

Report

Date January 18, 2023
Subject FortisBC Statutory Right of Way

File:

PURPOSE

To approve the disposition of land that is jointly owned with the City of Duncan to FortisBC via a statutory right of way agreement in order to provide a natural gas service to the new high school.

BACKGROUND

FortisBC has determined that the most effective way to provide natural gas service to the new high school is from its existing works on property jointly owned by the Municipality of North Cowichan and the City of Duncan. This property is located across University Way in the rear parking area of the Cowichan Community Centre ice arena and would require a Statutory Right of Way (SRW) over a small portion of that property to complete the service.

The SRW requested is 1.5 metres by 5 metres (Attachment 1), with all of the works being underground.

FortisBC will pay all costs associated with completing the survey and registration of the SRW with the Land Title and Survey Authority of BC's Land Title Office as compensation for the SRW.

DISCUSSION

In accordance with sections 26 and 94 of the *Community Charter*, the notice (Attachment 2) of the disposition of land [Lot 1, Plan VIP82333 (PID 026-922-142)] was provided as follows:

- Published in the January 5 and 12, 2023 editions of the Cowichan Valley Citizen and the Chemainus Valley Courier; and,
- Posted to the municipal [website](#) and notice board at the Municipal Hall on December 29, 2022.

The Council for the City of Duncan will be considering this land disposition at their January 16, 2023, regular meeting (Attachment 3). At the time of writing this report, staff had not received any comments from the public regarding this disposition.

OPTIONS

1. **(Recommended Option)** THAT Council authorize the disposition of a portion of the rear parking area near the ice arena at the Cowichan Community Centre, legally described as Lot 1, Plan VIP82333 (PID 026-922-142), in the form of a Statutory Right of Way, substantially located in the area identified by the black dashed line in Attachment 1 to the January 18, 2023 report from the Director, Engineering Projects, to FortisBC, in exchange for FortisBC paying all costs associated with completing the survey and registration of the Statutory Right of Way with the LTSA Land Title Office, and subject to the Council for the City of Duncan approving the terms of this disposition.

2. THAT Council refer the Fortis Statutory Right of Way over a portion of the rear parking area near the ice arena at the Cowichan Community Centre to the Committee of the Whole for further discussion.

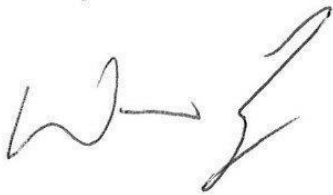
IMPLICATIONS

A statutory right of way will “run with the land” in perpetuity. However, the area in question is utilized for parking at the Cowichan Community Centre and municipal utilities, making it unfeasible to repurpose it to anything that the SRW would impact.

RECOMMENDATION

THAT Council authorize the disposition of a portion of the rear parking area near the ice arena at the Cowichan Community Centre, legally described as Lot 1, Plan VIP82333 (PID 026-922-142), in the form of a Statutory Right of Way, substantially located in the area identified by the black dashed line in Attachment 1 to the January 18, 2023 report from the Director, Engineering Projects, to FortisBC, in exchange for FortisBC paying all costs associated with completing the survey and registration of the Statutory Right of Way with the LTSA Land Title Office, and subject to the Council for the City of Duncan approving the terms of this disposition.

Report prepared by:



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Director, Engineering Projects

Report reviewed by:



George Farkas
General Manager, Planning, Development and
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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) University Way Fortis SRW Design Document
- (2) Notice of Disposition
- (3) City of Duncan Staff Report