
CITY OF KELOWNA

MEMORANDUM

Date: May 31, 2005
File No.: 5340-01
To: City Manager
From: Wastewater Manager
Subject: Revision of Council Policy 292 (Utility services across private property)

RECOMMENDATION :

THAT Council Policy No. 292 be amended as attached to the May 31, 2005 report from the Wastewater Manager.

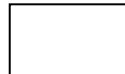
BACKGROUND :

On occasion, there are circumstances when it is beneficial to both a homeowner and the Utility to consider allowing a sewer service to be installed across a neighbouring property, rather than the Utility installing a sewer main. The homeowners benefit with a significantly reduced impact of construction, and reduced costs as well. The Utility benefits by not having to maintain a section of sewer main in someone's yard.

Several years ago, a policy was developed to allow, in special circumstances, a sewer service to be installed in an easement between two private owners with the condition that the easement is "attached" to the properties with maintenance conditions using a 219 Restrictive Covenant. The Policy was somewhat limiting, in that it did not address the opportunity to allow this arrangement for non-development related services when it benefited the Utility.

In addition, the original Policy did not assign authority for a staff member to approve of the Land Title documents and other associated agreements, and the amended Policy assigns this function to the Utility Manager.

W.J. Berry, P.Eng.
Wastewater Manager



Approved for inclusion:
John Vos
Director of Works & Utilities



CITY OF KELOWNA

POLICY: **292**
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COUNCIL POLICY MANUAL

APPROVAL DATE: 2000/09/11
RESOLUTION #: R749/00/09/11
REPLACING #: N/A
DATE OF LAST REVIEW: May 2005

SUBJECT: UTILITY SERVICES ACROSS PRIVATE PROPERTY

In situations of single lot subdivisions that are infill development, and in other cases when it is deemed by the Utility Manager that this option would be a benefit to the Utility, an owner may be permitted to extend a utility service line across abutting private land in an easement provided a Section 219 Restrictive Covenant is registered against the title of the affected properties. The Covenant must impose the obligation to maintain, repair and replace the service line on the property owner whose service was extended across another property and must restrict the owner of the property over which the service line was extended, from constructing any surface improvements over the service line that would hinder the ability to maintain, repair or replace the service line.

The property owner whose utility service is being extended will be required to pay actual costs to the City to cover all legal, Land Title registration and administration costs for preparation and registration of the required documents. A deposit representing the total estimated cost of all services related to the registration of the documents, will be required in advance of the City proceeding with any work related to the document preparation.

For the purposes of administering Council Policy 127 (Execution of Standard Land Title Office Documents), this process and transaction will be deemed in a manner similar to a right-of-way agreement, with the Utility Engineer authorized to approve of the necessary documents.

REASON FOR POLICY: To permit the extension of services over private land, in very specific circumstances, while obligating the owner to maintain and repair their own building service.

LEGISLATIVE AUTHORITY: Section 940, *Local Government Act* and Section 219, *Land Title Act*

PROCEDURE FOR IMPLEMENTATION: Upon application for subdivision or development, or when the installation of a Utility main can be avoided, staff will determine if this policy will apply.