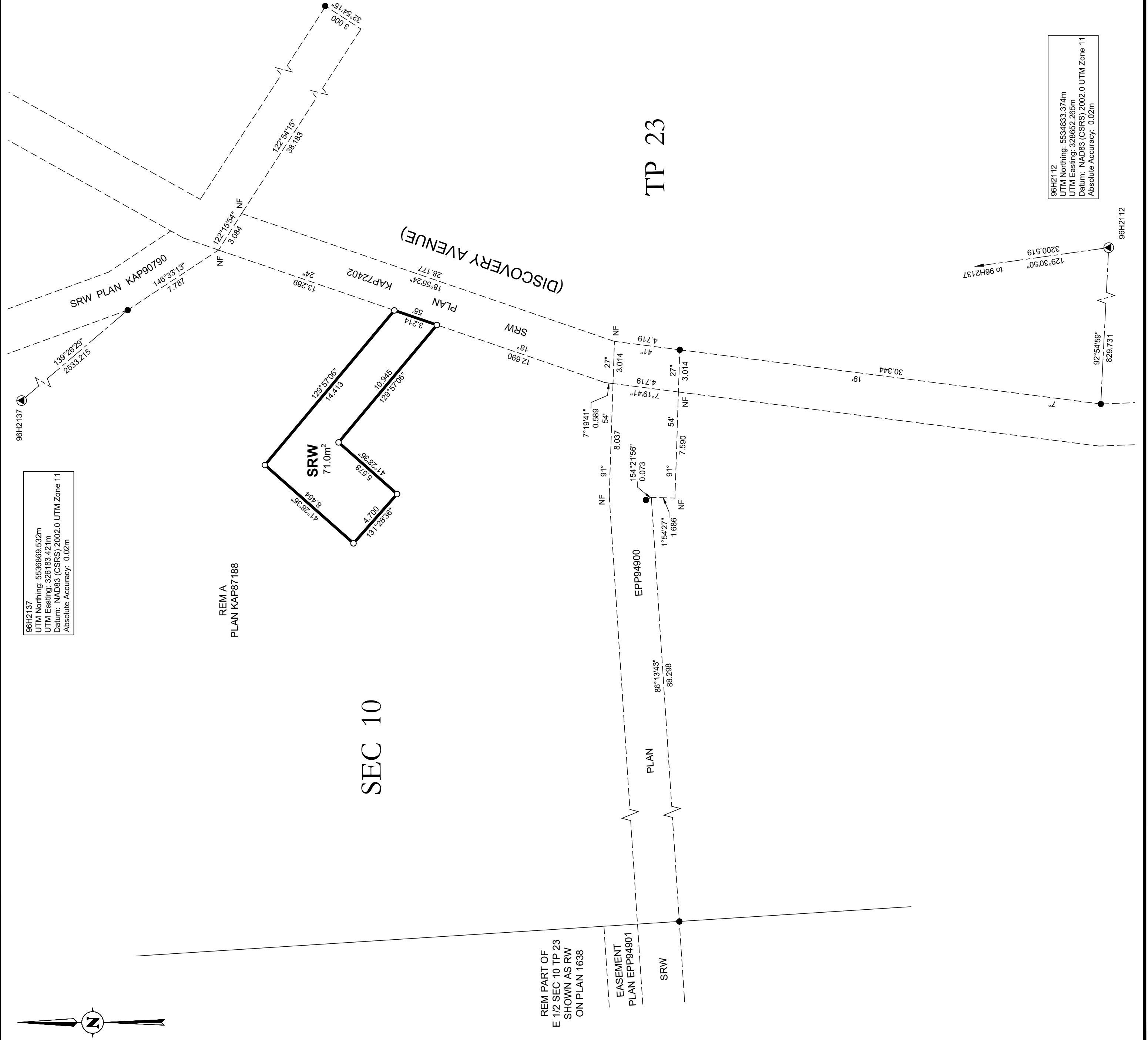
The coordinates and absolute accuracies shown on this plan are a result of an independent and accurate GNSS survey and do not represent official published coordinates.

This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distance by the average combined factor of 0.999893. The average combined factor has been determined based on an ellipsoidal elevation of 458 metres.

This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on the 10th day of October, 2023.

Tyler Fox, BCLS 897



REM PART OF
E 1/2 SEC 10 TP 23
SHOWN AS RW
ON PLAN 1638

EASEMENT
PLAN EPP94901

SRW

PLAN

EPP94900

TP 23

(DISCOVERY AVENUE)

PLAN
KAP72402

SRW
71.0m²

REM A
PLAN KAP87188

SEC 10

96H2112
UTM Northing: 5534683.374m
UTM Easting: 326652.265m
Datum: NAD83 (CSRS) 2002.0 UTM Zone 11
Absolute Accuracy: 0.02m