

---

City of Kelowna

**MEMORANDUM**

---

DATE: January 25, 2007  
FILE: 6630-01 UBCO Flyover  
TO: City Manager  
FROM: Director of Financial Services  
RE: Highway 97 Flyover Development Works Agreement with UBC

---

**RECOMMENDATION:**

THAT Council approve the Highway 97 Flyover Development Works Agreement between the City of Kelowna and the University of British Columbia;

AND THAT the Mayor and the City Clerk be authorized to execute all documents necessary to complete this transaction;

AND THAT Council give reading consideration to Bylaw 9734.

**BACKGROUND:**

UBC intends to further develop their lands and in order to accommodate additional traffic on Highway 97, including traffic generated by UBC's development, the City of Kelowna and UBC have agreed to share with the Ministry of Transportation the cost of constructing the Highway 97 Flyover. There is a signed Memorandum of Understanding (MOU) amongst the three parties outlining the scope, funding, procurement and delivery of the project.

The Works Agreement is a separate but related agreement to the MOU and is between the City of Kelowna and UBC and makes provision for the payment of UBC's share of the cost of the highway works. This is per the Province's Advanced Education Ministry's (AVED) request that the City and UBC develop an arrangement whereby UBC's share of the flyover costs would be billed to UBC by the City as supplementary site servicing costs related to the management and engineering building that will be constructed at the campus. UBC would pay this amount (approx. \$4.0 M.) to the City prior to issuance of the building permit. The Ministry of Transportation and Highways (the project manager) will forward UBC's invoices, for their share of costs for the Flyover, to the City and the City will pay the Ministry. This enables AVED to account for the costs as a capital charge rather than an operating cost.

This is being done by Bylaw as required by s.937.1 of the Local Government Act which allows the City to enter into an agreement for the construction of works and for payment of same.

---

Paul Macklem  
Director of Financial Services

JW/PM