

**REPORT TO REGIONAL WATER SUPPLY COMMISSION
MEETING OF WEDNESDAY, JUNE 21, 2017**

**SUBJECT PROPOSED DISPOSITION AND ROAD DEDICATION OF CRD LAND
ADJACENT TO IRWIN ROAD – CITY OF LANGFORD**

ISSUE

City of Langford (the “City”) is constructing a new section of Irwin Road and has requested to acquire a portion of Capital Regional District (CRD) land to accommodate the desired road width.

BACKGROUND

The CRD acquired both Lot 2, Section 4, Goldstream District, Plan 8956, PID 005-493-030 and Lot 3, Section 26, Goldstream District, Plan 8956, PID 005-493-056 (the “Lots”) via Bill 17-1997 *Capital Regional Water Supply and Sooke Hills Protection Act* as Regional Water assets. Both lots are linear parcels of land that run parallel to Irwin Road. Lot 2 is 0.78 acres and Lot 3 is 0.8 acres for a total of 1.58 acres. Beneath lots 2 and 3 is an inactive water supply main, the old Supply Main No. 1, which is a 915mm pipe constructed of riveted steel that is decommissioned. The new Supply Main No.1 was constructed in 1998, south of the old supply main, and Supply Main No. 3 was constructed in 1950, north of the old supply main, both of which are active water supply mains (Appendix A).

The City approached the CRD to acquire the Lots in order to construct a new section of Irwin Road. The CRD has issued the City a construction license (Appendix B), which allows them to commence further works to decommission the old Supply Main No.1. The construction license requires the City to decommission the pipe by either filling the pipe with control density fill or by removing the pipe, prior to transferring the lots. Further, the CRD requested a technical review of the structural loading on the two supply mains that would result from the proposed road construction. The review indicated that, with the proposed minimum and maximum cover conditions resulting from the road construction, the pipes can support the loading.

The instrument to transfer the Lots would be by way of road dedication under section 107 of the *Land Title Act*. This allows the CRD to dedicate the Lots as road by way of road dedication plan rather than a fee-simple transfer. As roads are the City’s jurisdiction, the Lots by default become their asset. Prior to the road dedication, the CRD would enter into a Road Dedication Agreement with the City, which addresses but is not limited to the details of the dedication, delivery of conveyance documents, and fees such as survey costs (Appendix C). The Agreement would also require the City to grant the CRD a Statutory Right of Way over the lands, should it decide in the future to close the road dedication. Prior to executing the Agreement, the CRD would be required to provide public notice of its intent to dispose of the lands that are not being made available to the public for acquisition.

ALTERNATIVES

Alternative 1

That the Regional Water Supply Commission recommends to the CRD Board:

1. that Lot 2, Section 4, Goldstream District, Plan 8956, PIDs 005-493-030 and Lot 3 Section 26, Goldstream District, Plan 8956, PID 005-493-056 be dedicated as road under section 107 of the *Land Title Act* as a means to transfer the land to City of Langford, and that CRD staff be directed to provide public notice of the CRD's intent to dispose of the lands; and
2. that CRD staff be authorized to negotiate and execute the Road Dedication Agreement and any other agreements necessary to complete the transfer.

Alternative 2

That the Regional Water Supply Commission recommends that the report be referred back to staff for further review.

IMPLICATIONS

ECONOMIC IMPLICATIONS

Under alternative 1, the CRD would be dedicating the Lots as road which by default become the jurisdiction of the City. The CRD would not receive monetary compensation for the land. An appraisal has not been completed for the Lots, but the 2017 BC Assessment value for each lot is \$107,000 for a combined total of \$214,000.

The Road Dedication agreement states that the City will pay all survey costs, registration charges and other costs associated with the completion of the transactions. The City would also pay any Goods and Services Tax ("GST") associated with the road dedication.

In addition to the above, the City would be responsible for CRD's conveyance fees and for the cost associated with CRD's requirement to post a disposition notice and a notice of assistance in the newspaper.

INTERGOVERNMENTAL IMPLICATIONS

There are two easements registered on title to Lot 3, and an SRW in favour of BC Hydro on Lot 2. As the charge holder, BC Hydro will have to consent to the dedication and sign the application to deposit.

CONCLUSION

The City of Langford has requested to acquire a portion of CRD land to accommodate construction of a new section of Irwin Road. The decommissioned CRD water supply main within the land is no longer required and therefore, the disposition of these lands, nor the proposed road construction, compromises the CRD Regional Water Supply Service infrastructure.

RECOMMENDATION

That the Regional Water Supply Commission recommends to the CRD Board:

1. that Lot 2, Section 4, Goldstream District, Plan 8956, PIDs 005-493-030 and Lot 3 Section 26, Goldstream District, Plan 8956, PID 005-493-056 be dedicated as road under section 107 of the *Land Title Act* as a means to transfer the land to City of Langford, and that CRD staff be directed to provide public notice of the CRD's intent to dispose of the lands; and
2. that CRD staff be authorized to negotiate and execute the Road Dedication Agreement and any other agreements necessary to complete the transfer.

Submitted by:	Stephen Henderson, BSc, PGDip.Eng, MBA, Manager of Real Estate
Concurrence:	Ted Robbins, BSc, CTech, General Manager, Integrated Water Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

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Attachments: Appendix A CRD Owned Infrastructure & Subject Properties – Irwin Road
Appendix B Construction License
Appendix C Road Dedication Agreement